

**MINUTES OF THE  
REGULAR CITY COUNCIL MEETING  
MONDAY, NOVEMBER 20, 2006 — 6:00 P.M.  
209 S. WASHINGTON  
KAUFMAN, TEXAS 75142**

**CITY COUNCILMEMBERS**

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

**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. The Mayor declared a quorum present. Also present were City Attorney David Dodd, City Manager Curtis Snow, City Secretary Jo Ann Talbot, Chief of Police Smith, Fire Chief Eddie Brown, Director of Development of Services Terry Capehart 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 were made.

**CONSENT AGENDA ITEM #1 THROUGH #4**

**“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 October 16, 2006 Regular City Council Meeting.

2. Consider approval of Resolution R-24-06 of the City Council of the City of Kaufman, Texas authorizing the location of Stop Signs at the Intersection of 11<sup>th</sup> Street and Austin Drive.
3. Consider adoption of Ordinance O-14-06 of the City of Kaufman, Texas amending the 2006-2007 Fiscal Year Budget.
4. Consider approval and authorize the Mayor to execute a Contract for Management and Professional Services with Traylor and Associates to carry out Administrative Services for the Owner Occupied Housing Rehabilitation HOME Grant.

Councilmember Council moved and seconded by Mayor Pro-Tem Bounds to approve the Consent Agenda Items 1 through 4. Mayor Bacon called for a vote with all voting AYE, the motion carried.

## **END OF CONSENT AGENDA**

## **PLANNING AND ZONING**

5. Consider a request and approval from the Servant's Bookstore regarding a Site Plan, in order to develop a retail store and coffee shop with drive-through services, being all of a certain 0.52 acre tract of land, located at 1301 and 1303 S. Washington, and being part of Block 118, Original Town of Kaufman, as described in a deed to Elizabeth Hendrickson recorded in Volume 1376, Page 869 and to Doris Ann Council recorded in Volume 2746, Page 349 of the Deed Records of Kaufman County, and being situated in the Anna L. Carter Survey, Abstract 98, City of Kaufman, Kaufman County, Texas. Case No. S-07-06.

Councilmember Council reported that he had a conflict of interest with this agenda item due to a real estate transaction. Councilmember Council signed a Conflict of Interest Affidavit and excused himself from the meeting room before discussion and action.

Director of Development of Services Terry Capehart informed the Council that the site plan under consideration is for a retail bookstore with minor accessory sales of specialty coffee with drive-through service facilities, which is allowed in the Washington Street Corridor Overlay District. The proposed building footprint is approximately 2,794 square feet in size, which is approximately 12.32% lot coverage. The structure will consist of two stories; the ground floor will be retail space with an office and storage space on the second floor with no public access for a total of 4,126 square feet of floor space. Two fire hydrants are located in the vicinity of the project. The nearest one is located across the street at the corner of 7<sup>th</sup>

and Washington Street and is approximately 150 feet from the designated fire lane on this site which is well within the minimum 300 feet required distance. The second fire hydrant is at the corner of 6<sup>th</sup> and Madison Street. A revised site plan will be submitted adding an exit sign in the parking area to exit off 6<sup>th</sup> Street and a right turn only sign going on to 7<sup>th</sup> Street.

The proposed project will not have any direct access drives located on Washington Street which will improve traffic safety on this major thoroughfare. Primary access will be from 7<sup>th</sup> Street with exits onto 7<sup>th</sup> and 6<sup>th</sup> Streets thus TxDOT review and approval is not required. Twenty-one (21) parking spaces are required and twenty regular spaces have been provided and one additional handicap access space to meet the requirement. 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. The 20 feet wide drive aisle serves as a fire lane as well as an escape lane for the drive-thru lane as required. The minimum area required to be landscaped is 15% of the site and the applicant has provided 22% on the site plan.

The proposed site consists of two lots, which are to be replatted into a single lot of record by means of a minor plat. The lot located at 1301 S. Washington Street is now vacant after the recent demolition of a substandard residential structure on the lot. The second lot, located at 1303 S. Washington, currently has an existing residential type structure that is being used for the Nu Wave Internet business which will subsequently be demolished also to make way for the new development.

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 6-0 to approve the proposed Site Plan.

After review of the Site Plan, Councilmember Fortner moved and seconded by Councilmember Ratcliffe to approve the Site Plan, in order to develop a retail store and coffee shop with drive-through services, being all of a certain 0.52 acre tract of land, located at 1301 and 1303 S. Washington, and being part of Block 118, Original Town of Kaufman, as described in a deed to Elizabeth Hendrickson recorded in Volume 1376, Page 869 and to Doris Ann Council recorded in Volume 2746, Page 349 of the Deed Records of Kaufman County, and being situated in the Anna L. Carter Survey, Abstract 98, City of Kaufman, Kaufman County, Texas. Case No. S-07-06. Mayor Bacon called for a vote with all voting AYE, the motion carried. Councilmember Council abstained from voting.

6. Consider a request from Ray and Sandy Rubio, regarding a zoning change on a certain called Tract A, being a single tract of land totaling 21.940 acres, from existing Single-Family-8 Residential District to Light Industrial (LI) District; generally located south of the intersection of State Highway 243 and State Highway 34 and northeast of Rand Road, being described in a deed recorded in Volume 2706, Page 245 of the Deed Records of Kaufman County, and being situated in the J.B. Cole Survey, Abstract No. 84 and in the Levi L. York Survey, Abstract No. 608; City of Kaufman, Kaufman County, Texas. Case No. Z-06-06

- a. Conduct Public Hearing

Mayor Bacon declared the public hearing open at 6:15 p.m. There being no one to speak the public hearing was closed at 6:15 p.m.

- b. Consider first reading and approval of Ordinance O-15-06 of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance dated March 22, 1999; and the Official Zoning Map; changing the zoning on a certain called Tract A, being a single tract of land totaling 21.940 acres, from existing Single-Family-8 Residential District to Light Industrial (LI) District; generally located south of the intersection of State Highway 243 and State Highway 34 and northeast of Rand Road, being described in a deed recorded in Volume 2706, Page 245 of the Deed Records of Kaufman County, and being situated in the J.B. Cole Survey, Abstract No. 84 and in the Levi L. York Survey, Abstract No. 608; City of Kaufman, Kaufman County, Texas.

Director of Development of Services Terry Capehart informed the Council that the applicants were requesting a change in zoning from Single-Family 8 Residential District (SF-8) to Light Industrial (LI) District in order to accommodate development along the proposed State Highway 34 Bypass between State Highway 243 and FM 1836 and to coordinate the access and overall development of adjacent tracts of land, as shown in the concept plan, that are also owned by the applicants. As each pad site or lot is developed a Site Plan and Preliminary Plat and Final Plat will be required to be submitted for review and approval.

The property consists of Tract A (see Zoning Exhibit), a 21.940 acre parcel of land out of the J.B. Cole Survey, Abstract 84 and the Levi L. York Survey, Abstract 608, City of Kaufman, Kaufman County. The northwest property line fronts State Highway 243 (Mulberry Street) and currently is in agricultural use with no structures or residential occupancy.

The adjacent property to the east is zoned Light Industrial (LI) and is undeveloped, further east and still adjoining the subject tract is the Trinity Valley Electric Co-op facility which is zoned Commercial (C). The adjacent property to the south and west is zoned Light Industrial and is undeveloped. The adjacent property to the south and east (Tract B on the zoning exhibit) is currently zoned Single-Family 8 (SF-8) which is also on the agenda for rezoning to Multi-Family 1 (MF-1) Triplex/Quadriplex Apartments.

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.

Typically, it is not desirable for single-family housing to abut major thoroughfares where they are subject to the noise and hazards of heavy traffic. Commercial development of sufficient depth along thoroughfares acts to buffer the neighborhoods from the negative effects of the proximity to highways. It is very unlikely any residential development will ever occur this close to the proposed State Highway 34 Bypass and State Highway 243 as evidenced by the fact that the tract has been zoned for single-family uses since 1980 and is yet undeveloped as such.

Any commercial lot that is adjacent to a residential property line 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) to the north and F.M. 1836 (Rand Road) to the south and from the proposed State Highway 34 Bypass.

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.

Public Comment Forms were mailed to eighteen (18) property owners within 300 feet of this request. No Comment Forms had been returned at the time of posting of the Agenda.

Mayor Bacon expressed her concern of the Light Industrial Zoning (LI), because of sexually oriented businesses are allowed in the light industrial zoning. Mayor Bacon wants the best and highest use to be in the area. Mr. Capehart commented that a sexually oriented business couldn't be within a 1,000 feet of a church or school area.

This will prohibit this use in the area. Mayor Bacon inquired about substance abuse home and if the City had any protection from these types of uses. Mr. Capehart reported that a substance abuse home required a 60' separation from a residential area.

Mr. Bill Graber, 205 Cates Drive, Kaufman, Consultant for Ray Rubio, property owner, informed the Council that they intend to attract the right type of businesses and produce good jobs in the light industrial area. The Comprehensive Plan calls for Light Industrial in this area. The undeveloped land owned by Falcon Steel zoned Light Industrial has Conditional Covenants Restrictions (CCR) on the land. The new development will have three entrances for the retirement center. Two entrances will be off of F.M. 1836 and one off of Highway 243.

Councilmember Fortner moved and seconded by Councilmember Choyce to approve first reading of Ordinance O-15-06 amending the Comprehensive Zoning Ordinance O-14-99, dated March 22, 1999, and the Official Zoning map; changing the zoning on a certain called Tract A, being a single tract of land totaling 21.940 acres, from existing Single-Family-8 Residential District (SF-8) to Light Industrial (LI) District; generally located south of the intersection of State Highway 243 and State Highway 34 and northeast of Rand Road, being described in a deed recorded in Volume 2706, Page 245 of the Deed Records of Kaufman County, and being situated in the J.B. Cole Survey, Abstract No. 84 and in the Levi L. York Survey, Abstract No. 608; City of Kaufman, Kaufman County, Texas; and providing for a penalty clause, providing a severability clause, a savings clause, and an effective date. Case No. Z-06-06. Mayor Bacon called for a vote with all voting AYE, the motion carried.

7. Consider a request from Ray and Sandy Rubio, regarding an amendment to the Comprehensive Plan Ordinance O-13-99 and Future Land Use Map to change the current land use recommendation from Low Density Residential uses to Multi-Family uses and to change the zoning on a certain called Tract B, being a single tract of land totaling 10.222 acres, from existing Single-Family-8 Residential District to Multi-Family 1 (MF-1) District (Triplex/Quadriplex); generally located south of the intersection of State Highway 243 and State Highway 34 and northeast of Rand Road, being described in a deed recorded in Volume 2706, Page 245 of the Deed Records of Kaufman County, and being situated in the Levi L. York Survey, Abstract 608; City of Kaufman, Kaufman County, Texas. Case No. Z-07-06

a. Conduct Public Hearing

Mayor Bacon declared the public hearing open at 6:39 p.m. There being no one to speak the public hearing was closed at 6:39 p.m.

- b. Consider first reading and approval of Ordinance O-16-06 of the City of Kaufman, Texas, amending the Comprehensive Plan Ordinance O-13-99 and Future Land Use Map to change the current land use recommendation from Low Density Residential uses to Multi-Family uses and to change the zoning on a certain called Tract B, being a single tract of land totaling 10.222 acres, from existing Single-Family-8 Residential District to Multi-Family 1 (MF-1) District (Triplex/Quadriplex); generally located south of the intersection of State Highway 243 and State Highway 34 and northeast of Rand Road, being described in a deed recorded in Volume 2706, Page 245 of the Deed Records of Kaufman County, and being situated in the Levi L. York Survey, Abstract No. 608; City of Kaufman, Kaufman County, Texas.

Director of Development of Services Terry Capehart informed the Council that the applicants were requesting an amendment to the Comprehensive Plan Ordinance O-13-99 and Future Land Use Map to change the current land use recommendation from Low Density Residential uses to Multiple-Family residential uses in order to accommodate a zoning change request to allow development of a 10.222 acre tract of land (Tract B). The applicant is proposing to construct twelve quadriplex units on Tracts B and C with a club house and pool area that will have a system of private streets which will facilitate traffic and emergency access throughout the development.

The development is intended to be a retirement community for independent senior citizens 55 years of age or older similar in character to the Terrell Senior Terraces. Due to the long, narrow configuration of the land, single-family development would be difficult to accomplish and thus not be feasible. The proposed medium density multi-family development is more compatible with the layout of the land and adjacent development and the use of a private street system is more efficient and provides better circulation as well as access to adjacent land uses.

The parcel was originally zoned as Single-Family R-2 residential in 1980, which was then converted to the current zoning designation of Single-Family 8 (SF-8) in 1999 with the adoption of the current zoning ordinance O-14-99. Although the single-family zoning has been in place for over twenty-five years and due to the constraints

of the layout of the land and other factors, it has never been developed.

The adjacent property to the northwest is Tract A and is on the current agenda for rezoning to Light Industrial (LI). The adjacent property to the northeast is zoned Commercial and is occupied by the Trinity Valley Electric Co-op facility. The adjacent 20 acre tract of land to the southwest is zoned Single-Family 8 and is owned by the applicants who intend to develop it as single-family residential. Next to the 20 acre tract and also adjacent to the subject property is the Helen Edwards Early Childhood Development Center operated by Kaufman ISD.

The current Comprehensive Plan recommends that the subject property be developed as Low Density Residential. The surrounding areas are zoned commercial or were developed for institutional uses as well as having the further constraint of being a long narrow tract of land. A more efficient use of the land would be to develop it as multi-family or townhouse residential uses.

Primary access to the subject property will be from F.M. 1836 (Rand Road) and through a series of private streets providing access to State Highways 243 and 34.

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.

Public Comment Forms were mailed to seven (7) property owners within 300 feet of this request. No Comment Forms had been returned at the time of posting of the Agenda.

Mr. Bill Graber, 205 Cates Drive, Kaufman, Consultant for Ray Rubio, property owner, informed the Council that once the zoning is in place of the three tracks of land they will start marketing the property for the Retirement Living Center.

Mayor Pro-Tem Bounds moved and seconded by Councilmember Choyce to approve first reading of Ordinance O-16-06 amending the Comprehensive Plan Ordinance O-13-99 and Future Land Use Map to change the current land use recommendation from Low Density Residential uses to Multi-Family uses and to change the zoning on a certain called Tract B, being a single tract of land totaling 10.222 acres, from existing Single-Family-8 Residential District to Multi-Family 1 (MF-1) District (Triplex/Quadriplex); generally located south of the intersection of State Highway 243



and State Highway 34 and northeast of Rand Road, being described in a deed recorded in Volume 2706, Page 245 of the Deed Records of Kaufman County, and being situated in the Levi L. York Survey, Abstract No. 608; City of Kaufman, Kaufman County, Texas; and providing for a penalty clause, providing a severability clause, a savings clause, and an effective date. Case No. Z-07-06. Mayor Bacon called for a vote with all voting AYE, the motion carried.

8. Consider approval of a petition from Ray and Sandy Rubio, regarding the voluntary annexation of a certain called Tract C, being a single tract of land totaling 18.564 acres that is contiguous and adjacent to the City of Kaufman, Texas, and is not more than one half (1/2) mile in width, and is vacant with no qualified voters in residence; generally located south of the intersection of State Highway 243 and State Highway 34 and northeast of Rand Road, being described in a deed recorded in Volume 2706, Page 245 of the Deed Records of Kaufman County, and being situated in the Levi L. York Survey, Abstract No. 608; City of Kaufman, Kaufman County, Texas.

Director of Development of Services Terry Capehart informed the Council that the applicants have petitioned the City Council to voluntarily annex an 18.564 acre tract of land and are requesting an amendment to the Comprehensive Plan Ordinance O-13-99 and Future Land Use Map to change the current land use recommendation from Low Density Residential uses to Multiple-Family residential uses on the subject tract in order to establish the initial zoning as Multi-Family 1 (MF-1) Triplex/Quadriplex for the development of an independent senior citizens housing facility.

The applicant is proposing to construct twelve quadriplex units on Tracts B and C with a club house and pool area that will have a system of private streets, which will facilitate traffic and emergency access throughout the development. The applicants have been in negotiations with the owners of an adjacent property, which is to be developed for a new church, in order to secure an additional point of access to the subject property. This linkage will also serve as a utility easement as well as an extension of the greenbelt linear park and trail system to the south in the Prairie Creek Addition.

The development is intended to be a retirement community for independent senior citizens 55 years of age or older similar in character to the Terrell Senior Terraces. Due to the long, narrow configuration of the land, single-family development would be difficult to accomplish and thus not be feasible. The proposed medium density multi-family development is more compatible with the layout of the land and adjacent development

and the use of a private street system is more efficient and provides better circulation as well as access to adjacent land uses.

The adjacent property to the northwest is Tract B and is on the current agenda for rezoning to Multi-Family 1 (MF-1), which is to be developed together with the subject Tract C. The adjacent property to the northeast is zoned Commercial and is occupied by the Trinity Valley Electric Co-op facility. The tract of land southwest and adjacent to the subject property is the Helen Edwards Early Childhood Development Center operated by the Kaufman ISD.

City services such as water and sewer are readily available for the proposed development and are adequate to service the proposed scope of the development.

City Manager Curtis Snow reported that the sewer lines would be routed to the Alton Street lift station and relieve the Cottage Heights lift station and would hopefully relieve some of the odor problems on East 1st North Street and Grove Street.

Mayor Bacon inquired about extending the water and sewer services to the area and about the School District's pro rata fees paid to extend the services. City Manager Curtis Snow reported that the utilities are already in place and that fees paid by the school would only be for developers further down the road.

Councilmember Council moved and seconded by Councilmember Ratcliffe to approve a petition from Ray and Sandy Rubio, to the voluntary annexation of a certain called Tract C, being a single tract of land totaling 18.564 acres that is contiguous and adjacent to the City of Kaufman, Texas, and is not more than one half (1/2) mile in width, and is vacant with no qualified voters in residence; generally located south of the intersection of State Highway 243 and State Highway 34 and northeast of Rand Road, being described in a deed recorded in Volume 2706, Page 245 of the Deed Records of Kaufman County, and being situated in the Levi L. York Survey, Abstract No. 608; City of Kaufman, Kaufman County, Texas. Mayor Bacon called for a vote with all voting AYE, the motion carried.

9. Consider first reading and approval of Ordinance O-17-06 of the City of Kaufman, Texas annexing adjacent and contiguous property to the City of Kaufman, Texas being a certain called Tract "C", a single tract of land approximately 18.564 acres in size, generally located south of the intersection of State Highway 34 and State Highway 243 and northeast of FM 1836 (Rand Road), as described in a deed recorded in volume 2706, page 245 of the deed records of Kaufman County, and being situated in the Levi L. York Survey, Abstract No. 608; all in the Kaufman County, Texas; finding that all necessary and required legal conditions have been

satisfied; providing that such area shall become part of the City and that owners and inhabitants thereof shall be entitled to the rights and privileges of other citizens and be bound by the acts and ordinances now in effect and hereinafter adopted; providing a severability clause; and providing and effective date.

Director of Development of Services Terry Capehart informed the Council that Ordinance O-17-06 is the first reading to annex property into the City of Kaufman, Texas being a certain called Tract "C", a single tract of land approximately 18.564 acres in size, generally located south of the intersection of State Highway 34 and State Highway 243 and northeast FM 1836 (Rand Road), as described in a deed recorded in volume 2706, page 245 of the deed records of Kaufman County, and being situated in the Levi L. York Survey, Abstract No. 608; all in the Kaufman County, Texas.

Councilmember Fortner moved and seconded by Councilmember Ratcliffe to approve the first reading of Ordinance O-17-06 annexing property into the City of Kaufman, Texas being a certain called Tract "C", a single tract of land approximately 18.564 acres in size, generally located south of the intersection of State Highway 34 and State Highway 243 and northeast of FM 1836 (Rand Road), as described in a deed recorded in volume 2706, page 245 of the deed records of Kaufman County, and being situated in the Levi L. York Survey, Abstract No. 608; all in the Kaufman County, Texas; finding that all necessary and required legal conditions have been satisfied; providing that such area shall become part of the City and that owners and inhabitants thereof shall be entitled to the rights and privileges of other citizens and be bound by the acts and ordinances now in effect and hereinafter adopted; providing a severability clause; and providing and effective date. Mayor Bacon called for a vote with all voting AYE, the motion carried.

10. Consider a request from Ray and Sandy Rubio, regarding an amendment to the Comprehensive Plan Ordinance O-13-99 and Future Land Use Map to change the current land use recommendation from Low Density Residential uses to Multi-Family uses and to establish the initial zoning on a certain called Tract C, being a single tract of land totaling 18.564 acres to be annexed, as Multi-Family 1 (MF-1) District (Triplex/Quadriplex); generally located south of the intersection of State Highway 243 and State Highway 34 and northeast of Rand Road, being described in a deed recorded in Volume 2706, Page 245 of the Deed Records of Kaufman County, and being situated in the Levi L. York Survey, Abstract No. 608; City of Kaufman, Kaufman County, Texas. Case No. Z-08-06
  - a. Conduct Public Hearing

Mayor Bacon declared the public hearing open at 6:58 p.m. There being no one to speak the Mayor declared the public hearing closed at 6:58 p.m.

- b. Consider first reading and approval of Ordinance O-18-06 of the City of Kaufman, Texas, amending the Comprehensive Plan Ordinance O-13-99 and Future Land Use Map to change the current land use recommendation from Low Density Residential uses to Multi-Family uses and to establish the initial zoning on a certain called Tract C, being a single tract of land totaling 18.564 acres to be annexed, as Multi-Family 1 (MF-1) District (Triplex/Quadriplex); generally located south of the intersection of State Highway 243 and State Highway 34 and northeast of Rand Road, being described in a deed recorded in Volume 2706, Page 245 of the Deed Records of Kaufman County, and being situated in the Levi L. York Survey, Abstract No. 608; City of Kaufman, Kaufman County, Texas.

Director of Development of Services Terry Capehart informed the Council that the applicants have petitioned the City Council to voluntarily annex an 18.564 acre tract of land (which is also on the current agenda) and are requesting an amendment to the Comprehensive Plan Ordinance O-13-99 and Future Land Use Map to change the current land use recommendation from Low Density Residential uses to Multiple-Family residential uses on the subject tract in order to establish the initial zoning as Multi-Family 1 (MF-1) Triplex/Quadriplex.

The applicant is proposing to construct twelve quadriplex units on Tracts B and C with a club house and pool area that will have a system of private streets which will facilitate traffic and emergency access throughout the development. The applicants have been in negotiations with the owners of an adjacent property, which is to be developed for a new church, in order to secure an additional point of access to the subject property. This linkage will also serve as a utility easement as well as an extension of the greenbelt linear park and trail system to the south in the Prairie Creek Addition.

The development is intended to be a retirement community for independent senior citizens 55 years of age or older similar in character to the Terrell Senior Terraces. Due to the long, narrow configuration of the land, single-family development would be difficult to accomplish and thus not be feasible. The proposed medium density multi-family development is more compatible with the layout of the land and adjacent development and the use of a private street system is more efficient and provides better circulation as well as access to adjacent land uses.

The adjacent property to the northwest is Tract B and is on the current agenda for rezoning to Multi-Family 1 (MF-1), which is to be developed together with the subject Tract C. The adjacent property to the northeast is zoned Commercial and is occupied by the Trinity Valley Electric Co-op facility. The tract of land southwest and adjacent to the subject property is the Helen Edwards Early Childhood Development Center operated by Kaufman ISD.

The current Comprehensive Plan recommends that the subject property be developed as Low Density Residential the surrounding areas are zoned commercial or were developed for institutional uses as well as having the further constraint of being a long narrow tract of land. A more efficient use of the land would be to develop it as multi-family or townhouse residential uses.

Primary access to the subject property will be from F.M. 1836 (Rand Road) and through a series of private streets providing access to State Highways 243 and 34.

The annexation petition and ordinance are also on the current agenda for Council action.

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.

Public Comment Forms were mailed to seven (7) property owners within 300 feet of this request. No Comment Forms had been returned at the time of posting of the Agenda.

Mayor Pro-Tem Bounds moved and seconded Councilmember Fortner to approve the first reading of Ordinance O-18-06 of the City of Kaufman, Texas, amending the Comprehensive Plan Ordinance O-13-99 and Future Land Use Map to change the current land use recommendation from Low Density Residential uses to Multi-Family uses and to establish the initial zoning on a certain called Tract C, being a single tract of land totaling 18.564 acres to be annexed, as Multi-Family 1 (MF-1) District (Triplex/Quadriplex); generally located south of the intersection of State Highway 243 and State Highway 34 and northeast of Rand Road, being described in a deed recorded in Volume 2706, Page 245 of the Deed Records of Kaufman County, and being situated in the Levi L. York Survey, Abstract No. 608; City of Kaufman, Kaufman County, Texas. Mayor Bacon called for a vote with all voting AYE, the motion carried.

11. Conduct a Public Hearing regarding revisions to Section 33 - Use Tables and Definitions of the Zoning Ordinance O-14-99 as recommended by the Planning and Zoning Commission and City Council.

Discussion was held before the Public Hearing was called. Director of Development of Services Terry Capehart informed the Council Section 33-Use Tables and Definitions were discussed at a Work Session and a Public Hearing conducted at the September 5 and October 2, 2006 regular Planning and Zoning Commission meetings and by a vote of 5-0 a recommendation has been made to approve the proposed revisions. The City Council subsequently discussed and reviewed the revisions on October 16, 2006. The City Council recommended the following changes to the document:

Chart 1 – Primary Residential Uses

Remove Manufactured Home from A-O District

Chart 2 – Educational, Institutional and Special Uses

Remove Community Center from SF-20, SF-10, SF-8, SF-6 and TH

Remove SUP for Inst. for Alcoholic, Narcotic etc from O District

Remove SUP for Rehab Care Facility from MF-1 & MF-2 and add SUP in LI

Chart 3 – Accessory & Incidental Uses

Remove SUP for Caretaker's Residence from SF-10, SF-8 and SF-6

Remove SUP for Garage/accessory dwelling from SF-10, SF-8 and SF-6

Chart 6 – Retail and Service Uses

Remove SUP for Convenience Store w/o gas sales from CBD

Add SUP for Dry Cleaners in CBD

Chart 6 cont.

Remove SUP for Pawn Shop from R District

Remove SUP for Recycling Kiosk from R District

Chart 8 – Commercial Uses

Remove SUP for Food Processing Plant from C District

Chart 10 – Utility Services and Other Uses

Remove the words "Shop, Yard" from "Public Agency Building or Facility" and add the words "Public or Private" to "Utility Shops or Storage Yards or Buildings"

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

A notice for the Public Hearing was published in the Kaufman Herald during the week of October 15, 2006 for the November 20, 2006 regular City Council meeting.

Discussion was held on Wedding receptions (in Chart 3 and Definitions) in the residential districts, which a temporary use permit would have to be issued by the Director if the event had more than six vehicles on public streets and limited to four (4) permits per calendar year. After discussion, this language was removed from Chart 3 and the Definitions.

Councilmember Fortner commented that there were limited uses for the Central Business District and wanted the Staff to revisit this section. Councilmember Fortner gave examples of no pet shops are allowed and no outside produce is allowed.

After discussion, Mayor Bacon declared the public hearing open at 7:20 p.m. There being no comments from the public the Mayor declared the public hearing closed at 7:20 p.m.

## **DISCUSSION/ACTION ITEMS**

12. Consider adoption of Ordinance O-19-06 Authorizing the issuance and sale of City of Kaufman, Texas, Combination Tax and Limited Surplus Revenue Certificate of Obligation, Series 2006A; levying an annual ad valorem tax and providing for the security for and payment of said Certificate; declaring an effective date, and enacting other provisions relating to the subject.

City Manager Curtis Snow informed the Council that during the budget process, the Council approved the appropriation for a fire truck and renovating the two water towers. The cost of the truck is anticipated to be \$525,000 and the improvements to the water towers are going to cost \$604,000. Since the water system sells over 20% of its water to rural water districts, a portion of the debt issue (proportional to the sales to the rural water districts) is not tax exempt. Therefore, the \$972,000 issuance is for that portion of the improvements that are to be for a governmental purpose and is tax-exempt bonds. The remaining \$194,000 will be taxable certificates. Therefore, two Ordinances are to be considered for the issuance of the Certificate of Obligations.

Mr. Nick Bulaich, representative of First Southwest Company, confirmed Mr. Snow's statement that since more than 20% of water sales are from water corporations a portion of the issuance is taxable. Mr. Bulaich presented a bid tabulation received from local and outside banks. Frost Bank was the lowest interest rate on the two Certificates of Obligations. The average interest rate on the borrowing cost is 4.59%. The first payment will be due February 2008. The delivery of the funds will be at the end of December 2006. The legal fees for Certificate of Obligations is under \$20,000.00. The Certificate of Obligations Series 2006A is callable in 10 years. The Certificate of Obligations Series 2006B is not callable. The Certificate of Obligation 2006A will finance the fire truck and 70% of the refurbishing of the water towers.

Councilmember Fortner moved and seconded by Councilmember Council to adopt Ordinance O-19-06 Authorizing the issuance and sale of City of Kaufman, Texas, Combination Tax and Limited Surplus Revenue Certificate of Obligation, Series 2006A; levying an annual ad valorem tax and providing for the security for and payment of said Certificate; declaring an effective date, and enacting other provisions relating to the subject. Mayor Bacon called for a vote with all voting AYE, the motion carried.

13. Consider adoption of Ordinance O-20-06 authorizing the issuance and sale of City of Kaufman, Texas, Combination Tax and Limited Surplus Revenue Certificate of Obligation, Taxable Series 2006B; levying an annual ad valorem tax and providing for the security for and payment of said Certificate; declaring an effective date; and enacting other provisions relating to the subject.

As discussed in Agenda Item 12, Mayor Pro-Tem Bounds moved and seconded by Councilmember Ratcliffe to adopt Ordinance O-20-06 authorizing the issuance and sale of City of Kaufman, Texas, Combination Tax and Limited Surplus Revenue Certificate of Obligation, Taxable Series 2006B; levying an annual ad valorem tax and providing for the security for and payment of said Certificate; declaring an effective date; and enacting other provisions relating to the subject. Mayor Bacon called for a vote with all voting AYE, the motion carried.

14. Consider approval to Purchase One (1) 2005 Pierce Fire Apparatus (Quint) through the Houston-Galveston Area Council (H-GAC) a Governmental Cooperative Purchasing Program.

City Manager Curtis Snow informed the Council that the Fire Department was ready to secure a new fire truck through the Houston-Galveston Area Council (H-GAC), which means the apparatus has already been bid for governmental agencies. The Fire Chief has conducted the necessary background on obtaining the most responsible Quint Fire Truck for



Kaufman. The total price of the 2005 Pierce Quint Fire Truck is \$524,903.00, which includes the H-GAC fee and delivery from Appleton to Kaufman.

After discussion, Councilmember Council moved and seconded by Councilmember Ratcliffe to approve the purchase of a 2005 Pierce Quint Fire Truck in the amount of \$524,903.00 through the Houston-Galveston Area Council (H-GAC) a Governmental Cooperative Purchasing Program. Mayor Bacon called for a vote with all voting AYE, the motion carried.

The City Council took a break at 7:42 p.m.  
The City Council reconvened at 8:08 p.m.

15. Consider approval of Resolution R-23-06 of the City of Kaufman adopting Financial Policies for the City of Kaufman, Texas.

City Manager Curtis Snow informed the Council that the City of Kaufman follows a set number of procedures to do their accounting, purchasing and adopting a budget, but nothing is in writing as to why we follow those procedures except what is outlined in state law or the City Charter. Behind any procedure there needs to be a purpose, goals and management policies that lay out what our responsibility to the citizens are and how we manage their money.

The proposed financial policies Staff has been using as a guideline for the past year and a half. These policies are a reflection of what the Charter states our purpose is, what limitations are imposed on us by the state, and what our thinking should be toward sound financial management.

The first two purposes are clear and self evident but defining sound public financial policy is a little more vague. Good financial management calls for operating reserves to stabilize revenue policies and have something set aside for emergencies. They also call for reinvestment in infrastructure to assure that services can be provided over time. Our goals in financial management should be to comply with the Charter, state law and Generally Accepted Accounting Practices. We should also have goals that reflect forward thinking in capital and operational planning. These goals will reward the City with better ratings from the bond rating companies (Moody's, etc.) and result in lower cost debt when needed.

The financial policies achieve those goals. They are a combination of historical practices, and modeling from Palestine and Waco financial policies. The Finance Director worked diligently to combine all three policy sets into one set of policies for Kaufman.

Councilmember Altom moved and seconded by Councilmember Choyce to approve Resolution R-23-06 of the City of Kaufman adopting Financial Policies for the City of Kaufman, Texas. Mayor Bacon called for a vote with all voting AYE, motion carried.

16. Discuss a proposed tax abatement policy for commercial property in the Washington Street Corridor and the Central Business District.

City Manager Curtis Snow informed the Council that a draft tax abatement policy for commercial property in the Washington Street Corridor and the Central Business District was modeled after the City of Waco's policy.

The Council expressed an interest in a tax abatement policy for the Washington Street Corridor. Since that time, it has also become important to the community to encourage new development on the City Square. The policy offers progressive abatement incentives for redevelopment to both areas, the downtown and Washington Street Corridor.

The scale for the incentives is more generous than the policy for industrial development. For example, the abatement offered for fifty to a hundred thousand dollar investment would be entitled to a 40% abatement for four years. The industrial abatement is not offered for projects under \$500,000.

The reason these abatements are more liberal is to encourage new investments that will have a significant impact on the community profile and economic mix. It is important to Kaufman that downtown is viable and attractive. The same circumstances hold true for the Washington Street Corridor.

#### The Way It Works

If a business downtown or in the "Corridor" decides to structurally remodel and refinish its exterior to start a new business or expand on an existing business, they may petition the City for tax abatement. Based on the current value of the property as established by the appraisal district, the Base is set. The value of the improvements and qualifying personal property is what is abated.

So, if a property on the square is worth \$200,000 and the plan is to invest another \$200,000 and purchase \$200,000 in equipment (such as kitchen equipment) than the completed project will have a value set by the appraisal district of up to \$400,000 and new equipment for \$200,000. Based on the proposed policy, the property owner would be entitled to an abatement on the difference from the beginning appraisal and the finished appraisal. If it were a \$200,000 difference, than the property owner would

get an abatement of 80% for five years. At the city's current tax rate of \$.62, that would be about \$992 a year for five years or \$4,960. The abatement on the equipment would be on a sliding scale of 50% in the first year, down to 10% in the fifth year. In this case, it would have a value of approximately \$1,860. The combined value of the abatements is \$6,920. The abatement for personal property is also available to tenants (a business leasing the building.)

If the County agrees to support the policy, like it has with the industrial abatement policy, then the incentive is worth even more.

The proposed abatement policy is on future value, therefore there is no financial impact other than delayed revenues that may have come to the City after the improvements during the abatement period.

City Manager Curtis Snow reported that the City is trying to come up with incentives to help promote the Central Business District. There are no funds in the Main Street Program and the City would have to hire a full time employee to manage the Main Street Program. The City would like to see new decorated lamps around the square and Washington Street Corridor. The City will be checking to see if any grants are available to help with the improvements.

Councilmember Altom commented that after the County reviews the Tax Abatement Policy and concurs with the City, then all the property owners around the square and Washington Street Corridor need to be aware of the tax incentive. We need something to offer the property owners "Window of Opportunity" a two (2) year kick start to promote the incentive.

City Manager Curtis Snow informed the Council the tax abatement policy would be presented to them next month for approval.

17. Review the Kaufman Economic Development Corporation Year End Report for Fiscal Year 2006.

Roy Ferrell, Kaufman Economic Development Corporation, Chairman was present for questions.

City Manager Curtis Snow went over the goals and projects for the Year End Report of the 2006 KEDC report.

Discussion was held regarding the Trinity Valley Community College Nursing School in regards of expanding their building in Kaufman. The KEDC should communicate with them to help them be successful of staying in Kaufman.

18. Consider approval to amend the Kaufman Economic Development Corporation 2006-2007 Fiscal Year Budget.

City Manager Curtis Snow informed the Council that the budget amendment for the Kaufman Economic Development Corporation was to hire a full time Director and give the Chamber a sum of money for office support. The bottom line budget numbers did not change. Line items within the budget were moved around.

Mayor Bacon commented that the KEDC Board hired Lee Ayres for the position. According to the budget, the Director will be making a nice generous salary. She suggested that the KEDC Board go through an interview process of hiring a Director to find the best person for the job. There was no advertising or interview process. The Board approved the appointment of Lee Ayres, which has been working for the Chamber and the KEDC.

Mayor Pro-Tem Bounds commented that the City did not go all the way through a process hiring a City Manager.

Councilmember Ratcliffe that serves on the KEDC Board reported they did discuss several options.

Chairman Roy Ferrell reported that the KEDC voted unanimously to appoint Lee Ayres as the Director. He has been working for the Chamber of Commerce since 1998, he knows the people in Kaufman, and he has the credentials and will move Kaufman forward. The KEDC Board supports his position.

Mayor Bacon reported that there are several reasons to reconsider hiring Mr. Ayres. He helped with a 380 agreement with a developer and if it had gone through the City would have lost tons of sales tax revenue through the years. He was helping a business get a loan through KEDC, which the business was delinquent on their property taxes. He has also been out spoken being against the city's impact fees, which are very important for needed improvements for the city. We need to do the best for all of Kaufman. Mayor Bacon asked if anyone has checked to see if the business that was delinquent on property taxes, has maintained their workforce as was agreed upon in the letter agreement. The Mayor wants the best and brightest person for the position and \$80,000.00 is a lot of money. The City has not even seen an Employment Contract. The Mayor stated that this was her opinion.

Councilmember Altom moved and seconded by Councilmember Fortner to approve the amended Kaufman Economic Development Corporation

2006-2007 Fiscal Year Budget. Mayor Bacon called for a vote with Mayor Pro-Tem Bounds, Councilmember Council, Councilmember Altom, Councilmember Ratcliffe, Councilmember Choyce and Councilmember Fortner voting AYE. Mayor Bacon voted NAY. The motion carried.

19. Review the Kaufman Economic Development Corporation Business Plan for 2007.

Chairman Ferrell of the Kaufman Economic Development Corporation gave the Council an overview of the 2007 Business Plan.

20. Review the Plans for the Landscape Cost Sharing Project with Texas Department of Transportation for Highway 175 and Highway 34 Overpass.

The Council reviewed the plans for the Landscape Cost Sharing Project for the Highway 175 and Highway 34 Overpass.

## **APPOINTMENTS**

21. Consider the appointment of Two (2) Planning and Zoning Commission members for a three (3) year term. (Tabled 10-16-06)

Mayor Bacon announced that Tom Radeke was stepping down from his position on the Planning and Zoning Commission.

Councilmember Council moved and seconded by Councilmember Fortner to appoint Tim King to the Planning and Zoning Commission for a three year term. The Mayor called for a vote with all voting AYE, the motion carried.

Councilmember Choyce moved and seconded by Mayor Bacon to appoint Anita Hall to the Planning and Zoning Commission for a three year term. Mayor Bacon called for a vote. Councilmember Choyce, Councilmember Ratcliffe, Councilmember Council, Councilmember Altom, and Mayor Bacon voting AYE. Councilmember Fortner and Mayor Pro-Tem Bounds voting NAY. The motion carried 5-2.

Councilmember Ratcliffe moved and seconded by Mayor Pro-Tem Bounds to appoint Patsy Leftwich to the Planning and Zoning Commission for a one (1) year unexpired term. Mayor Bacon called for a vote with all voting AYE, the motion carried.

22. Consider the re-appointment of Ray Raymond to the Kaufman County Appraisal District Board of Directors for a two-year term, a shared representative with Kaufman Independent School District.

Councilmember Council moved and seconded by Councilmember Altom to re-appointment Ray Raymond to the Kaufman County Appraisal District Board of Directors for a two-year term, a shared representative with Kaufman Independent School District. Mayor Bacon called for a vote with all voting AYE, the motion carried.

23. Consider nominations to serve on the Kaufman County Appraisal Review Board as appointed by the Kaufman County Appraisal Board of Directors.

Councilmember Council moved and seconded by Councilmember Ratcliffe to table this item until next month. Mayor Bacon called for a vote with all voting AYE, the motion carried.

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

1. IESI - Fuel adjustment.

City Manager Curtis Snow informed the Council that the six-month fuel adjustment for solid waste will take effect with the November water billing. The cost of the fuel adjustment was increased by \$.10 cents. The new rate for solid waste will be \$11.24 including sales tax. The current rate is \$11.13 including sales tax.

2. Thanksgiving Lunch –Tuesday, November 21st

City Manager Curtis Snow reminded the Council of the Thanksgiving Lunch.

3. City Manager Curtis Snow informed the Council that he would send a report to the Council regarding impact fees. The impact fees collected can be used for major utility lines that are in the Thoroughfare Plan. Impact fees pay for areas that are impacted due to development and have an impact on the Community. They cannot be used for sidewalks.

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

Councilmember Council reported that two meter covers were missing on South Washington Street. Staff will follow up on this item.

Mayor Bacon inquired about the upgrades to the Lift Station on Altom Street. Staff reported that the upgrades were nearly completed. Mayor Bacon reported that a petition was being circulated regarding the odor in the area.

**ADJOURNMENT.**

There being no further business, Councilmember Altom moved and seconded by Councilmember Council to adjourn the meeting at 9:48 p.m. Mayor Bacon called for a vote with all voting AYE, the motion carried.

**PAULA BACON, MAYOR**

**ATTEST:**

**JO ANN TALBOT, CITY SECRETARY**