

**MINUTES OF THE  
REGULAR CITY COUNCIL MEETING  
MONDAY, MARCH 19, 2007 — 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 Paula Bacon, Lonnie Bounds, Floyd Choyce, William Fortner, Jeff Council and Barry Ratcliffe. Gil Altom Jr. was absent. Mayor Bacon declared a quorum present. Also present were City Attorney David Dodd, City Manager Curtis Snow, City Secretary Jo Ann Talbot, Director of Development Terry Capehart, Captain Randy Roach 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.

No comments were made.

**CONSENT AGENDA ITEMS #1 THROUGH #3**

**“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 February 20, 2007 Regular City Council Meeting.

2. Consider approval of the Minutes of the March 6, 2007 Special City Council Meeting.
3. Consider second reading and adoption of Zoning Ordinance O-02-07:

AN ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, REPEALING AND REPLACING ORDINANCE NO. O-14-99, THE COMPREHENSIVE ZONING ORDINANCE, ADOPTED ON THE 22ND DAY OF MARCH, 1999, TOGETHER WITH ALL AMENDMENTS THERETO IN ITS ENTIRETY, AND ADOPTING ORDINANCE NO. O-02-07, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF KAUFMAN, TEXAS, AS APPROVED AND ADOPTED ON THE 19 TH DAY OF MARCH, 2007, TOGETHER WITH ALL AMENDMENTS THERETO; ESTABLISHING AND PROVIDING ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH THE COMPREHENSIVE PLAN APPROVED BY CITY COUNCIL; REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS AND STRUCTURES, THE SIZE OF YARDS, COURTS AND OPEN SPACES, AND THE HEIGHT, BULK AND USE OF BUILDINGS AND LAND FOR COMMERCE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING FOR SPECIFIC USE PERMITS (SUP); REPEALING THE FOLLOWING ABANDONED OR DISCONTINUED SUP ORDINANCES: O-08-99, O-10-00, O-24-00 AND O-09-04; SPECIFYING MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF MOTOR VEHICLES AND OFF-STREET LOADING AREAS; PROVIDING MINIMUM REQUIRED FLOOR AREAS FOR DWELLING UNITS AND THE TYPE OF EXTERIOR CONSTRUCTION WITHIN CERTAIN ZONING DISTRICTS; REGULATING THE DENSITY OF DWELLINGS AND OTHER STRUCTURES AND THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED BY STRUCTURES; ADOPTING PERFORMANCE STANDARDS FOR INDUSTRY; ESTABLISHING THE BASIS FOR CREATING A BUILDING SITE; PROVIDING FOR SITE PLAN APPROVAL; PROVIDING FENCE AND WALL REGULATIONS; PROVIDING SPECIAL ACCESS STANDARDS; ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE, TOGETHER WITH ALL SYMBOLS, MARKINGS AND TABLES APPEARING ON SAID MAP AND WITHIN THE ORDINANCE; CREATING A PLANNING AND ZONING COMMISSION AND DEFINING ITS POWERS AND DUTIES; CREATING A BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; CREATING A BUILDINGS AND STANDARDS COMMISSION AND DEFINING ITS POWERS AND DUTIES; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING FOR NON-CONFORMING USES AND A METHOD OF DISCONTINUANCE THEREOF; DEFINING CERTAIN TERMS AS USED WITHIN THIS ORDINANCE; PROVIDING FOR A CERTIFICATE OF OCCUPANCY AND COMPLIANCE; AUTHORIZING PUBLICATION OF

THE DESCRIPTIVE CAPTION AND PENALTY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH AND EVERY OFFENSE; PROVIDING A SAVINGS CLAUSE; AND PRESERVING RIGHTS IN PENDING LITIGATION REGARDING VIOLATIONS UNDER THE EXISTING ORDINANCE.

Councilmember Bounds moved and seconded by Councilmember Choyce to approve Agenda Item #1 and Agenda Item #3. Mayor Bacon called for a vote with all voting AYE, the motion carried. Councilmember Altom was absent.

Agenda Item #2 (Minutes of the March 6, 2007) was removed from the Consent Agenda.

Councilmember Fortner asked for a correction be made on the March 6, 2007 Minutes on page three, third paragraph to reflect that Councilmember Fortner was in favor of City prisoners being transferred to the Kaufman County Jail instead of using the City's holding facilities.

Councilmember Fortner moved and seconded by Councilmember Council to approve the March 6, 2007 Minutes with corrections. Mayor Bacon called for a vote with all voting AYE, the motion carried. Councilmember Altom was absent.

## **END OF CONSENT AGENDA**

## **DISCUSSION/ACTION ITEMS**

4. Consider adoption of Ordinance O-03-07 Budget Amendments for Fiscal Year 2006-2007 General Fund and Water/Wastewater Fund (Budget Amendments: 07-003 and 07-004)

City Manager Curtis Snow informed the Council that the Budget Amendments reflect the approval of expenditures for the Buxton Company to develop a community profile and to make emergency repairs to the Philadelphia mixer at the Wastewater Treatment Plant. These items were approved at previous meetings. City Manager Curtis Snow recommended adoption of O-03-07.

Councilmember Council moved and seconded by Councilmember Fortner to adopt Ordinance O-03-07 Budget Amendments for Fiscal Year 2006-2007 General Fund and Water/Wastewater Fund (Budget Amendments: 07-003 and 07-004). Mayor Bacon called for a vote with all voting AYE, the motion carried. Councilmember Altom was absent.

5. Consider first reading and approval of Ordinance O-04-07 of the City Council of the City of Kaufman, Texas by amending the Code of Ordinance; Chapter 114 Waterways; by adding Section 114.10 Vehicles and All Terrain Vehicles at Lake Kaufman; providing a penalty clause; providing for a repealer; providing a severability clause; and providing an effective date.

City Manager Curtis Snow informed the Council the new leaser of the area around Lake Kaufman (the lake off SH 243) brought to the city's attention that there are a number of off road vehicles running over and around the dam on the lake. Recreational vehicles can do considerable damage to the ground cover around the dam and lead to erosion. We have nothing in the City Code that specifically addresses this issue.

The purpose of this ordinance is to only allow vehicles to operate in designated parking areas. Vehicles need to be banned from operating on and around the dam, threatening the integrity of the dam.

After discussion, Councilmember Floyd moved and seconded by Councilmember Fortner to approve the first reading of Ordinance O-04-07 of the City Council of the City of Kaufman, Texas by amending the Code of Ordinance; Chapter 114 Waterways; by adding Section 114.10 Vehicles and All Terrain Vehicles at Lake Kaufman; providing a penalty clause; providing for a repealer; providing a severability clause; and providing an effective date. Mayor Bacon called for a vote with all voting AYE, the motion carried. Councilmember Altom was absent.

6. Consider approval of Resolution R-08-07 authorizing continued participation with the Steering Committee of cities served by TXU; and authorizing the payment of 10 cents per capita to the Steering Committee to fund regulatory and related activities related to TXU Electric Delivery.

City Manager Curtis Snow informed the Council that the City of Kaufman has been a long time member of the Steering Committee of cities served by TXU. Our participation has benefited the City and our citizens through effective participation in rate case hearings before the Public Utility Commission (PUC). The City just received \$11,700.00 in a TXU rate settlement due to the participation in the Steering Committee. The cost of participation is 10 cents per capita or \$776.90. However, the assessment of population they have is 7,769 and the North Texas Central Council of Governments population assessment is 6,805. Staff recommends approval of Resolution R-08-07 to continue participation.

Councilmember Council moved and seconded by Councilmember Ratcliffe to approve Resolution R-08-07 authorizing continued participation with the

Steering Committee of cities served by TXU, and authorizing the payment of 10 cents per capita to the Steering Committee to fund regulatory and related activities related to TXU Electric Delivery. Mayor Bacon called for a vote with all voting AYE, the motion carried. Councilmember Altom was absent.

7. Consider approval of Resolution R-09-07 acknowledging the submission of names for Police Reserve Applicants who have received certification from the Texas Commission on Law Enforcement Officers' Standards and Education by the Police Chief of the Kaufman Police Department and approval of same as submitted.

Mayor Pro-Tem Bounds moved and seconded by Councilmember Choyce to approve Resolution R-09-07 acknowledging the submission of names for Police Reserve Applicants who have received certification from the Texas Commission on Law Enforcement Officers' Standards and Education by the Police Chief of the Kaufman Police Department (Damon L. Smith, Larry Hambrick Jr. and Kiel A. Pankonien). Mayor Bacon called for a vote with all voting AYE, the motion carried. Councilmember Altom was absent.

8. Consider approval of an amendment to an Agreement between the Kaufman Economic Development Corporation and Numo Manufacturing, Inc.

City Manager Curtis Snow informed the Council that because Numo did not meet targeted employment levels in the original agreement awarding them a grant from the Kaufman Economic Development Corporation (KEDC), the KEDC Board required Numo to return \$7,950 of the original \$106,000 grant. This amount is the prorated balance of the 7.5% shortfall in their employment levels over the three year period. The City Council has the responsibility to consider and approve all project agreements made by the KEDC. Numo has delivered the check to KEDC.

Councilmember Council moved and seconded by Councilmember Ratcliffe to approve the amendment to an Agreement between the Kaufman Economic Development Corporation and Numo Manufacturing, Inc. Mayor Bacon called for a vote with all voting AYE, the motion carried. Councilmember Altom was absent.

9. Consider approval of an appropriation of up to \$15,000 from the Tourism Fund to be spent on banners along Washington Street from the Square to south of US 175.

City Manager Curtis Snow informed the Council that the Kaufman 20/20 Economic Development Committee and the Chamber of Commerce have

set goals to enhance the cityscape along Washington Street to promote economic development. In the short term they have asked for banners to be placed along Washington Street to compliment those banners around the Square.

The Kaufman Chamber has approved the expenditure of up to \$7,500 to support this project. The City Manager and Assistant City Manager have participated in a series of meetings led by the Chamber to plan this project. Because the project coincides with City goals to improve Washington Street, staff has stated that the City would be willing to participate in this project and would be responsible for the installation and maintenance of the banners.

Approval has been granted from both TXU and Embarq to place the banners on their poles.

This project calls for a \$15,000 appropriation on the condition that the Chamber reimburses the City 50% of the cost up to \$7,500.

Councilmember Fortner moved and seconded Mayor Pro-Tem Bounds to approve the appropriation of up to \$15,000 from the Tourism Fund to be spent on banners along Washington Street from the Square to south of US 175 on the condition that the Chamber reimburse the City 50% of the cost up to \$7,500. Mayor Bacon called for a vote with all voting AYE, the motion carried. Councilmember Altom was absent.

10. Consider approval and authorize the City Manager to increase the original agreement with Carter and Burgess Engineering for additional Engineering Services for the CWSRF Kaufman Annex Sewer Phase II Project.

City Manager Curtis Snow informed the Council that the scope of the Kaufman Annex Sewer Phase II project changed and the city changed engineers during the projects. During the engineering design phase of the project, a number of additional items were not included within the original engineering contract that was needed. These items were 4 additional easements, a project 7 that includes the portion of phase 1 discontinuing the Business Park lift station (if funds allow), and geotechnical work for the Alton Street lift station. This main project includes new gravity sewer mains on Highway 175 East and F.M. 1836, replacement of the Alton Street Lift Station, replacement of gravity sewer main on Lewis Drive and Clay Street and if funds allow the replacement of Shannon Street Sewer Lift Station.

The original Carter and Burgess Engineering contract was in the amount of \$140,300. The additional services will increase the original contract amount \$9,750.00 for a total contract amount of \$150,050.00.

The City is currently waiting on approval from Texas Water Development Board to go forward on the projects. Mayor Bacon asked could the projects be done concurrently, because Lewis Drive is in need of attention.

Councilmember Council moved and seconded by Councilmember Ratcliffe to approve and authorize the City Manager to increase the original agreement with Carter and Burgess Engineering for additional Engineering Services for the CWSRF Kaufman Annex Sewer Phase II Project in the amount of \$9,750.00. Mayor Bacon called for a vote with all voting AYE, the motion carried. Councilmember Altom was absent.

11. Consider approval of the Kaufman Police Department 2006 Annual Racial Profiling report presented by the Chief of Police.

Police Captain Randy Roach gave the annual 2006 Racial Profiling report to the City Council. He stated that the State of Texas requires that law enforcement agencies make an annual racial profiling report to its governing body. The report provides specific indicators in relationship to the traffic stops made on individuals within the City of Kaufman. These indicators include the total number of traffic stops made during 2006, the racial composition of the individuals who were stopped, the total number of citations issued, the total number of vehicle searches conducted and the total number of arrest made.

The number of traffic stops made in 2006 was 4026. When compared with the traffic stops made in 2005 of 2674, there was a 66% increase. 945 traffic citations were issued. 640 of those citations were issued to white traffic violators. 79 citations were issued to blacks, 216 were issued to Hispanics and 7 to Asian traffic violators. In 2006, there were a total of 818 searches conducted during traffic stops. 504 of these searches were conducted on whites, 110 on blacks, and 203 on Hispanics. In 209 of these searches, illegal contraband was found with 492 arrests were made. 280 white offenders were arrested, 86 black offenders, 126 Hispanics.

When comparing these totals with the previous year, we find an increase in the total number of searches conducted in 2006 of 818 from the 683 of 2005.

In conclusion, the report indicates that again, more whites are being stopped for violations than blacks. The report also indicates that more Hispanics are being stopped than blacks in the City of Kaufman. The large number of arrests made during these traffic stops is a result of

multiple passengers in the vehicles who are either connected to the contraband or found to have outstanding warrants when identified by officers.

After discussion of the report, Mayor Pro-Tem Bounds moved and seconded by Councilmember Fortner to approve the Kaufman Police Department 2006 Annual Racial Profiling report. Mayor Bacon called for a vote with all voting AYE, the motion carried. Councilmember Altom was absent.

12. Discuss and take any necessary action regarding property located at 101 west Mulberry Street (Kay Woolens Building.)

City Manager Curtis Snow informed the Council that the property owner is not present tonight. He reported that the engineer has assured the City that the building is safe since the steel has been placed in the building and the building is physically safe from damaging other buildings and from collapsing into public rights of way. The absence of a weather proof roof still makes the building substandard and not able to be occupied. Staff is placing the property on the Building Standards Commission agenda as soon as possible. Discussion was held to place an August 1st time line on the building to come up to standard.

13. Consider approval of an amendment to Resolution R-06-07 of the City Council of the City of Kaufman, Texas calling the annual City Election set for May 12, 2007.

Assistant City Manager/City Secretary Jo Ann Talbot informed the Council the amending Resolution R-06-07 was due to a change in voting locations on Election Day. The County will be calling a State election, therefore the Kaufman County Annex cannot be used for the city or school on Election Day. Election Day voting will be moved to the First Baptist Church.

Councilmember Council moved and seconded by Councilmember Ratcliffe to approve an amendment to Resolution R-06-07 of the City Council of the City of Kaufman, Texas calling the annual City Election set for May 12, 2007. Mayor Bacon called for a vote with all voting AYE, the motion carried. Councilmember Altom was absent.

## **APPOINTMENTS**

14. Consider appointment of One (1) Member to the Keep Kaufman Beautiful Board for an unexpired term through March 2008.



Councilmember Choyce moved and seconded by Mayor Pro-Tem Bounds to appoint Laura Harris to the Keep Kaufman Beautiful Board for an unexpired term through March 2008. Mayor Bacon called for a vote with all voting AYE, the motion carried. Councilmember Altom was absent.

### **EXECUTIVE SESSION**

The City Council did not go into Executive Session.

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 551.071 LEGAL.

1. LEGAL - Under TEX. GOV'T. CODE Sec. 551.071
  - a. Consult with City Attorney regarding an update on Dallas Crown pending litigation.

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.

### **END OF EXECUTIVE SESSION**

15. CONSIDER ANY OFFICIAL ACTION ON THE EXECUTIVE SESSION CLOSED MEETING ITEMS:
  1. LEGAL – Under TEX. GOV'T CODE Sec. 551-071.  
  
Dallas Crown pending litigation.  
  
No action taken.

**ANNOUNCEMENTS FROM CITY MANAGER.**

No announcements were made from the City Manager.

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

Councilmember Council informed Staff that Pasty Young would like an application for the Park and Recreation Board.

Councilmember Council reported that he was impressed with the new Code Enforcement monthly report.

Mayor Pro-Tem Bounds congratulated Police Chief Smith on receiving a State of Texas Law Enforcement Achievement Award.

**ADJOURNMENT.**

There being no further business Councilmember Council moved and seconded by Councilmember Fortner to adjourn the meeting at 6:52 p.m.

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**PAULA BACON  
MAYOR**

**ATTEST:**

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**JO ANN TALBOT  
CITY SECRETARY**