

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
TUESDAY, JANUARY 17, 2006 — 6:00 P.M.
CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS**

CITY COUNCILMEMBERS

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

INVOCATION: Chief of Police James M. Smith

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Bacon called the Meeting to order at 6:02 p.m. Councilmembers present were Mayor Bacon, Mayor Pro-Tem Wampler, Councilmember Altom, Councilmember Bounds, Councilmember Choyce, Councilmember Holmes and Councilmember Murrell. 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 James M. Smith, 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.

Proclamation – Wes Stevenson – Mayor Bacon read a proclamation congratulating Wes Stevenson, a hometown citizen, for his accomplishment with his profession in the Professional Rodeo Association.

Proclamation – Texas Longhorns – Mayor Pro-Tem Wampler read a proclamation congratulating the University of Texas Longhorns Football Team for an outstanding 2005 season.

CONSENT AGENDA ITEM #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 the approval of the Minutes of the December 19, 2005 Regular City Council Meeting.
2. Consider approval designating the Kaufman Herald as the official newspaper for the City of Kaufman.
3. Consider approval of a two (2) year extension for Bank Depository Services with American National Bank, Kaufman, Texas.

Councilmember Murrell moved and seconded by Mayor Pro-Tem Wampler to approve the Consent Agenda Item 1 through Agenda Item 3. The Mayor called for a vote with all voting AYE, the motion carried.

END OF CONSENT AGENDA

PLANNING AND ZONING ITEMS

4. Consider a request from KASE Ventures, L.P., regarding a Preliminary Plat for a new apartment complex, being a replat of 8.217 acres of land known as Lot 1, Block A of the Vista at Five Points Addition (to be vacated by this plat) and also being all of a certain 2.783 acre tract of land, to be known as Lot 1A (5.80 acres) and Lot 2A (5.20 acres), Block A, Five Points Addition for a total of 11.00 acres of land, as recorded in Volume 2734, Page 344 of the Deed Records of Kaufman County, Texas, generally located at the northwest corner of State Highway 34 and Five Points Drive, and being situated in the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas. Case No. P-07-05. (P&Z Approval 5-0)

Director of Development of Services Terry Capehart informed the Council that Section 212.009(a) states that the municipal authority responsible for approving plats shall act upon a plat within 30 days after the date the plat is filed. A plat is considered approved by the municipal authority unless it is disapproved within that time period. In this particular case because of the delay in the scheduled hearings for lack of a quorum this plat must therefore be deemed approved. This hearing is therefore just a formality to put it on record that the Planning and Zoning Commission and City Council has reviewed the plat and given approval albeit after the fact. If the Council has any areas of concern, the opportunity to address these concerns will be during the approval process for the Final Plat.

The preliminary plat under consideration is a replat of the existing 8.787 acre Vista at Five Points Addition in which an additional 2.213 acres will be added for a total of 11.0 acres to be subdivided into two lots of roughly equal size. The Vista at Five Points Addition was originally approved by the City Council in April, 2001 but was never developed. The proposed plat will vacate the previous plat in its entirety in order to restructure all of the easements and divide the tract into two separate lots. Each lot will be developed as a separate phase and cross access easements have been provided from lot to lot in order to facilitate development in two phases.

The proposed development is for an apartment complex in which Lot 1A (5.80 acres) will consist of 104 residential units in six separate buildings with approximately 86,320 square feet, a club house/office with 1,880 square feet and a maintenance building with 1,083 square feet. Phase 2 (Lot 2A, 5.20 acres) will consist of 132 residential units in six buildings, however, the exact unit mix will be determined by market conditions when Phase 2 is initiated but the unit count will not be exceeded as approved on the Site Plan. Two units will be three (3) story and the remaining units will be two (2) story in the Phase I project.

This is the first project to be constructed in the Five Points Planned Development. The Site Plan for this project is also on the current agenda for the Council's consideration. This project will not be government subsidized and will be totally funded by private capital. In addition to the clubhouse, a swimming pool and tot lot playground will be constructed in Phase 1.

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

Access in Phase 2 onto State Highway 34 will be used for emergency access only and not by the residents and will have to receive final approval from TxDOT prior to construction.

The Planning and Zoning Commission has made the recommendation to the City Council by a vote of 5-0 to approve the proposed Preliminary Plat in concurrence with State Law that it has met all of the requirements for approval.

Mr. Dennis Axberg, representing Kase Ventures, 2518 Belmeade Drive, Carrollton, Texas, reported that all units would be fully equipped with fire sprinklers.

After discussion, Councilmember Bounds moved and seconded by Mayor Pro-Tem Wampler to approve a request from KASE Ventures, L.P., regarding a Preliminary Plat for a new apartment complex, being a replat of 8.217 acres of land known as Lot 1, Block A of the Vista at Five Points

Addition (to be vacated by this plat) and also being all of a certain 2.783 acre tract of land, to be known as Lot 1A (5.80 acres) and Lot 2A (5.20 acres), Block A, Five Points Addition for a total of 11.00 acres of land, as recorded in Volume 2734, Page 344 of the Deed Records of Kaufman County, Texas, generally located at the northwest corner of State Highway 34 and Five Points Drive, and being situated in the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas. Case No. P-07-05. The Mayor called for a vote with all voting AYE, the motion carried.

5. Consider a request from KASE Ventures, L.P., regarding a Site Plan for a new 104 unit apartment complex, being a 5.80 acre tract of land, described as Lot 1A, Block A of the Five Points Addition, as recorded in Volume 2734, Page 344 of the Deed Records of Kaufman County, Texas, generally located at the northwest corner of State Highway 34 and Five Points Drive, and being situated in the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas. Case No.S-12-05. (P&Z Approval 5-0)

Director of Development of Services Terry Capehart informed the Council that the Site Plan under consideration is for an apartment complex consisting of two phases on two separate lots, Lot 1A being 5.80 acres and Lot 2A being 5.20 acres in size. Phase One will consist of 104 residential units in six separate buildings with approximately 86,320 square feet, a club house/office with 1,880 square feet and a maintenance building with 1,083 square feet. Phase Two will consist of 132 residential units in six buildings, however, the exact unit mix will be determined by market conditions when Phase Two is initiated but the unit count will not be exceeded as approved on the Site Plan. Two of the buildings in Phase One will be three story units, which will be required to have fire sprinklers, and the applicant is going to fully equip all of the units with fire sprinklers whether or not they are required to do so.

The property was originally platted as part of the larger Five Points Planned Development as Lot 1A, Block A, Vista at Five Points Addition but was never developed. The zoning allows a maximum density of 30 units per acre, which would allow a total of 330 units, and the proposal is for a total of 236 units or a density of approximately 21 units per acre. This is the first project to be constructed in the Five Points Planned Development. This project will not be government subsidized and will be totally funded by private capital. In addition to the clubhouse, a swimming pool and tot lot playground will be constructed in Phase One. The exterior facades of all the buildings will be masonry stucco to be stained in two tones and the recessed entryways will be Hardiplank. The requirement is for 75% of the first floor to be masonry and 50% of all upper floors to be masonry. The proposal will have approximately 80% of the entire building faced with masonry stucco.

The apartment complex will be gated and access will be restricted to residents, guests and emergency and/or service vehicles.

Primary access to Phase 1 will be off of Five Points Drive with a second point of access being onto State Highway 34 when Phase 2 is constructed. The second point of access will be for emergency vehicles only and will not be used by the residents. TxDOT has given tentative approval for its location and final approval will have to be obtained when construction of Phase 2 occurs.

Internal private drives form a loop around the buildings that serve as a fire lane.

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

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

Mr. Capehart answered Mayor Bacon's questions that the Site Plan had adequate parking. The parking is based on the number of units and exceeds the parking requirement.

Mr. Capehart informed the Council that the Fire Chief had reviewed the Site Plan and made no remarks regarding the Site Plan.

After discussion, Mayor Pro-Tem Wampler moved and seconded by Councilmember Bounds to approve a request from KASE Ventures, L.P., regarding a Site Plan for a new 104 unit apartment complex, being a 5.80 acre tract of land, described as Lot 1A, Block A of the Five Points Addition, as recorded in Volume 2734, Page 344 of the Deed Records of Kaufman County, Texas, generally located at the northwest corner of State Highway 34 and Five Points Drive, and being situated in the D. Falcon Survey, Abstract No. 151, City of Kaufman, Kaufman County, Texas. Case No.S-12-05. The Mayor called for a vote with all voting AYE, the motion carried.

DISCUSSION/ACTION ITEMS

6. Consider approval of an engagement letter with David Carter Financial Investigative Services to conduct depreciable assets of Dallas Crown and Waldo Incorporation.

Councilmember Holmes moved and seconded by Mayor Pro-Tem Wampler to approve an engagement letter with David Carter Financial Investigative Services to conduct depreciable assets of Dallas Crown and

Waldo Incorporation. Mayor Bacon called for a vote. Mayor Pro-Tem Wampler, Councilmember Holmes, Councilmember Choyce, Councilmember Altom, Councilmember Bounds and Mayor Bacon voted AYE. Councilmember Murrell voted NAY. The motion passed for approval 6-1.

7. Consider approval of an Incentive Agreement between Kaufman Economic Development Corporation and the Kaufman Presbyterian Hospital.

Mayor Pro-Tem Wampler moved and seconded by Councilmember Holmes to approve an Incentive Agreement between Kaufman Economic Development Corporation and the Kaufman Presbyterian Hospital. Mayor Bacon called for a vote with all voting AYE, the motion carried 7-0.

8. Consider rescheduling the February 20, 2006 Regular City Council Meeting.

Councilmember Bounds moved and seconded by Mayor Pro-Tem Wampler to reschedule the February 20, 2006 meeting to be set for February 21, 2006. Mayor Bacon called for a vote with all voting AYE, the motion carried 7-0.

EXECUTIVE SESSION

No Executive Session was held.

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 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

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

1. LEGAL – Under TEX. GOV'T CODE Sec. 551-071.

Legal – pending litigation

No Executive Session was held.

ANNOUNCEMENTS FROM CITY MANAGER.

City Manager Curtis Snow informed the Council of a new electronic voting machine to be used for elections. The law became effective January 1, 2006. City Secretary Jo Ann Talbot spoke with County Election Officer Richard Murphy about leasing the machine for the City election. The County is proposing to call a bond election at the same time of the City's election. The County will not have enough machines for the cities and schools to lease. The County has recommended the City to enter into a contract to have a joint election. The voting machines are very expensive. The appropriate thing to do is to hold a Joint Election with the County.

Update Solid Waste Services – City Manager Curtis Snow explained to the Council that IESI's contract would automatically renew January 31, 2006 for an additional five years. IESI approached the City for an increase in rates above the Consumer Price Index (CPI) rate increase called for in the contract along with a fuel surcharge. IESI and the City negotiated, but the City did not support the increase that IESI proposed. IESI is going to present the City another proposal in the near future. IESI believes that if the City puts the service out to bid that they would still be the low bidders. Mr. Curtis Snow did agree that a fuel surcharge is a viable option, but did not agree with the rate increase above the CIP. The CPI increase would be 4.4% to the trash collection rates. Some of the commercial rates exceeded 34%. One of Mr. Snow's goals was to have the tandem trucks replaced with trucks that would not deteriorate the smaller streets in town. IESI was open to this option. IESI has exclusive rights to service the City. Staff will keep Council updated.

Update Code of Ordinances – Mr. Snow asked the Council to bring in their Code of Ordinances Book for updating with Supplement No. 4.

Fall Festival Report - The Council was given a Financial Sheet regarding the Fall Festival.

Mr. Snow reported that North Texas Municipal Water District has implemented Stage 2 of the Drought Plan and that the City has implemented the necessary requirements for Stage 2.

Mr. Snow reported that he attended a Chamber Retreat and that in the meeting it was unanimously voted to establish better communications with the Council. A Committee is being set up to meet with the Council in order to get acquainted with each other.

REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.

Councilmember Murrell reported for the record that City Staff was not shoring up trenches when digging and that this needed to be corrected.

Councilmember Murrell asked about a letter that was sent to Numo Manufacturing that was mentioned last month by Councilmember Bounds, regarding citations being dismissed. City Attorney David Dodd reported that the Court's Prosecutor has the discretion of his choice in regards to the citations.

Councilmember Murrell reported that the dogs were still out of control in North Kaufman and wanted Staff to get on top of the situation.

Mayor Pro-Tem Wampler showed a large animal bone that was retrieved from her yard.

ADJOURNMENT.

Councilmember Holmes moved and seconded by Councilmember Altom to adjourn the meeting at 7:00 p.m. Mayor Bacon called for a vote with all voting AYE, the meeting was adjourned.

PAULA BACON, MAYOR

ATTEST:

JO ANN TALBOT, CITY SECRETARY