

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, MAY 15, 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 6:05 p.m. Councilmembers present were Mayor Bacon, Councilmember Altom Jr., Councilmember Bounds, Councilmember Choyce, Councilmember Holmes and Councilmember Murrell. Mayor Bacon declared a quorum present. Mayor Pro-Tem Wampler was absent. Also present were City Manager Curtis Snow, City Secretary Jo Ann Talbot, Director of Development of Services Terry Capehart, Director of Public Works Richard Underwood, Director of Finance Cathy Cummins, Captain 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.

Mr. Charlie Thompson, 316 W. College Street, Athens, Texas introduced himself and informed the Council that he would be a candidate for the House of Representatives in the U.S. Congress, which is in the City's District. He gave a brief autobiography of himself and thanked the Council for their time.

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 the approval of the Minutes of the April 17, 2006 Regular City Council Meeting.
2. Consider the approval of the Minutes of the April 4, 2006 Work Session and Special City Council meeting.
3. Consider approval for the City Manager to execute a Lease Agreement between Country Bible Church and the City of Kaufman for a one (1) year term.
4. Consider Approval Of The Emergency Action Plan For The Kaufman Lake off Highway 243 Cedar Creek Site 60 Dam.

Councilmember Murrell moved and seconded by Councilmember Choyce to approve the Consent Agenda Items 1 through 4. The Mayor called for a vote with all voting AYE, the motion carried. Mayor Pro-Tem Wampler was absent.

END OF CONSENT AGENDA

PLANNING AND ZONING

5. Consider a request from Council Real Estate and Sean Sisson regarding a Specific Use Permit (SUP) for Minor Auto Repair in the Washington Street Corridor Overlay District (WSC), located at 501 S. Washington Street and generally located on the southeast corner of South Washington Street and

Temple Street, and being described as part of Block 26 of the French and Wilson Addition, City of Kaufman, Kaufman County, Texas. Case No. Z-01-06. (P&Z Approval 4-0)

- a. Conduct Public Hearing (Continued from April 17, 2006 Meeting)

Mayor Bacon declared the Public Hearing open at 6:10 p.m.

There being no public comments the Public Hearing was closed at 6:11 p.m.

- b. Consider first reading and approval of Ordinance O-03-06 of the City of Kaufman, Texas, amending the Comprehensive Zoning Ordinance O-14-99 and establishing Specific Use Permit Number 13 amending the Official Zoning Map; and providing for a penalty, severability, savings, and an effective date.

Director of Development of Services Terry Capehart informed the Council that the property owner was reluctant to make

improvements to the property and wished to withdraw the Specific Use Permit (SUP) request. The leasor of the property would carry out the business in the front building of the property for 5 or 6 months.

Mayor Bacon commented with there being no Specific Use Permit request that no action is required on Ordinance O-03-06.

6. Conduct a Public Hearing regarding the proposed revisions to Sections 1-11 Administrative Requirements of the Zoning Ordinance O-14-99.

Mayor Bacon declared the Public Hearing open at 6:11 p.m.

There being no public comments the Public Hearing was closed at 6:12 p.m.

7. Discuss proposed revisions to Sections 1-11 of the Zoning Ordinance O-14-99 as recommended by the Zoning Ordinance/Comprehensive Plan Steering Committee and the Planning and Zoning Commission.

Director of Development of Services Terry Capehart informed the Council that the final revisions that were discussed at the May 2, 2006 Work Session are still being revised. Parts of the National Parks Construction Standards will be incorporated in the Zoning Ordinance as previously discussed. He reported that the revisions would be presented to the Council in a future meeting. Mayor Bacon commented that the Planning and Zoning Commission and the Park Board to review the revisions as recommended by the Council.

DISCUSSION/ACTION ITEMS

8. Consider a request by T.G. Oak Bend Developers, to utilize Escrow funds required for sidewalk improvements for the Prairie Creek Subdivision to be used for Open Space Improvements for sidewalks, picnic, trails, etc. in the Prairie Creek Estates, Phase III in lieu of construction of sidewalks along the perimeter of the subdivision along Rand Road.

Director of Development of Services Terry Capehart informed the Council that T. G. Oak Bend Developers have escrowed \$13,642.20 for sidewalk improvements for Prairie Creek Phase 1 and an additional \$4,000 will be required for Phase 2. The Developer is requesting that these funds be allowed to be spent making public improvements to the open space to be dedicated in Phase 3 which is approximately 18 acres in size and is sandwiched between Phases 2 and 3. The open space improvement plan was approved by the Park Board on October 2, 2005. Currently no sidewalks have been constructed on either side of Rand Road from

Washington Street to the city limits and beyond. Most of the right-of-way on either side of Rand Road is taken up by an open drainage ditch and sidewalks construction would be impractical. There is room for a sidewalk along side of the screen wall which was constructed for Prairie Creek Phase 1 and 2 but it will not be connected to any other sidewalk in the foreseeable future. If and when the State decides to reconstruct Rand Road (F.M. 1836), concrete curb and gutter construction would then make sidewalks feasible and it would be assumed the State would construct sidewalks on both sides of the highway for the full length of the improvements. Also, no sidewalks were constructed at the Helen Edwards Early Childhood Center when it was built in 2003 and through an inter-local agreement sidewalks were to be constructed if and when sidewalks were constructed by other developments adjacent to the school. Other sidewalk requirements along State Highway right-of-way have been waived in some cases and in others they were not. The Subdivision Regulations state the requirement for sidewalks to be constructed or the funds escrowed in lieu of construction by a developer's agreement. The regulations are silent as to situations in which sidewalks would be impractical to construct or would not serve the best interests of the community. Flood management areas (FMA) are also required to be protected and ownership and maintenance is to be by dedication to the City, easements or by a compatible recreational use.

Mr. Roy Gene Gardner, Developer of Prairie Creek, Post Oak Bend, informed the Council that if the improvements in the Open Space area were unreasonable, they would install sidewalks along Rand Road (F.M. 1836). It made no difference.

A great deal of discussion was held on the pros and cons of sidewalks outside the subdivision and the Open Space Improvements in the Phase 3 of Prairie Creek. Questions were asked if the Escrow Funds for sidewalks could be used for the Open Space improvements. Staff reported that if the Developer requested the Escrow Funds be used for the Open Space improvements, it could be done. The City could only use the escrow funds for the sidewalks outside the subdivision.

Mayor Bacon asked Mr. Gardner if the property owners would be interested in a Neighborhood Association and the fees could go toward maintaining the neighborhood and open space park. Mr. Gardner responded that he did not think the property owners would be interested in a Neighborhood Association.

After a great deal of debate, Councilmember Bounds moved and seconded by Councilmember Holmes to utilize Escrow funds required for sidewalk improvements for the Prairie Creek Subdivision to be used for Open Space Improvements for sidewalks, picnic, trails, etc. in the Prairie

Creek Estates, Phase III in lieu of construction of sidewalks along the perimeter of the subdivision along Rand Road. Mayor Bacon called for a vote with Councilmember Bounds, Councilmember Holmes and Councilmember Choyce voting AYE. Councilmember Murrell, Councilmember Altom and Mayor Bacon voting NAY. Mayor Pro-Tem Wampler was absent. There being a tie vote, the motion failed.

9. Consider amending Contract with American Municipal Services (AMS) for collection services on outstanding Municipal Court citations.

Director of Finance Cathy Cummins informed the Council in May 2005, the City Council authorized the City Manager to enter into a contract with American Municipal Services (AMS) for collection services on outstanding Municipal Court citations. AMS has collected approximately \$42,500 from July 2005 through April 2006. The collection agency is paid for their services by adding a 30% fee to the fine amount as allowed by state law. Collection services are at no cost to the City. The City's contract with AMS arranges for the defendants to mail their payment directly to the City. The City mails a check to AMS monthly for their portion. Staff is requesting the Council to consider amending the City contract to allow payments to go directly to the collection agency during the month and the collection agency mailing the City a check at the end of the month for the City's portion. The City's funds will be held in an escrow account until paid to the City. The reason for the change is for potential improvement in collections and less paper work for City Staff. AMS accepts checks on line and people can pay on their website. AMS will fax the City daily reports when payments are made. Individuals can still pay the City for outstanding citations and report to AMS.

Councilmember Altom expressed his concern that the funds are protected and that the Company pays the City on a monthly basis.

After discussion, Councilmember Altom moved and seconded by Councilmember Choyce to amend the Contract with American Municipal Services (AMS) for collection services on outstanding Municipal Court citations, in addition, verifying that AMS escrows funds are in a trust account for the City and not placed in AMS operating account. The Mayor called for a vote with all voting AYE, the motion carried. Mayor Pro-Tem Wampler was absent.

The City Council went into Executive Session at 6:54 p.m.

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 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.

The City Council adjourned out of Executive Session at 7:18 p.m.

END OF EXECUTIVE SESSION

10. 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 action taken.

ANNOUNCEMENTS FROM CITY MANAGER.

1. NTMWD – Water Increase

City Manager Curtis Snow informed the Council that North Texas Municipal Water District would be imposing a \$.05 cent water increase to the City of Kaufman. This increase to water rates would be in the near future.

City Manager Curtis Snow reported that the City received a letter from Texas Water Development Board approving a low interest loan for improvements to the two (2) water towers.

REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.

Mayor Bacon thanked Councilmember Murrell and Councilmember Holmes for their service to the City as Councilmembers.

ADJOURNMENT.

There being no further discussion Councilmember Holmes moved and seconded by Councilmember Murrell to adjourn the meeting at 7:21 p.m. The Mayor called for a vote with all voting AYE, the motion carried. Mayor Pro-Tem Wampler was absent.

PAULA BACON, MAYOR

ATTEST:

JO ANN TALBOT, CITY SECRETARY