

**MINUTES OF THE
REGULAR CITY COUNCIL MEETING
MONDAY, MAY 21, 2007 — 6:00 P.M.
209 S. WASHINGTON
KAUFMAN, TEXAS 75142**

CITY COUNCILMEMBERS

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

INVOCATION: First Baptist Church Pastor Brent Gentzel

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER: Mayor Pro Tem Bounds started the Meeting at 6:05 p.m. Councilmembers present were Lonnie Bounds, Gil Altom Jr. Floyd Choyce, Jeff Council, William Fortner and Barry Ratcliffe. A quorum was declared present. Mayor Paula Bacon was absent. Also present were City Attorney David Dodd, 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 and Chief of Police James M. Smith.

CITY COUNCIL AGENDA ADDENDUM

- 1A. Consider adoption of Resolution R-12-07 and order canvassing the Recount of one Councilmember of the City General Election held on May 12, 2007.

Councilmember Altom moved and seconded by Councilmember Council to adopt Resolution R-12-07 and order canvassing the Recount of one Councilmember Lonnie Bounds receiving 314 votes of the City General Election held on May 12, 2007. Mayor Pro-Tem Bounds called for a vote with all voting AYE, the motion carried.

REGULAR CITY COUNCIL MEETING

1. Administer Oath of Office for Newly Elected Officials from the Kaufman General Election held May 12, 2007.

Judge Jon Burt administered the Oath of Office swearing in Newly Elected Officials from the General Election held May 12, 2007 for Mayor William Fortner, Councilmember Charles Gillenwater and Councilmember Gil Altom Jr.

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.

Mayor Fortner thanked all of his supporters for electing him Mayor of Kaufman.

Mayor Fortner asked for a moment of silence of prayer for the Virginia Tech College victims.

CONSENT AGENDA ITEMS #2 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."

2. Consider approval of the Minutes of the April 16, 2007 Regular City Council Meeting.
3. Consider approval of the Minutes of the May 15, 2007 Special City Council Meeting.
4. 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.

Councilmember Altom moved and seconded by Councilmember Ratcliffe to approve the Consent Agenda Items 2 through 4. Mayor Fortner called for a vote with all voting AYE, the motion carried.

END OF CONSENT AGENDA

PLANNING AND ZONING ITEMS

5. Consider a request from Jose Sanchez regarding a request for an amendment to a Specific Use Permit (SUP 11: O-05-03) to expand alcohol sales at the La Pradera Restaurant to the patio area, located at 1917

South Washington Street, and being part of Block 234 of Snow's Second Addition, City of Kaufman, Kaufman County, Texas. (Case No. Z-01-07)

Director of Development of Services Terry Capehart informed the Council that this item should have been posted as a Public Hearing along with an action item. The notice was published in the Kaufman Herald. City Attorney David Dodd advised the Council to let citizens speak tonight and to continue the Public Hearing next month.

Mayor Fortner called the Public Hearing open at 6:15 p.m.

No one spoke for or against this agenda item.

Director of Development of Services Terry Capehart gave a Staff report that a Public Hearing for this case was conducted at the April 2, 2007 Regular Planning and Zoning Meeting. Mr. Mike Tones, representing the New Plan Corporation, owner of the Washington Square shopping center, testified that his company was willing to consider a parking agreement with the owner of the strip center where the La Pradera restaurant is located but was strongly opposed to the request unless the parking issue could be resolved. The Planning and Zoning Commission agreed to table the request for one month to see if the agreement could be executed, however, when the P&Z reconvened at their May 7, 2007 regular meeting neither the applicant, Jose Sanchez or Mr. Tones appeared at the meeting which was assumed to indicate the parking issue was not resolved. The Planning and Zoning Commission has made the recommendation to the City Council by a vote of 4-0 to deny the proposed amendment to SUP 11 to expand the sale of alcoholic drinks to the patio. The City Council would have to have a super majority vote to override the Planning and Zoning Commissions decision.

A motion was made by Councilmember Gillenwater and seconded by Councilmember Altom to continue the Public Hearing until next month. Mayor Fortner called for a vote with all voting AYE, the motion carried.

DISCUSSION/ACTION ITEMS

6. Consider first reading and approval of Ordinance O-05-07 of the City of Kaufman, Texas, amending Ordinance O-31-02 "Park Usage Fees"; as amended by Ordinance O-07-03 adding sport camp fees; by adding pavilion usage fees, increasing light usage fees, decreasing adult league per team fee, decreasing tournament per team fees and adding light usage fees to all youth league play; providing for a penalty, a repealer, savings clause and an effective date.

City Manager Curtis Snow informed the Council that the Park and Recreation Board reviewed current park usage fees and is making a recommendation to the Council for fee amendments. During their review, the Board took into consideration electrical and maintenance costs, youth and adult usage, as well as special event and general daily usage. After review during many meetings with the Parks and Recreation Board, they are prepared to submit new fees to be adopted by Ordinance.

Steve Robertson, representing Kaufman Lions Club Youth Baseball, 2700 S. Washington, Street, Kaufman opposed the new fees.

Tres Borders, representing Kaufman Lions Club Youth Baseball, 801 Adams Lane, Kaufman opposed the new fees.

After discussion the Council asked Staff to further research the usage fees for the Sports Complex. Councilmember Council moved seconded by Mayor Pro-Tem Bounds to table Ordinance O-05-07. Mayor Fortner called for a vote with all voting AYE, the motion carried.

7. Consider authorizing the City Manager to sell the surplus 1992 fire truck pumper to the College Mound Volunteer Fire Department for \$63,000.

City Manager Curtis Snow informed the Council that the City recently purchased the ladder truck to replace an aging pumper. This pumper, a 1992 Quality, was scheduled for surplus and sale. College Mound approached the City about purchasing the truck to replace a much older piece of equipment.

The City has not actually put the vehicle out for bid but it has received offers from vendors around the \$50,000 range. The City may be able to get more for the truck, but the College Mound proposal is a fair price that better the capabilities of a nearby department. Kaufman County residents benefit an Kaufman City resident's benefit.

Councilmember Altom asked what the truck value. Fire Chief Brown reported that the price is appropriate for the size of engine in the truck and the age of the truck. This money for the sale of the truck will go into an equipment replacement fund.

City Attorney reported the city could sale the equipment to another entity and not have to bid it out.

Mayor Pro-Tem Bounds moved and seconded by Councilmember Ratcliffe to approve and authorize the City Manager to sell the surplus 1992 fire truck pumper to the College Mound Volunteer Fire Department for

\$63,000. Mayor Fortner called for a vote with all voting AYE, the motion carried.

8. Consider financial assistance from the Tourism Fund supporting a documentary regarding Elise Waerenskjold, a Norwegian settlement at Four Mile Prairie.

Elian Haan, 19629 Valentine, Kemp, Texas 75143 asked for financial assistance for supporting a documentary regarding Elise Waerenskjold, a Norwegian settlement at Four Mile Prairie. Ms. Haan explained that Elise Waerenskjold was one of Kaufman's pioneer citizens who is quite well known in Norway as a writer and women's rights advocate. She was recently recognized in Norway with a commemorative statue and numerous books have been written about different aspects of Ms. Waerenskjold's life. The documentary will be offered to PBS and other networks and if used, will promote Kaufman as a Historic site. Ms. Haan is asking for \$3,300 to Bakke Enterprise for the production of the historical documentary of the life of Elise Waerenskjold.

A great deal of discussion was held regarding the legal use of spending Tourism Fund money supporting this project. After discussion, Councilmember Altom authorized \$3,000 to Bakke Enterprise for the production of the historical documentary of the life of Elise Waerenskjold, with the exception that it is confirmed by the City Attorney it is legal to do so under the laws of the use of Tourism money. Councilmember Council seconded the motion. Mayor Fortner called for a vote with all voting AYE, the motion carried.

9. Consider approval of the Kaufman Economic Development Corporation Mid-Year Report (October 1, 2006 to March 31, 2007).

Councilmember Council moved and seconded by Councilmember Altom to accept the Kaufman Economic Development Corporation Mid-Year Report (October 1, 2006 to March 31, 2007). Mayor Fortner called for a vote with all voting AYE, the motion carried.

APPOINTMENTS

10. Consider the appointment of Ben Brashear, M.D. for the City of Kaufman Medical Officer.

Mayor Pro-Tem Bounds moved and seconded by Councilmember Gillenwater to appoint Ben Brashear, M.D. for the City of Kaufman Medical Officer. Mayor Fortner called for a vote with all voting AYE, the motion carried.

11. Consider the appointment of One (1) Park and Recreation Board members for an unexpired term through March 2008.

Councilmember Council moved and seconded by Mayor Pro-Tem Bounds to appoint Carla Crouch to the Park and Recreation Board members for an unexpired term through March 2008. Mayor Fortner called for a vote with all voting AYE, the motion carried.

12. Consider the appointment of One (1) Councilmember to serve on the City Council to fill a vacancy for an unexpired term through May 2008.

Mayor Fortner informed the Council that the Council had 30 days to appoint a Councilmember to fill the vacancy of one Councilmember.

Councilmember Altom moved and seconded by Councilmember Gillenwater to table this agenda item. Mayor Fortner called for discussion. The Council selected a three member committee to make a nomination to the Council. The three nomination members are Lonnie Bounds, Jeff Council and William Fortner. The Council scheduled a Special Meeting June 1, 2007 to consider the appointment. This meeting would take place before the Council retreat. Mayor Fortner called for a vote to table this item until June 1, 2007, with all voting AYE, the motion carried.

ANNOUNCEMENTS FROM CITY MANAGER.

City Manager Curtis Snow reminded the Council of the Council Retreat – June 1st, Friday, 1:00 p.m. and June 2nd, Saturday, 8:00 a.m.

Banners along Washington Street Corridor will be hung June 9, 2007. This is a cost-sharing project with the Chamber.

Highway 175 and Highway 34 Landscape Project will be starting this summer.

City will be picking up limbs around town this week and an ad will be published in the paper notifying the citizens.

REQUEST/COMMENTS FROM MEMBERS OF CITY COUNCIL.

Mayor Pro-Tem Bounds inquired about a burned out building on the square. City Manager Curtis Snow reported that this subject went to the Building of Standards Commission this month.

Mayor Fortner welcomed new Councilmember Gillenwater to the City Council.

ADJOURNMENT.

There being no further business Councilmember Ratcliffe moved and seconded by Councilmember Gillenwater to adjourn the meeting. Mayor Fortner called for a vote with all voting AYE, the motion carried.

**WILLIAM FORTNER
MAYOR**

ATTEST:

**JO ANN TALBOT
CITY SECRETARY**