

KENNEDALE CITY COUNCIL MINUTES

REGULAR MEETING | DECEMBER 19, 2023 AT 5:30 PM
CITY HALL COUNCIL CHAMBERS | 405 MUNICIPAL DRIVE, KENNEDALE, TX 76060

I. CALL TO ORDER

Mayor Jan Joplin called the meeting to order at 5:33 p.m.

A. ROLL CALL

PRESENT: Kenneth Michels, Brad Horton, Jeff Nevarez, Bryant Griffith, David Glover; **ABSENT:** ;
STAFF: City Manager Darrell Hull, City Secretary Raeanne Byington, Director of Planning and Economic Development Nathan Gonzales, Director of Finance Jonathan Horton, Library Director Elizabeth Partridge, Director of Human Resources Caroline Green, Public Works Director Kristian Sugrim, Fire Chief James Brown, Police Captain Eric Carlson, City Attorney Carvan Adkins

B. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State under God; One and Indivisible."

Councilman Brad Horton led the invocation and Councilman Kenneth Michels led the pledges.

II. VISITOR AND CITIZEN FORUM

James Connor, 501 W 3rd, spoke on Work Session Item B and his concern over charter violations.

Sara Johnson, 221 Village Street, spoke on the political issues in Kennedale and the Thanksgiving dinners that were given to around 215 citizens.

Marsha Knox, 200 Hilltop Dr, spoke on Work Session Item B and her participation in the Back to School Bash and her support of Mayor Joplin.

Tamiko Sargent, (no address given), spoke on Work Session Item B and her participation in the Back to School Bash and her support of Mayor Joplin.

III. WORK SESSION

A. PARAGON SPORTS CONSTRUCTORS PRESENTATION ON BALL FIELD OPTIONS.

Public Works Director Kristian Sugrim introduced Tim Buchanan of Paragon Sports Constructors. He presented options on what we can do with our ball fields.

B. DISCUSSION REGARDING THE MAYOR'S BACK TO SCHOOL BASH

Mayor Joplin gave a synopsis of how Kennedale Community Connections started and how the event came to be. She briefly spoke on the social media posts and the receipt of an anonymous letter that discussed what the author felt was unethical. City Attorney Carvan Adkins then spoke on the investigation into the accusations in the letter and his conclusion was that there was no violation of the City Charter, specifically 12.07 Conflict of Interest. He recommended no action be taken since there was no violation.

Councilman Brad Horton stated he had something he'd like to say. It was as follows:

"Madam Mayor, fellow citizens, I've been asked here tonight to speak. I've had to be in from out of town, I was on a trip and I have been asked to be here so I asked that I may be allowed to speak in my entirety and say what I need to say. I ask that you would bear with me. Friends I have endeavored not to make a statement about the

Mayors Back to school Bash. I have tried to make it clear to the City Staff. Also to relay this information to Mr. Griffith. In fact, I spoke to the City Attorney today. Being that there was a potential quorum issue, potential quorum trap I did not respond to the 1 text message I received from Mr. Griffith. So for the record, I was on the group to the team or the gathering of individuals for the Back to School Bash, whatever it was called. I've never hid that. In fact I even posted a picture of my attendance on the city's Facebook page with Mrs. Knox and at the time I was traveling frequently down the stretch I probably attended roughly half of the planning meetings and at the time I had no idea what donations were made, who made the donations, who took money from who, who the money was made out to. I didn't donate myself, I don't know. I mean I may have been there when that hap- I don't, I, I just don't know. I don't know who gave what. So fast forward to recent events. I've reiterated to the Mayor, to the City Manager, to the City Attorney that given my current profession as a certified fraud examiner, I have been advised not to speak about this. And I asked that my wishes be respected. I've asked that repeatedly and repeatedly. However this afternoon I received a phone call from Mayor Joplin and the City Manager where I received what I perceived as a threat. That Mr. Griffith will call for my resignation citing a conflict of interest with my profession unless I speak out tonight. Now I was led to believe they would go along with this unless I acquiesced and gave in to what Mr. Griffith wanted and I informed them that I was not planning to run for re-election this Spring and I would just continue to not speak and I was led to believe that I would be removed if I did not speak. So either I speak to an issue I do not want to speak on or where I'm being threatened with removal from this council. What if the next time I don't want to give a city update? Am I going to be removed for that? And mind you this isn't even an issue that is up for a vote. And to be honest, it's not even official city business for crying out loud. And as I understand it, Mr. Griffith wants me to affirm that his involvement with this event was legitimate and I'm honestly telling you that all I know is that he showed up, I showed up and I don't know what he gave so how can I affirm what I do not know, friends. And so again I respect-, I've requested to speak tonight and I ask that you all let me say what I need to say right now. And at this time I don't know what Mr. Griffith gave or what he did not give and I don't care other than again he started showing up and I was there and we were both on the group, both on the team and again why would I comment to something that I don't know. But based on these recent allegations, if this is true, then it appears that at some point and time, Mr. Griffith donated money to this whatever it was. It appears that he was appointed to the city council in a split decision with the mayor breaking the tie breaking vote and I voted against his appointment. And I was also made aware, um, um it should be noted that I was not made aware and to my knowledge, nobody on the council knew about his donation which, again, probably is not a big deal. Um, but again we didn't know that and I didn't know that when he interviewed. So then based on the recent allegations it also appears that afterwards uh Mr. Griffith donated money to the Back to School Bash, the City of Kennedale then in turn promoted his business on the flyer to the event and then promoted his business on the September newsletter; if these allegations are true. So again, given my current profession as a certified fraud examiner, which I have asked repeatedly

not to be drawn into, not to give an opinion and I'm not accusing anybody of anything, but on the first surface they have the hallmarks of fraud, bribery and corruption and the question we should be asking ourselves is why on earth is the City of Kennedale promoting a councilman's business? And who made the decision to do that and at the end of the day, because I will not affirm or go along with something that I feel uncomfortable doing, I've been threatened to be removed from the city council. And all I asked was to not say anything and I had to be drug in from out of town here tonight to say this. And in reality it's not because I won't affirm something it's because it's unethical and it has all the or it has the hallmarks of being unethical, and it has all the hallmarks of corruption and that's, friends, that's your city government at work."

Councilmember Horton left the meeting at 6:15 pm.

The mayor asked if the attorney had anything to add. He stated there was not a violation of the City Charter.

C. DISCUSSION REGARDING THE TEXAS GOVERNMENT ACCOUNTABILITY ASSOCIATION

This item was pulled from the work session.

D. OPEN MEETINGS ACT LAWS

City Attorney Carvan Adkins discussed the basics of the Open Meetings Act.

E. KENNEDALE OAKS PD DEVELOPMENT STANDARDS

Community Development Director Nathan Gonzales spoke regarding the Kennedale Oaks PD standards. He noted that it had been passed in Oct 2022 but that he wanted council to do the PD language before the developer begins.

F. DISCUSSION AND/OR REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA

IV. REGULAR SESSION

A. REPORTS AND ANNOUNCEMENTS

In addition to any items below, the Kennedale City Council, the presiding officer, and/or staff may give or receive reports regarding items of community interest, including, but not limited to, recognition of officials, citizens, staff, or departments; information regarding holiday schedules; and upcoming or attended events.

1. Updates from members of the Kennedale City Council
2. Updates from the Mayor
3. Updates from the City Manager
 - Community Development Director Nathan Gonzales updates on Planning and Zoning Commission meeting move.

4. Financial Reports for the City and the EDC

Finance Director presented the financial reports for the month and was available for questions.

B. CONSENT AGENDA

These matters have appeared on previous agendas, require little or no deliberation, or are considered routine or ministerial tasks. If discussion is desired, items may be removed for separate consideration.

Item 2 was pull to Individual Consideration.

Motion Approve. Action Approve CONSENT AGENDA ITEMS 1 & 3.

Moved By Kenneth Michels, **Seconded By** Jeff Nevarez. **Motion passed unanimously.**

1. Approval of the minutes from the November 20, 2023 Regular Meeting.

2. Consider authorizing the City Manager to sign an Agreement for Mutual Aid in Fire Protection and Emergency Medical Services with Tarrant County.

Motion Table. Action Table Consider authorizing the City Manager to sign an Agreement for Mutual Aid in Fire Protection and Emergency Medical Services with Tarrant County., **Moved By** David Glover, **Seconded By** Bryant Griffith. **Motion passed 3-2-0,** with Kenneth Michels, Jeff Nevarez voting against approval, Bryant Griffith and David Glover voting for approval and Mayor Joplin breaking the tie for the motion to pass.

3. Approve Colby Cowan as a member of Keep Kennedale Beautiful.

C. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Approve Resolution 626 adopting an amended City of Kennedale Unclaimed Property Policy.

Motion Approve. Action Approve Approve Resolution 626 adopting an amended City of Kennedale Unclaimed Property Policy., **Moved By** Bryant Griffith, **Seconded By** Kenneth Michels. **Motion passed unanimously**

2. Approve Resolution 627 adopting an amended City of Kennedale Fund Balance Policy.

Motion Approve. Action Approve Approve Resolution 627 adopting an amended City of Kennedale Fund Balance Policy.

Moved By Bryant Griffith, **Seconded By** David Glover. **Motion passed unanimously.**

3. Approve Resolution 628 adopting an amended City of Kennedale Financial Management Policy.

Motion Approve. Action Approve Approve Resolution 628 adopting an amended City of Kennedale Financial Management Policy., **Moved By** Bryant Griffith, **Seconded By** Jeff Nevarez. **Motion passed unanimously.**

4. Approve Resolution 629 adopting an amended City of Kennedale Investment Policy.

Motion Approve. Action Approve Approve Resolution 629 adopting an amended City of Kennedale Investment Policy.

, **Moved By** Bryant Griffith, **Seconded By** Kenneth Michels. **Motion passed unanimously.**

5. Consider approval of a contract with McClendon Construction for the Collett Sublett Road Infrastructure Improvement project in the amount of \$2,374,914.50.

Motion Approve. Action Approve Consider approval of a contract with McClendon Construction for the Collett Sublett Road Infrastructure Improvement project in the amount of \$2,374,914.50., **Moved By** Bryant Griffith, **Seconded By** David Glover. **Motion passed with a vote of 3-0-1,** with None voting against approval and Kenneth Michels abstaining.

V. EXECUTIVE SESSION

Mayor Joplin convened into Executive Session at 8:37 pm.

A. PURSUANT TO §551.071 — *Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of*

Professional Conduct may conflict with the Open Meetings Act, including discussion of any item posted on the agenda, legal issues regarding the Open Meetings Act.

1. TGAA
2. Mayor's Back to School Bash.
3. Executive Session Disclosure.

B. PURSUANT TO §551.072 — *Deliberation regarding the purchase, exchange, lease, or value of real property.*

C. PURSUANT TO §551.087 — *(1) Deliberation regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.*

D. PURSUANT TO §551.074 — *Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.*

VI. RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED

Mayor Joplin reconvened into an open session at 8:37 pm.

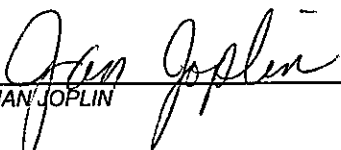
Motion Approve. Action Approve. Motion to task the City Manager to engage with an investigation in reference to Executive Session Item V.A.3. Moved by David Glover. Second by Bryant Griffith. Motion passed unanimously.

VII. ADJOURNMENT

Motion Adjourn Action Adjourn. Moved by Jeff Nevarez. Second by Bryant Griffith. Motion passes unanimously.

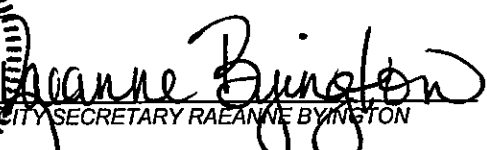
Mayor Joplin adjourned the meeting at 8:39 pm.

APPROVED:


MAYOR JAN JOPLIN



ATTEST:


CITY SECRETARY RAEANNE BYINGTON