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KENNEDALE CITY COUNCIL

MINUTES
REGULAR MEETING
April 18, 2016
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION - 5:30 PM
REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

Mayor Johnson called the meeting to order at 5:30 p.m.

II. WORK SESSION

NOTE: Pursuant to Section 551.071, Texas Government Code, the City Council reserves the right to adjourn into Executive Session at any time during the work session or the regular session to discuss posted executive session items or to seek legal advice from the City Attorney on any item posted on the agenda.

A. Discuss refinancing outstanding debt

City Manager Bob Hart stated that the City looks at the outstanding debt every six months and we have crossed the threshold where there can be a savings of approximately $20,000 per year. Bob spoke with Mark Mcliney concerning selling some debt, however, he noted that if we wait two more years, we can save a whole lot more. He added that this is something we need to start monitoring and he asked Mark to provide us with an updated schedule after June 7.

B. Discuss the TIRZ activity and debt requirements

City Manager Bob Hart stated that when you look at the TIRZ activity in terms of buying out the property at the south end of town, you need to look at doing the design of New Hope Road and the sewer line.

Bob informed the Council that there is an item on the agenda to consider approval of a reimbursement resolution which would allow us to incur some debt for this project. He added that the reimbursement resolution doesn't obligate the city to anything because you can’t go up with the ceiling, but you can go down. Bob explained that the reimbursement resolution would cover the parkland, the sewer line extension, the hydraulic study for New Hope Road, and the City’s share of the local bridge match with TxDot; we are looking at up to $2 million.

Bob added that the resolution needs to be in place before we sign the contracts with Freese and Nichols for the design work. He noted that when we look at reimbursing ourselves, everything we incur from here on out is reimbursable.

There were discussions by Council concerning what items need to be in place to keep us consistent with the developer agreement, and other chargeable fees once houses are built. Bob stated that we will adopt a new fee schedule before the platting of the new development, which will offset some of the cost of the improvements.

C. Discussion of items on regular agenda

City Planner Rachel Roberts discussed the two upcoming Planning and Zoning cases. PZ Case #16-04 is a plat from Chesapeake that meets all city requirements. The Planning and Zoning Board requested that the surveyor check the metes and bounds description, which describes both lots together. It was checked and is correct.

Rachel continued with PZ Case #16-05 stating that there are two issues with this case. First, it doesn't have utilities to the site; we normally ask the developer to supply plans for utilities, but we are doing the plans in exchange for a water easement. Therefore, that requirement has been met. Secondly, there is the issue of the hammerhead instead of a cul-de-sac; this has been there a long time. Therefore, the Planning and Zoning Commission, along with staff recommends approval with a required variance. Councilman Turner questioned if the Fire Department was good with the hammerhead; Rachel replied that they were.

Rachel Roberts spoke in regard to Ordinance 594; she stated that this ordinance isn't needed as long as we are preserving visibility triangles. Adding that keeping storage in an easement is not allowed, so basically, we are depriving property owners of their ability to store their equipment. Concluding, she stated that by putting this new ordinance on the books, we give businesses full use of their property. There was Council discussion and some concerns regarding proper screening and appearance.

City Manager Bob Hart informed Council that the TIRZ Board met today and approved the Freese and Nichols contracts, contingent upon Council approving them. One contract is for the design of a sewer line to serve the Texas Raceway property and the other is the hydraulic study of the bridge structure on New Hope Road.

Bob informed Council that the TIRZ has no funds at this point, so the city will need to provide the funding for a while. Councilman Turner questioned when that will turn around. Bob replied that we will have to have houses on the ground, and on the tax roll; so we are looking at about five years. There was a lengthy discussion concerning the TxDot bridge replacement program.

III. EXECUTIVE SESSION

Mayor Johnson recessed into executive session at 6:05p.m.

A. The City Council may meet in closed session at any time during the work session or the regular session, pursuant to Section 551.071 of the Texas Government Code for 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 on any item posted on the agenda.

B. The City Council will meet in closed session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property for the following:

1. 6727 Hudson Village Creek Road Park Land Acquisition
2. Link Street Extension Right-of-Way Acquisition

IV. REGULAR SESSION

Mayor Johnson opened the regular session at 7:01 p.m.

V. ROLL CALL

Present: Frank Fernandez, Brian Johnson , Kelly Turner, Liz Carrington, Charles Overstreet, Michael Walker
Absent: None

VI. INVOCATION

Invocation was given by City Manager, Bob Hart.

VII. UNITED STATES AND TEXAS PLEDGES

VIII. PRESENTATION

A. Presentation by the Texas Police Chief's Association Foundation

Tom Sheehan, retired DFW Airport Chief of Police and Past President of Texas Police Chief's Association Foundation is here representing the Association. Mr. Sheehan presented Chief Tommy Williams and the Kennedale Police Department with a re-recognition award for maintaining status for another 5 years.

To maintain recognition in this voluntary program, agencies must prove they meet 166 standards, including use of force, protection of citizen's rights, etc. The program has become the gold standard for law enforcement in the State of Texas.

Kennedale Police Department was among the first in the state to become recognized, and since that time, the agency has submitted annual reports showing that they continue to meet those standards. The program requires re-assessment every four years, which was done a few months ago.

Kennedale Police Department was unanimously recommended for re-recognition; and tonight the Texas Police Chief's Association officially recognizes Chief Tommy Williams for their accomplishments.

Police Chief Tommy Williams stated that this is the whole Department's accomplishment; adding that Kennedale has the best group of law enforcement people we could ask for. Chief Williams introduced Captain Darrell Hull and James Crouch; Officers Culpepper, Blocks, and Bullocks, who were all in attendance.

IX. VISITOR/CITIZENS FORUM

At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

Mayor Johnson opened the Citizens Forum by reviewing the general rules for the Forum. He stated that anyone may sign up to speak, however, Council cannot respond because that would be in violation of the Open Meetings Act; which requires items for discussion to be listed on the agenda.

Mayor Johnson introduced staff and council, He noted that we have a bigger crowd than normal and asked that everyone keep in mind that there are a lot of people who want to speak, so try to keep it brief. Additionally, he stated that there will be no tolerance for any type of personal insults.

Before opening the Vistors/Citizens Forum he stated that City Secretary Leslie Galloway will be taking notes; and that he and City Manager Bob Hart will stay after the meeting to discuss the water rates with anyone interested in a presentation that shows where we are right now. Mayor

Johnson opened the Vistors/Citizens Forum.

Those who registered as being **opposed** to water rates, but did not wish to speak:

1. William Morace (1017 Oak Hill Park)
2. Gloria Villaire (208 Arthur)
3. Jennifer Villaire (500 Hillside Drive)
4. Donna Little (516 North Road, Lot 307)
5. Jill Conditt (1224 Peggy Lane)
6. Maureen Guzzo (1017 Oak Hill Park)
7. Carolyn Sanders (711 Paula Lane)

Those who registered to speak:

Chris Pugh, 715 Timberline Drive, spoke in opposition of the water rate increase. He stated that he was a new citizen to Kennedale and was frustrated with the situation. Feels there is a lack of trust between the community and the leaders. He added that the notification process was not sufficient, and he would like to see an open and honest dialog with the citizens and leaders.

Sherry Calder, 801 and 805 Corry A. Edwards Drive, spoke in opposition of the water rate increase. She feels the increase is too expensive, and it puts a hardship on older citizens. She added that a smaller increase would have been acceptable. It was also noted that she is unhappy with the service provided by FATHOM.

Ray Howell, 908 Shady Bend Drive, spoke in opposition of the water rate increase. He was shocked by his water bill and feels the extra cost of a 1" meter is not justified when water usage remains low. He added that it doesn’t cost any more to service a 1" meter.

Gail Uranga, 904 Bell Oak Drive, spoke in opposition of the water rate increase. She has lived in Kennedale for eight years and is retired. She thanked the City for their efforts to grow and improve the community; however, a 100 percent increase is no way to grow a community. She added that in January, Arlington customers saw an increase of $2.91. She questioned that if we purchase water from Arlington, will our rates go down; and why is there such a big difference in price?

Caroline Bickley, 314 Autumnwood Court, spoke in opposition of the water rate increase. She feels citizens should have been more informed. Concur with Mr. Pugh.

Leigh Page, 907 Shady Bend Drive, spoke in opposition of the water rate increase. She stated that her bill had a $100 increase for two people this month. Adding, that she could accept the increase if the water tasted better, and that they buy bottled water for drinking. She also noted that the drinking water quality report does not really address the taste issue. She would like to see some improved quality of the taste of the water so she could spend less on bottled water.

John Page, 907 Shady Bend Drive, spoke in opposition of the water rate increase. He shared an article on greywater. Stated that he feels the council has improved, along with the city; however, he concurs with just about everything said this evening, including the taste issue. He requested that Council consider an Ordinance to allow greywater reclamation; noting that he would love to be the beta-tester for this.

Mikee Miller. 1028 Kennedale Sublett Road spoke in opposition of the water rate increase. She stated that she missed the notification of the rate increase on his monthly bill. Additionally, she questioned the handling of the city's financing; questioning why there were not incremental increases; what is the age of the system/what work is needed, why did we wait until the fund was completely depleted to take action, and why did we not plan ahead? She also provided comparative charges from other nearby Cities.

Joe A. Watts, 911 Bell Oak Drive, spoke in opposition of the water rate increase. He concurs with everything said tonight. He requested that the Council reconsider the water rate increase and look for alternate ways to get the needed funds.

Windell Sanders, 225 S. Dick Price Road, spoke in opposition of the water rate increase. Feels it's shameful to overcharge for such a basic human necessity; adding that there has to be a better way. Additionally, he stated that he has a detached garage with an apartment and is being charged the commercial rate. He would appreciate any attention we can give to his case.

Sandy Mata, 1209 Vera Lane, spoke in opposition of the water rate increase. She stated that her bill almost doubled; adding that she is single and it's hard to make ends meet. She requests that Council reconsider the rate increase. Additionally, she would like to be included in decisions made in the city.

Lisa Cooper, 717 Timberline Street, spoke in opposition of the water rate increase. She questioned why the increase was all at once, and why it couldn't have happened over a 2-3 year period. She also feels that the taste of the water needs to be addressed; but her main concern is the increase in the cost of water.

John Hivale, 418 Coker Valley Drive, spoke in opposition of the water rate increase. He feels too much money is being spent on cosmetics. Stated that he talked with the City's Finance Director and provided a recap of how money is collected and what it's charged to. He stated that the City tells us to save water, but with the base rate going up, it makes no difference. He referenced the formula for water bill calculations; and questioned if there is a surcharge before it comes to the consumer; if we could convert to a co-op; and where the extra money is going to be spent. He requested that the Financial reports be in a format that's easier to understand.

Tom Newsom, 305 Pennsylvania Avenue, spoke in opposition of the water rate increase. He stated that he could not see anything that justifies a rate increase to the fixed rate; fixed rates are regressive, they only pay for the right to gather water. He added that this is extremely regressive and harsh on lower and fixed income families. He added that the annual report described Kennedale as being one of the fastest growing communities in Tarrant County; therefore, he questioned what impact fee are being collected and if existing customers are paying in advance for projected growth. Concluding, he said it is unreasonable to implement the increase all at once, even if the cost projections are justified.

Sharon Gilley, 612 Cooper Lane, spoke in opposition of the water rate increase. She stated that she has never seen such a high increase in her lifetime and that she is now paying more for sewage than water. She is a senior citizen and her husband is disabled, and a 50 percent increase is uncalled for. She feels there are other solutions and pointed out examples of wastefulness in the city.

Rockie Gilley, 220 S Dick Price, spoke in opposition of the water rate increase. He suggested that the city needs to do a better job getting the word out to citizens. He added that this seems to be a popular trend to cover fixed costs at 100% through base rates. He would like the see the calculations because he has read the fact sheet and it leaves the impression that we are not seeing all the numbers. He questioned how many years it will take to recover the infrastructure cost; where the revenue is going; and if existing customers are paying for future growth.

Richard Weber, non-resident, spoke in opposition of the water rate increase. He stated that a lot of the numbers don't add up. He's looking for answers and wants to understand why this was approved. He stated that the presentation to the committee showed a 40% shortage in the variable amount; which seems like a problem with the budget. He added that there are other options and these options were not presented to the Water Rate Committee for their consideration. This creates a trust problem. He just wants answers to his questions.

Vinita Thomas, 412 W 3rd Street, spoke in opposition of the water rate increase. She stated that she received a brochure about Council approval of the water rate increase; however, the wastewater was actually a much bigger increase. She questioned why the wastewater charge is so much. She added that she understands that costs go up, but not such a huge increase at one time. Additionally, she added that there were no senior citizens on the Water Rate Committee that made the decisions, and most people didn't know anything about it. She also requested that Council address a drainage issue next to her property.

John Clark, 100 Meadowlake Court, spoke in support of the water rate increase. He stated that he would like to discuss the process; noting that the committee met four times and all the meetings were open to the public. He stated that the issue facing the city is we cannot source enough water with our wells. We have two options: Fort Worth and Arlington. To hook into Arlington, we'd incur additional infrastructure costs, which would cancel out savings. We are captured by the need to buy water and to transport our waste. The costs to connect to Fort Worth vastly outweigh the higher costs of transporting through Arlington. Council recognized that the utility should be a free-standing enterprise. Estimates for infrastructure repairs are $12 million on water and $6 million on sewer between now and 2023. He added I don't want to pay more, but when you look at the facts, we have to deal with it.

X. REPORTS/ANNOUNCEMENTS

In addition to any specific matters listed below, the city council may receive a report about items of community interest, including but not limited to recognition of individual officials, citizens or departments, information regarding holiday schedules, upcoming or attended events, etc.

A. Updates from City Council

Liz Carrington stated that she met with the Village Creek-Lake Arlington Water Shed Protection Program and was asked to be on the steering committee representing both Tarrant County College and the City of Kennedale.

Kelly Turner thanked all the volunteers and city staff who pitched-in for the Brickworks Festival this past weekend. He noted that it takes hundreds of hours of preparation from volunteers each year and helps Kennedale keep that small town appeal.

Mike Walker stated that the Unified Development Code Advisory Committee meetings are continuing with another meeting next week. He said they are working to get the City codes to where they are easier for development and for citizens to navigate. He added that the girls' High School soccer team won their second state championship this past weekend.

Charles Overstreet stated that the scholarship presentation was held at Brickworks Festival on Sunday. Also, he added that Kennedale had good representation at the watershed meeting, which may help us with redevelopment in our area.

B. Updates from the Mayor

Mayor Johnson stated that he attended the Tarrant Transportation Regional Coalition Executive Board meeting, noting that they are working in Austin to get more funding for transportation issues. Additionally, he stated that he, Bob and Frank attended the Southeast Transportation Partnership meeting, noting that their number one project is the 820/287 flyover interchange, which is a $1.4 billion project. He added that he was appointed to the Texas Municipal League's Transportation and Infrastructure Board which will meet in June.

He invited everyone to attend the Chamber Luncheon on Wednesday, where Commissioner Andy Nguyen will be speaking. In closing, he noted that he would be appearing in the Kennedale Junior High School's production of "Annie" as FDR on May 25th and 26th.

C. Updates from the City Manager

City Manager Bob Hart stated that we had 15 entries in the Brickworks Festival Scholarship Contest and were able to give out eight scholarships, which is the most we've given out to date. He added that McDonald's has purchased the old Showtime building and closed on the property this past Friday; we are taking bids and plans have been submitted for Dickey's and new Chicken Express building in TownCenter; and TxDot will be funding a new bridge for the city on New Hope Road.

XI. MONITORING INFORMATION

A. Monthly Financials - March 2016

B. Executive Limitations

C. Ends Review - Balanced Scorecard

Monitoring information updates are in the agenda packet for review.

XII. INCIDENTAL ITEMS

A. Tarrant County College facility review briefing

City Manager Bob Hart stated that students and faculty from Tarrant County College - Building Trades, have been looking at building and utility modifications at the Municipal Building, the Fire Station, and the Police Department to help the city with long-term facility planning. He noted that they were here to provide an interim report to City Council of their findings.

Project Head, James Howard introduced the team and provided handouts for the power point slides. Team members and faculty provided a review of their process and requirements. They presented recommendations for maximizing space utilization in these three buildings. It was noted that they found full plans for the Municipal building, only preliminary plans for Police Department and no plans for Fire.

Their findings showed mismatched systems throughout the building with quite a bit of ductwork that's improperly attached and there is not enough return air. Their recommendations include air balance of some existing HVAC systems and replacement of others. There was a presentation of the proposed designs.

XIII. REQUIRED APPROVAL ITEMS (CONSENT)

All matters listed under incidental items (consent) have been previously discussed, require little or no deliberation, or are considered to be routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately.

A. Consider approval of minutes from March 21, 2016 meeting

B. Consider approval of Resolution 483 expressing official intent to reimburse with tax-exempt obligation proceeds costs associated with certain capital improvements

C. Consider action regarding a notice from the Public Utility Commission (PUC) of Texas for a Consumer Price Index (CPI) adjustment to municipal telecommunications right-of-way access line rates.

D. Review the annual financial disclosure report

E. Approve Schedule of Investment Activity for quarter ending March 31, 2016

F. Consider approval of design contract with Freese and Nichols for the design of a sewer line to serve the Texas Raceway property

G. Consider approval of design contract with Freese and Nichols for the hydraulic analysis of the bridge structures under the TxDOT bridge replacement program

Motion To approve all required approval Items on (Consent) agenda. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Liz Carrington.
Motion passed Unanimously

XIV. DECISION ITEMS

A. **CASE # PZ 16-04** Public hearing and consideration of approval on a request by Chesapeake Land Development Co. for a replat of approximately 2.752 acres located at 400 Bolen Rd, known as George Case Addition Block A Lot 3, Kennedale, Tarrant County, Texas. The replat would create lots 3R & 4.

1. Staff presentation
2. Applicant presentation
3. Public hearing
4. Applicant response
5. Staff response and summary
6. Action by the City Council

City Planner Rachel Roberts provided the presentation for PZ Case 16-04, stating that this property is near the I-20 frontage road and was originally platted in 2010 as part of a Chesapeake land development project for a gas well. She added that Chesapeake does not need all the land and would like to split a portion off to sell. Staff does not expect this land to transition to residential usage at any time and finds it to be in compliance with the Comprehensive Land Use Plan. Staff recommends approval; the Planning and Zoning Commission recommends approval as well, assuming confirmation of metes & bounds (they were confirmed).

There was no applicant presentation.

Public Hearing:
Mayor Johnson opened the public hearing; there was no one present requesting to speak. Mayor Johnson closed the public hearing.

Motion To approve the replat of 2.752 acres located at 400 Bolen Road. **Action** Approve, **Moved By** Kelly Turner, **Seconded By** Charles Overstreet.
Motion passed Unanimously

B. **CASE # PZ 16-05** Public hearing and consideration of approval on a request by Linda Miller for a minor replat of approximately 5 acres located at 411 and 431 Kevin Miller Rd, a portion of Lot 9 of the J. M. Estes Home Tracts, Kennedale, Tarrant County, Texas. The replat would create lots 1 & 2, Block 1, Miller Hill Addition. A variance from the cul-de-sac requirements of Section 17-303(a)(8) is requested.
1. Staff presentation
2. Applicant presentation
3. Public hearing
4. Applicant response
5. Staff response and summary
6. Action by the Planning & Zoning Commission

City Planner Rachel Roberts presented PZ Case 16-05 for Council consideration. She stated that this is a minor replat and normally minor plats can be approved at staff level, however, this requires a variance from the cul-de-sac requirement. Rachel added that this plat would divide part of existing lot 9 into two lots. The applicant, Ms. Linda Miller, owns quite a bite of land in that residual lot 9 track; she has one home there now and wants to build another. City regulations require that you can only build one single-family residence per lot. City code now requires a cul-de-sac, but this hammerhead was built prior to annexation. The fire chief has looked at the situation and approved it. Additionally, Linda Miller is providing an utility easement in exchange for the city to prepare utility plans. Staff and the Planning and Zoning Commission recommends approval.

Applicant Presentation :
Cameron Overture with KC Engineering, 9340 Woodruff Drive, Fort Worth. She stated that this is a fairly straightforward replat. Ms. Miller is offering to dedicate the water easement which will gets rid of two dead-end water lines and will improve water pressure in that area.

Public Hearing:

Mayor Johnson opened the public hearing; there was no one present requesting to speak. Mayor Johnson closed the public hearing.

Motion To approve the replat of 5 acres at 411 1nd 431 Kevin Miller Road. **Action** Approve, **Moved By** Liz Carrington, **Seconded By** Kelly Turner.
Motion passed Unanimously

C. Consider approval of Ordinance 594 to eliminate the required minimum spacing for outdoor storage from the public right-of-way

City Planner Rachel Roberts informed the Council that currently the city require that items stored outside at a business be a minimum of 25 feet from the public right-of-way. Staff recommends the approval of Ordinance 594, which will allow business owners full use of their properties. She added that this does not eliminate any screening requirements.

Motion To approve Ordinance 594 eliminating the required minimum spacing for outdoor storage from the public right-of-way. **Action** Approve, **Moved By** Liz Carrington, **Seconded By** Michael Walker.
Motion passed Unanimously

XV. RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO

EXECUTIVE SESSION, IF NEEDED

Mayor Johnson reconvened into open session at 6:30 p.m.
No action required.

XVI. ADJOURNMENT

Motion To adjourn the April 18, 2016 regular City Council meeting. **Action** Adjourn, **Moved By** Liz Carrington, **Seconded By** Kelly Turner.
Motion passed Unanimously

The meeting was adjourned at 9:05 p.m.

APPROVED: ATTEST:

Brian Johnson, Mayor

Leslie Galloway, City Secretary