

KENNEDALE CITY COUNCIL

MINUTES

REGULAR MEETING

June 27, 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. Discussion of Kennedale Public Library's Long Range Plan

Library Director Amanda King provided an overview of the long range plan; she noted that a long range plan is needed in order to keep the Library accreditation. Amanda stated that when preparing the long range plan, she wanted it to be something that staff could reference; something that showed where we are going and what are values are; and a statement of what we believe: community, collaboration, respect, learning, and accountability. She noted that we are currently doing these things, but felt it was important to state it. She noted that the ends statement has been revamped due to feedback from community conversations and the Library Advisory Board.

In closing, she stated the goal is to make the Library a community hub and a place where citizens can get community information.

B. Discuss City Council meeting procedures

City Manager Bob Hart stated that at the May budget workshop Council talked about the need to create meeting procedures. Bob added that after looking over examples from several sources, most were common across the board. Also, in the documents provided is an excerpt from a Lewis McClain article about becoming a "teaching council", which plays to Council's strengths. As was discussed at the workshop, Council has found a balance over the years where everything flows pretty smoothly and I thought it would be good to have these things in writing.

Mayor Johnson stated that we already have a written document like this, and what Council needs now is a procedure for deciding what's on the agenda. There was lengthy discussion

concerning the need to create written procedures regarding request to add items to the agenda; speaking with the media; and order of the meeting. It was noted that we need to follow parliamentary procedures, and it was suggested that Council reviews "Robert Rules of Order" for small boards.

C. Discussion of items on regular agenda

No items were discussed at this time.

III. REGULAR SESSION

Mayor Johnson opened the regular session at 7:00 p.m.

IV. ROLL CALL

Present: Frank Fernandez, Brian Johnson , Kelly Turner, Liz Carrington, Charles Overstreet, Michael Walker

Absent: None

V. INVOCATION

Covenant Life Baptist Church Pastor Greg Adams provided the invocation.

VI. UNITED STATES PLEDGE AND TEXAS PLEDGE

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

VII. PRESENTATIONS

A. Bulin Family Brick Presentation
Alvin "Red" & Hazel Austin Bulin
Thomas Alvin & Viola Williams Bulin

Mayor Johnson read a statement that listed many of the contributions made by the Bulin Family to the Kennedale community. He presented two brick pavers to the family that will be placed under the clock tower at TownCenter Park.

VIII. VISITOR/CITIZENS FORUM

At this time, any person with business before the City Council not scheduled on the Agenda may speak to the Council, provided that an official 'Speaker's Request Form' has been completed and submitted to the City Secretary prior to the start of the meeting. All comments must be directed towards the Mayor and Council, rather than individual council members or staff. All speakers must limit their comments to the subject matter as listed on the 'Speaker's Request Form.' No formal action or discussion can be taken on these items.

Mayor Johnson opened the Citizens Forum stating that this time is for citizens to speak on topics not on the agenda; noting that Council cannot take action, nor respond. Additionally, he requested that everyone stay on topic and be as brief as possible, due to the number of people signed up to speak.

Cecil Bedford, 12429 Oak Grove Road South, Burleson, he spoke in regard to the naming of the round-a-bouts on Little Road. He is the son of Frank and Wilma (Waddie) Bedford. He requested Council consider naming the round-a-bouts after his family and the Cooper family for their

contributions to the community. He added that both families are lifelong members of the community and provided background information on the families.

John Hunt, 924 Sunrise Drive, he introduced himself, stating that he was just elected as president of the Kennedale Independent School Board. He stated that he appreciates the spirit of cooperation between the two boards and extends a hand of friendship. Concluding, he added that he knows how hard the Council's work is and hopes they can corporate and work well together in the future.

Chris Pugh, 715 Timberline Drive, he spoke in regard to the Kennedale Parks, Recreation, and Open Space Master Plan. He stated that he enjoys the parks, but hopes Council will consider what's most important as the budget approaches. Noting that we need to focus on needs, not wants; and that drawing families and businesses to Kennedale requires a dependable infrastructure and reasonable costs of living. He requested Council carefully consider the city's needs and use the opportunities given to resolve, in a timely manner, the infrastructure crisis the city is presently experiencing.

Sandy Mata, 1209 Vera Lane, spoke in opposition of the water rate increase. She stated that the new rate structure is not fair; she should not be paying the same as the family of eight who live across the street. She thanked Councilman Fernandez for voting against the water rate increase, and encouraged Council to take another look at the rate structure.

Gary Swan, 309 Autumnwood Court, spoke in opposition of the water rate increase. He stated that a core group of citizens have been working together to find a solution. He brought a Star Telegram article from 13 years ago where seniors were protesting their rising water costs of 28 percent. He stated that it seems like you have to have a catastrophe to light a fire under people for them to become active. He feels like this issue is not going to go away; and that it is necessary to work together in a collaborative way. Adding, that after the April meeting, he didn't see any public response; there were casual meetings with the Mayor; and outside consultants and groups were asked to weigh in. He informed the Council that there is a petition out there with 600+ signatures; and of those, 330 can be verified through their voter registration. This will be presented to the City Secretary in due time. The Citizen's group talked about a recall, but that is absolutely not the answer. We feel like you are all ethically and morally right, the same as we are. We are recommending that Ordinance 589 be rescinded in its entirety; the city resume the prior water rate billing; and we would like the Kennedale water fund budget be reevaluated collaboratively with the consideration of the citizens.

Gail Uranga, 904 Bell Oak, spoke in opposition of the water rate increase. She is asking Council to please listen carefully to the citizens that are here. She's been listening and community anger is increasing with each bill received. She provided several statements from within the community. She questioned why a municipal bond wasn't considered? How did this become an overnight crisis? Why was this done outside of the regular budget cycle? Why didn't Council considered the impact of this increase after two months of complaints? Adding that citizens feel the expansion costs for the city should not come from their pockets; most have no confidence in the water meters; and now, no confidence in our leaders to protect our interests. She stated that she doesn't know them personally, but believes they have the community's best interests at heart.

Alan Ray, 1025 Winding Creek, spoke in opposition of the water rate increase. He stated that the meters are not trusted by the citizens. His viewpoint is that we have a spending problem. A few years ago, he heard in this room, that they were going to fix the water tower. Where did the money for that go, because it surely hasn't been fixed. Our citizen's group has heard such sad stories about residents not being able to afford their water bill. Even though we don't want to do a recall, there are lots of people out there who are starting to say it. He urged Council to go back to the old rate structure, issue credits for monies collected, and get this resolved.

Carole Ray, 1025 Winding Creek, spoke in opposition of the water rate increase. She stated that she is part of the core group. Adding that she is sure that Council is aware, but may need to be reminded, that with the exception of Mr. Hart, all are elected official and work for the citizens for the betterment of Kennedale. She stated that this was done without any notification and has caused many hardships to the citizens of Kennedale.

Rockie Gilley, 220 S. Dick Price Road, spoke in opposition of the water rate increase. He stated that he doesn't believe Council set out to extract money from the citizens to the extent that it has. He believes they lost sight of the basic needs verses pie-in-the-sky dream projects. He feels some of this process was contrary to the principles of open government... he's not saying it wasn't illegal. He provided a timeline of events starting in September 2015 to current day relating to the rate increase. Besides the way it was passed, he noted the lack of a plan to repair failing lines; including a statement of problem, scope, and timeline. Additionally, he finds some of the statements on the water rate fact sheet misleading. He suggested that perhaps we should consider single-member districts so that the west side of town can get some representation. He stated, this town will grow, but the question is how fast and how much. If you can't take care of what you have, maybe you need to forego the growth plans for a while, and fix what's broke before we bite off something else. He doesn't believe Council promotes the interest of the residents as a whole.

Jan Joplin, 204 Hilltop, spoke in opposition of the water rate increase. She stated that she is a resident, a mom whose kids went through Kennedale schools, now an empty-nester. They received the notice that the water rate would go up about \$35; then we started getting bills, and the increase was much more than \$35. We are here to try to understand why the increase was so costly. She does understand the need to have reserves; however, why weren't these projects budgeted for years ago? If they were, where is that money? We want to know what can be done. She met with many neighbors, and hears similar stories. People don't know what to do or who to call. Everyone was busy living life and trusting that our officials were doing what's best. She stated that she is hoping that the Mayor, Council, and City Manager are working for the citizens to find a solution.

Adrienne Kay, 918 Shady Creek, spoke in support of Council's decision to increase water rates. She stated that she has been in Kennedale for about 8 years and loves the community, and that she served on the water rate committee. Additionally, she serves on the Economic Development Corporate Board, which is working to attract businesses, and thus revenue. She stated she served on the previous water rate committee three years ago, and although our economy is not perfect today, it's much better than three years ago when an increase was proposed. Council didn't believe it was for the best at that time. Continuing, she stated that we don't have people who want to invest time in committees like this; and that the water rate committee had a varied group and still couldn't

find a great solution. So, we brought forward the lesser of two evils. She stated that there comes a time that you have to pay the piper, and that's where we are now. She added that she admires the Council because she knows these are not their full time jobs. In closing, she stated that she still supports the plan, but believes that perhaps there is a better solution; but she doesn't think this plan should be repealed until we have a solution. She agrees that nobody should be forced to choose between water or food and medicine.

Greg Adams, 704 Crestview, spoke in support of Council's decision to increase water rates. He stated that he is not happy with the water rate increase; it has increased his home bill by 50 percent and his Church by 300 percent. He is not in attendance to criticize, but to commend Council; in a climate where politicians cower, this Council was brave enough to make a hard decision. This increase was necessary; I know this because for years I've sat in this room, often as the only attendee at council meetings. I've heard Council lament the fact that this was not dealt with properly years ago, and grapple with the realities of how much of a burden this change might be on residents. This Council has acted openly, above-board, with the citizenry in mind, doing what was necessary. This City is served well by both the people seated before me, and those seated behind me. This community has improved tremendously over the past 6-7 years because of the work of this Council. I'm certain that Council will learn from this experience and become even better representatives.

Raymond Howell, 908 Shady Bend, spoke in opposition of the water rate increase. He provided two handouts with information concerning taxes/school taxes in the surrounding areas. Kennedale had the third highest tax rates of the cities listed; behind Everman and Fort Worth per this article from the handouts. Of the 21 cities, KISD was rated #8. He stated that he would appreciate Council's efforts to try to do something about these issues.

Ernest Harvey, 604 Oak Leaf, spoke in support of Council's decision to increase water rates. He stated that he is the Chair for the Planning and Zoning Commission, and has been involved in studies done by the City in the past. Before I served on a committee, I would attend meetings. This water issue has been facing Councils for multiple administrations. It appears to be new, but it's something this City has been facing for years. Additionally, he stated that this is a nationwide problem that's been documented as far back as 1999. Choosing not to recognize the decay in capital improvements will increase the expenditures of deferred maintenance. We must put the right spending in place and look for a different kind of rate structure, and I think that's what's happened here. I don't like the rate increases either; and he asked Council to look at ways to lessen the burden on those who are income challenged. He commended Council for making this hard decision; and thanked them for protecting the general health, welfare, and safety of the residents.

Robert Gruenhagen, 913 Shady Vale Drive, did not speak, but wished to go on record as to his support to repeal Ordinance 589, which increased the water rates.

Jill Conditt, 1224 Peggy Lane; Vinita Thomas, 412 W. 3rd Street; and Gloria Villaire, 208 Arthur Drive; did not speak, but were in attendance in opposition of the water rate increase.

Mayor Johnson thanked everyone for coming and closed the Citizen's Forum. Council took a five minute recess before moving on with the agenda.

IX. 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

Mike Walker stated that he attended the Tarrant Regional Transportation Coalition (TRTC) meeting with the Mayor and Bob Hart.

Charles Overstreet stated that he, Bob and Brian met with the Brookhaven HOA to give an update of the City.

B. Updates from the Mayor

Mayor Johnson stated that he also attended the TRTC meeting with Mike Walker. Additionally, he attended the Southeast Tarrant Transportation Partnership meeting where they talked about the I-20/820/287 interchange project. This project is the number one project for COG and will cost \$1.4 billion. He added that the project is currently in the environmental study phase. In closing, he joked that he appeared in the Kennedale Junior High School's production of "Annie" as FDR, and was not sure that he'd be invited back next year.

C. Updates from the City Manager

There were no updates from the City Manager.

X. MONITORING INFORMATION

Monitoring information updates are in the agenda packet for review.

A. Monthly Financials - May 2016

B. Executive Limitations

C. Ends Review - Balanced Scorecard

XI. INCIDENTAL ITEMS

There were no Incidental Items for discussion.

XII. 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 May 14, 2016 budget planning workshop

B. Consider approval of minutes from May 16, 2016 Election Business meeting

C. Consider approval of minutes from May 16, 2016 regular meeting

D. Consider approval of the NCTCOG share purchasing co-op

Motion To approve all required approval Items on (Consent) agenda. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Kelly Turner.

Motion passed Unanimously

XIII. DECISION ITEMS

A. Selection of a Mayor Pro-Tem

Mayor Johnson reminded everyone that the Mayor Pro-Tem is usually the senior member of council and will act as Mayor in his absence. Councilman Fernandez recommended the reappointment of Kelly Turner as Mayor Pro-Tem

Motion To reappoint Kelly Turner as Mayor Pro-Tem. **Action** Approve, **Moved By** Frank Fernandez, **Seconded By** Liz Carrington.

Motion passed with a vote of 4-0-1; with Kelly Turner abstaining.

B. CASE # PZ 16-06 Public hearing and consideration of Ordinance 598 approval regarding a request by CHC Development for an amendment to the concept plan for the Swiney Estates Planned Development District. The Swiney Estates Planned Development District is generally located west of Bowman Springs Rd, south of Bolen Rd, east of a tributary of Village Creek, and north of Pennsylvania Ave.

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 16-06, stating that it is part of the Swiney property. In January, Council approved a planned development district for this property and during the preliminary platting process; CHC Development noticed that it was possible to move the entrance road from the east side of the property to the south side. This would actually be better and will line up with Pennsylvania Avenue and will allow for a gentler grade for the roads; with lower and fewer retaining walls between the lots and more green space along the periphery. The Planning and Zoning Commission has reviewed and recommends approval. Staff recommends approval, noting that fewer and lower retaining wall makes it easier for homeowners to maintain, and the gentler grade allows for more consistent utility line implementation. Councilman Fernandez questioned why we can't have two entrances. Rachel replied that City code only requires that you have two entrances if there are forty (40) or more lots and this development only has thirty-five (35) lots; therefore, two entries are not required.

Applicant presentation was provided by Ryan McGuire from CHC Development. He stated that Rachel covered most of the points of the revisions. He added that whether you have an entry on the south or north, the grade is so large that it would cause the roads to be steep which would require major retaining walls. Additionally, he noted that it creates a better park entrance which allows for a possible parking area in the future. It also provides additional greenspace between Bowman Springs Road and the neighborhood. Councilman Fernandez questioned the distance

between the cul-de-sac and Bowmen Springs Road. Mr. McGuire replied approximately fifty (50) feet. There were additional discussions.

Public Hearing:

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

There was no Applicant Response or Staff Response and Summary.

Motion To approve Ordinance 598 amending the concept plan for the Swiney Estates Planned Development District. **Action** Approve, **Moved By** Michael Walker, **Seconded By** Charles Overstreet.

Motion passed Unanimously

C. Public Hearing and consider approval of Ordinance 601 adopting the Kennedale 2016-2026 Parks, Recreation, and Open Space Master Plan

1. Staff Presentation
2. Public Hearing
3. Staff response and summary
4. Action by Council

Streets/Parks Superintendent Larry Hoover provided a power point presentation of the Parks, Recreation, and Open Space Master Plan. Larry stated that Kennedale's population is projected to double between 2010 and 2030. Adding, that this Master Plan was developed using the National Recreation and Park Association Regulations, the Colorado Small Community Standards (for communities under 10,000), the City of Arlington Open Space Standards, and the 2005 Resident Survey that identified areas of demand for parks.

Mayor Johnson stated that they went to UTA's Urban Planning Department which did this plan for free. He added that a lot of funding for the Master Plan comes from park impact fees paid by developers, which are put into a conservation fund that can later be used as a grant match for park improvements. He noted that this plan reflects the long-term goals and dreams for the City.

Public Hearing:

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

Staff Response and Summary:

Larry Hoover stated that the Parks and Recreation Board and the Youth Advisory Board have both reviewed the plan and recommend approval.

Motion To approve Ordinance 601 adopting the Kennedale 2016-2026 Parks Recreation, and Open Space Master Plan. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Liz Carrington.

Motion passed Unanimously

D. Consider approval of Ordinance 597 re-appointing Kennedale Municipal Court Presiding

Judge, William "Bill" Lane and Associate Judge, Craig Magnuson, and re-appointing Erin Bakker, as the alternative Associate Judge

Finance Director Krystal Crump stated that our current ordinance has expired. She added that this will realign these appointments to be in alignment with the Mayor's term.

Motion To approve Ordinance 597 re-appointing Kennedale Municipal Court Judge and Associate Judge. **Action** Approve, **Moved By** Kelly Turner, **Seconded By** Liz Carrington.

Motion passed Unanimously

E. Consider approval of an Ordinance 599 amending the city's schedule of administrative fees

Finance Director Krystal Crump stated that administrative fees include all fees set by the City, excluding utility and impact fees. She noted that the 6 percent charge listed for Municipal Court will be removed before adoption, because this is a fee charged by a third party. The changes include a correction to the cost for finger printing, the addition of a plan review charge, a zoning verification letter fee, a storm drain deposit, and the addition of fees for open record requests, which is in accordance with State Law. She noted that there will be no charge for open records sent electronically.

Motion To approve Ordinance 599 with the removal of the municipal court charge of 6 percent, amending the city's administrative fees. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Michael Walker.

Motion passed Unanimously

F. Consider approval of Ordinance 600 deleting Section 16-117 of the City of Kennedale Code to delete the payment compensation to members of the Youth Advisory Council (YAC)

City Manager Bob Hart stated the advisory boards that make recommendations on policy perspective are the board that should be receiving compensation for service. The Youth Advisory Council does not meet that definition.

Motion To approve Ordinance 600 deleting Section 16-117 of the City of Kennedale Code. **Action** Approve, **Moved By** Frank Fernandez, **Seconded By** Michael Walker.

Motion passed Unanimously

XIV. EXECUTIVE SESSION

Mayor Johnson recessed into executive session at 6:16 p.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. 108 New Hope Road
2. 6727 Hudson Village Creek

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

Mayor Johnson reconvened into open session at 6:59 p.m.
No action required.

XVI. ADJOURNMENT

Motion To Adjourn. Action Adjourn, Moved By Liz Carrington, Seconded By Kelly Turner. Motion passed Unanimously

The meeting was adjourned at 9:22 p.m.

APPROVED:

ATTEST:

Brian Johnson, Mayor

Leslie Galloway, City Secretary