

KENNEDALE CITY COUNCIL

MINUTES

REGULAR MEETING

July 18, 2016

CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION - 5:30 PM

REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

Mayor Pro Tem Kelly Turner 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. Review the 2016 Board and Commission appointment process and calendar

City Manager Bob Hart provided an overview of the board and commission appointment process and calendar dates for the upcoming budget meetings, and board interviews and appointments. Councilman Frank Fernandez stated that he would be unavailable for interviews on October 1 - 5; but would be available on the 6th.

B. Discussion of items on regular agenda

No items were discussed at this time.

III. EXECUTIVE SESSION

Mayor Pro Tem Turner recessed into executive session at 5:47 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 and the following matters:

1. Citizen's Petition

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

IV. REGULAR SESSION

Mayor Pro Tem Kelly Turner opened the regular session at 7:00 p.m.

V. ROLL CALL

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

Absent: Mayor Brian Johnson

VI. INVOCATION

Pastor Greg Adams from Covenant Life Baptist Church provided the invocation.

VII. UNITED STATES PLEDGE AND TEXAS PLEDGE

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

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

Councilman Mike Walker made the following statement: There will be no action taken on the petition this evening. Since the petition was turned in, the City Secretary has twenty (20) days to certify the signatures on the validity of the petition. She is in that process, and once that report has been made to Council, we will take action at the next available Council meeting (the August 15th meeting). Please keep your eyes on the Kennedale News for an initiative by the Mayor to address the situation.

IX. 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 Pro Tem opened the visitors forum.

Jan Joplin, 204 Hilltop, thanked the Kennedale police officers for their service. She stated that with the current tragedies in our world it puts the water rate issue in perspective. She added that it shouldn't be so difficult or require municipal committees to create a solution to the water rate problem. We aren't the first small city with an aging water system or financial difficulties. There are

plenty of small cities out there that have found solutions. She added that the root of this problem seems to be money and if we don't rectify the root issue, it will continue to return. She is thankful that council has heard the citizens and is working on a new plan; a plan that will hopefully help those with hardships.

Gail Uranga, 904 Bell Oak, requested that Council listen carefully to the citizens who signed the petition; to repeal the ordinance before citizens have to endure another month of these excessive bills. She stated that they gathered more than two times the necessary signatures within five days. She believes there are two options: adopt the proposed ordinance or put it to the voters. She added that by her calculations, the city has received \$0.5 million in revenues in the last four months since the increased rates. She noted that we have already recovered almost all of the costs of the emergency repairs from last year; she questioned, where does the excess money go? She added that she has heard comments from nearby towns that they wouldn't consider living in Kennedale because of the high cost to live here. Her last issue was with Fathom; she has tried to see her daily usage in the customer portal since last summer, but it still is not functional.

Rockie Gilley, 220 S. Dick Price Road thanked Kennedale police officers for their service. Continuing, he paraphrased a Verizon commercial, can you hear us now? He stated that council has the opportunity to correct this mistake and repair the mismanagement; that they have the ability to represent the citizens as a whole. He suggested council plan in the light of day; budget outlays for their plans; collect revenues in a conservative manner; entertain new ideas, such as bonds, increasing impact fees, getting rid of the recycling program; and redirecting revenues. He stated that how we've always done it, isn't going to work anymore. The City has the power of public office and legal advice, but we have the numbers and vote to overcome all that. Don't make us do it.

Cathy Brown, 808 Shady Bend Drive, provided handouts. She stated that she realized that her water bill was going to be about \$1,000 more this year, that's a lot of money; so she did some research. She provided an overview of her handout, stating that perhaps the most important of her action items is communication. Perception is reality, so if you don't respond, even wrong perceptions become reality. She added that the United Nations defines an undue burden as any water bill that exceeds 3% of the average household income; for those under \$48,000/year, this exceeds that 3%. If you believe this is the only option, you need to communicate that to the citizens. According to Texas Municipal League, our water is the 9th most expensive in the state (out of 83 cities our size). Everman is one of the lowest, what can we learn from them? She stated that this decision seems to be a very reactive decision. She continued to provide suggestions and to review the information listed on the handout she provided. In closing, she asked Council to look at some of the areas she spoke about.

Barbara Fleming, 900 Shady Bend Drive, thanked the city for adding the recycling program; she thinks it's a fabulous addition. The recycling program got her to thinking that perhaps one of the things we could change to save money would be to reduce the number of garbage pick-up days from two to one. She doesn't feel like there is the need for a two-day pick-up anymore, since so much of refuse goes to recycling.

Jill Conditt, 1224 Peggy Lane; Vinita Thomas, 412 W. 3rd Street; and Sandy Mata, 1209 Vera Lane; did not speak, but were in attendance in opposition of the water rate increase.

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

Frank Fernandez stated that everyone on Council tries to be as accessible as possible to the citizens; noting that they are all very busy people with other responsibilities, yet they are all out in the community putting in extra time. He requested that everyone remember that just because you disagree with something doesn't mean the people on the other side are bad, corrupt or uncaring.

B. Updates from the Mayor

There were no updates from the Mayor.

C. Updates from the City Manager

City Manager Bob Hart stated that the city is dealing with the Health Department with a possible case of the Zika Virus; noting that It will take some time to confirm if it is the virus. Bob added that the first steering committee meeting of the Village Creek Watershed Committee will be tomorrow, and we'll also be having our first conference call with the Thriving Earth Exchange, the American Geophysical Union, and Dr. Sun regarding Village Creek.

XI. MONITORING INFORMATION

Monitoring information updates are in the agenda packet for review.

A. Monthly Financials - June 2016

B. Executive Limitations

C. Ends Review - Balanced Scorecard

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 June 27, 2016 regular meeting

B. Consider approval of Resolution 488 authorizing continued participation with the Steering Committee and authorize payment to Atmos Energy Corporation

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

Motion passed Unanimously

XIII. DECISION ITEMS

A. Consider approval of Resolution 489 calling for a public hearing on August 15, 2016 on the amendment of water, wastewater, and roadway impact fees

City Manager Bob Hart stated that under state law, we are required to periodically update our impact fees. We typically do it every five years, but it can be stretched to eight years, and that's what we have done. He added that Freese and Nichols conducted an Impact Fee Study and we are ready to move forward with the Public Hearing at the August Council meeting. The impact fees are charged for the major transmission and collection lines for water and wastewater, and for major and minor arterials of streets. These fees fund the lines to subdivisions, not those within the neighborhoods. He noted that we have recently benefited because newer subdivisions have used already expanded lines. Councilman Walker questioned if the impact fees are what a developer would be charged for new construction? Bob replied yes, they pay for their portion of the allocated share to deliver service to their home; not directly, but to the neighborhood. He added that residential developments pay this as well as any new business.

Motion To approve Resolution 489 calling a public hearing to amend water, wastewater, and roadway impact fees. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Frank Fernandez.

Motion passed Unanimously

B. Consider approval of Ordinance 602 adding Section 12-9 "Solicitation" to Chapter 12 of the City of Kennedale Code

Police Chief Tommy Williams stated that this ordinance deals with solicitations. He added that it has become a significant problem at the I-20/Kennedale Parkway intersection; he noted that the ordinance is needed to address the problem. He added that there are exceptions for fundraisers, if permission has been granted by the property owners. Council Fernandez questioned if we could get some assistance regarding the panhandlers under the bridge. He asked if we could possibly get assistance from Constable Clint Burgess. Tommy stated that he would look into that; however, Fort Worth has cleaned up that area twice, but it keeps coming back. There was a lengthy discussion concerning the growing issues for all cities regarding the homeless and panhandlers.

Motion To approve Ordinance 602 adding a solicitation section to Chapter 12 of the City of Kennedale code. **Action** Approve, **Moved By** Frank Fernandez, **Seconded By** Charles Overstreet.

Motion passed Unanimously

XIV. EXECUTIVE SESSION II

A. The City Council will meet in closed session pursuant to Section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

1. City Manager's Annual Evaluation

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

Second Executive Session was not held. Item will be moved to August 15, 2016 agenda. No action required.

XVI. ADJOURNMENT

Motion To adjourn. **Action** Adjourn, **Moved By** Liz Carrington, **Seconded By** Charles Overstreet.
Motion passed Unanimously

APPROVED:

ATTEST:

Brian Johnson, Mayor

Leslie Galloway, City Secretary