KENNEDALE CITY COUNCIL MINUTES

REGULAR MEETING | OCTOBER 16, 2018
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE
WORK SESSION at 5:30 PM | REGULAR SESSION at 7:00 PM

I. CALL TO ORDER

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

II. WORK SESSION

A. Discussion of items on regular agenda

There was no discussion at this time.

B. Continue conducting interviews of applicants for appointment to Advisory Boards and Commissions

At this time, the Council interviewed Donald Spikes.

C. Discuss and provide staff direction regarding the allocation of potential TIRZ reimbursements to the City

Finance Director Brady Olsen and Public Works Superintendent Larry Hoover were available to answer Council's questions regarding TIRZ projects, funding, and the process for allocating funds upon reimbursement.

D. Discuss and provide staff direction regarding potential amendments to the Fiscal 2018-19 budget

Finance Director Brady Olsen was available to answer Council's questions regarding specific budget line items. There was some discussion regarding transfers between funds, potential debt issuance, and how the FY19 Budget deficit is expected to affect the reserves.

E. Discussion of a potential May 2019 General Obligation Bond Election

Finance Director Brady Olsen provided a brief overview and was available to answer Council's questions regarding how issuance of additional debt through General Obligation Bonds would affect the I&S (Interest and Sinking) portion of the Property Tax Rate.

F. Discuss EDC projects funded with Street or Water Funds

Finance Director Brady Olsen was available to answer Council's questions regarding the funding sources of the Link Street project from FY13-14.

G. Discussion regarding the Arts and Culture Foundation

There was no discussion at this time.

H. Discuss practices and procedures for blind copies of email messages sent to Councilmembers

There was no discussion at this time.

Mayor Johnson closed the Work Session at 6:54 p.m. and there was a brief recess preceding the Regular Session.

III. REGULAR SESSION

Mayor Johnson called the Regular Session to order at 7:08 p.m.

IV. ROLL CALL

Present: Mayor Johnson; Mayor Pro Tem Sandra Lee, Place 3; Rockie Gilley, Place 1; Chris Pugh, Place 2 (*arrived at 5:32 p.m.*); Linda Rhodes, Place 4; and Jan Joplin, Place 5. **Absent:** NONE.
Staff: City Manager George Campbell, City Secretary Leslie Galloway, Finance Director Brady Olsen, Director of Planning and Economic Development Melissa Dailey, Library Director Amanda King, Police Chief Tommy Williams, and Public Works Superintendent Larry Hoover

V. INVOCATION

Pastor Nelda Barrett Murraine of First United Methodist Church of Kennedale offered the invocation.

VI. UNITED STATES PLEDGE AND TEXAS PLEDGE

VII. VISITOR/CITIZENS FORUM

Sarah Bishop Johnson Cotton, 700 Crestview Drive, stated that she urged the Council to consider those who cannot afford higher water and tax rates.

Councilmember Gilley stated that the City of Mansfield tax rate is lower than that of the City of Kennedale.

Greg Adams, 704 Crestview Drive, stated that he urged those Councilmembers who received campaign donations from Ron Sturgeon to recuse themselves from the vote on the agenda item related to his place of business.

Mayor Johnson stated that no law required those Councilmembers to recuse themselves from that vote.

Steve Higginbotham, 505 Pennsylvania, stated his criticism of the Council for not passing the tax rate necessary to support the adopted budget and denying the bond issuance.

Linda Graddy, announced the Kennedale Community Theater's production of "Closed for the Holidays" on December 14 and 15 at the Kennedale High School auditorium.

Andrew Schaffer, 3409 Woodside Drive, Arlington, stated that he is currently building a home in Kennedale and criticized the Council's decision to lower taxes and drawdown the reserves.

Jeff Nevarez, 338 Spring Branch Lane, thanked those who made the Concert in the Park a success, announced the Rotary Club Chili Cook Off, and stated his criticism of the Council for not passing the tax rate necessary to support the adopted budget and denying the bond issuance.

Councilmember Gilley stated that the difference between adopting the effective vs. the proposed tax rate is roughly $288,000 in revenue.

Mayor Johnson stated that the increase in expenditures must also be accounted for.

Jeff Nevarez, 338 Spring Branch Lane, responded with his view – as a resident and Parks Board member – of the importance of sidewalks, new and expanded parks, and connecting to the regional linear trail system; and his frustration that a reduction of revenues has delayed those.

Michael Chandler, 700 E Kennedale Parkway, stated his criticism of the depletion of the reserve funds, specifically noting that it left the City less able to respond to potential emergencies.

Councilmember Gilley stated that emergencies are typically addressed via Certificates of Obligation or Tax Notes.

City Attorney Wayne Olsen urged the Council to exercise discretion in their responses, noting that the purpose of the Visitor/Citizens Forum was for residents to bring issues to Council's attention, and that while Council could respond with factual information, that this was not a forum for open debate of issues.

Councilmember Joplin stated that the reserves were healthier now than they have been in five years; and that she could provide a chart showing that they would remain above the required minimum fund balance.

In response to Mayor Johnson's question, Finance Director Brady Olson stated that, under the Adopted Budget and Tax Rate, no major fund was projected to end FY18-19 above the 18% minimum fund balance.

Nadia Guerra, 101 Arthur Drive, stated that in light of recent Council decisions regarding the budget, funding capital projects, and future development, she has concerns with members' level of understanding and willingness to take responsibility; and stated her criticism of the time and money expended on a denied issuance of Certificate of Obligation debt.

Ann Fontenot, 1043 Fox Wood Drive, did not speak but submitted a written statement of her criticism of the Council's recent decision against funding the equipment necessary to live-stream meetings; and her perception of the conflict of interest created by members of the Council having accepted campaign donations from local businesses that the Council and Advisory Boards are now considering action regarding.

Caleb Stafford, 315 Mistletoe, did not speak but submitted a written statement his criticism of the Council for not passing the tax rate necessary to support the adopted budget and denying the bond issuance.

VIII. REPORTS/ANNOUNCEMENTS

A. Updates from the City Council

ROCKIE GILLEY, PLACE 1, announced that he had been researching bonds and speaking with those in leadership roles at other cities.

CHRIS PUGH, PLACE 2, announced that he had attended a breakfast for City staff hosted by a neighborhood association and spoke with residents regarding Council's decisions regarding the budget.

MAYOR PRO TEM SANDRA LEE, PLACE 3, thanked the Parks Board for hosting the Concert in the Park.

LINDA RHODES, PLACE 4, announced that she attended a P&Z training hosted by the City of Forest Hill along with Councilmember Joplin and several members of the P&Z and BOA Boards; that the Public Safety Open House was scheduled for Saturday, October 20; and expressed her appreciation for first responders, noting that the American Public Works Association now recognized public works employees as first responders.

JAN JOPLIN, PLACE 5, announced that she attended the P&Z, EDC, Parks Board, and Comprehensive Plan meetings, the Family Place presentation at the Library, the Senior Citizen Center Open House, the P&Z training at Forest Hill, and Concert in the Park; she added that Public Safety Open House and Trunk-or-Treat were scheduled for October 20; acknowledged Breast Cancer Awareness Month; and noted the recent decrease residents should have seen on their utility bills.

B. Updates from the Mayor

Mayor Brian Johnson announced that he attended a SETT meeting regarding VIA, the Mansfield Performing Arts Center, and road expansion; attended a TRTC meeting regarding drone regulation; he then acknowledged Breast Cancer Awareness Month and Domestic Violence Awareness Month; and congratulated the Parks Board on Concert in the Park.

C. Updates from the City Manager

City Manager George Campbell announced the appointment of James Brown as Fire Chief.

IX. MONITORING INFORMATION

A. Monthly Financials – September 2018

There was no discussion at this time.

B. Monthly EDC Financials and Activity Report

There was no discussion at this time.

X. INCIDENTAL ITEMS

XI. REQUIRED APPROVAL ITEMS (CONSENT)

A. Discuss and approve renewal of M&R Janitorial Services contract

B. Consider approval of minutes from September 6, 2018 special meeting

C. Consider approval of minutes from September 14, 2018 special meeting

D. Consider approval of minutes from September 17, 2018 regular meeting

E. Consider adoption of Resolution 542, adopting an amended City of Kennedale Purchasing Policy

Councilmember Joplin requested that items A and E be removed from Consent.

Motion To Approve Consent Agenda, except Items A and E. **Action** Approve, **Moved By** Gilley, **Seconded By** Mayor Pro Tem Lee. **Motion passes Unanimously.**

City Manager George Campbell provided an overview of the contract with M&R Janitorial Services and he and owner Ron Francis were available to answer Council's questions.

Motion To Approve Consent Agenda Item A. Renewal of M&R Janitorial Services Contract. **Action** Approve, **Moved By** Gilley, **Seconded By** Pugh. **Motion passes Unanimously.**

Finance Director Brady Olsen and City Attorney Wayne Olson were available to answer Council's questions regarding the updated purchasing policy.

Motion To Approve Consent Item E. Resolution #542, adopting an amended City of Kennedale Purchasing Policy, with the two following conditions: (1) to revise the Matrix (Appendix "A" of the purchasing policy) to reflect correct dollar amounts with their correct "Signatures Required" criteria for the $25,000 threshold requiring Council approval, and (2) to direct city staff to submit an ordinance at the next City Council meeting to replace the last sentence in the city code Section 2-74 (9) to read: "All purchases shall be made, contract let, or obligation incurred for any item or service in accordance with the current City of Kennedale Purchasing Policy, as approved by City Council. **Action** Approve, **Moved By** Rhodes, **Seconded By** Joplin. **Motion passes Unanimously.**

XII. DECISION ITEMS

A. **CASE #PZ 18-05** to conduct a public hearing, receive comments, and consider approval on a request by MEO Enterprises LLC to approve an ordinance regarding for a zoning change from "C–2" General Commercial District to "I" Industrial District located on approximately 2 acres at 7200 IH-20, 7204 IH-20 and 7208 IH-20, legal description of Block 2, Lots 1A, 1B and 1C, A & A Addition, David Strickland Survey, Abstract 1376

1. Staff Presentation

Director of Planning and Economic Development Melissa Dailey stated that the Planning & Zoning Commission voted for approval of this zoning change request at their September 20, 2018 meeting. Dailey and the applicant – Gary Ostand (on behalf of MEO Enterprises/H&O Die) – were available to answer Council's questions regarding the request.

2. Public Hearing

There were no requests to speak at the Public Hearing.

3. Staff Response and Summary

Dailey stated that staff recommends approval, adding that, if this request is approved by

Council, a related minor replat would be processed as well to consolidate the property into a single address.

Motion To Approve CASE #PZ 18-05. **Action** Approve, **Moved By** Pugh, **Seconded By** Mayor Pro Tem Lee. **Motion passes Unanimously.**

B. Appoint a Charter Study Committee

Motion To Approve appointments to the Charter Study Committee as nominated. **Action** Approve, **Moved By** Joplin, **Seconded By** Mayor Pro Tem Lee.

Councilmember Gilley requested the motion be amended to provide for an alternate Chair, in the event that Mayor Brian Johnson could not attend a meeting. Mayor Johnson nominated Bob Gruenhagen for that purpose, and the motion was amended as such.

Motion To Approve appointments to the Charter Study Committee as nominated, with Mayor Brian Johnson serving as Chair and Bob Gruenhagen serving as Chair in the event of his absence. **Action** Approve, **Moved By** Joplin, **Seconded By** Mayor Pro Tem Lee. **Motion passes Unanimously.**

Mayor Johnson recessed to Executive Session at 8:17 p.m.

XIII. EXECUTIVE SESSION

A. Briefing on Gafford property code violations

B. Discussion of City Manager's Annual Evaluation

C. City Attorney briefing on legal issues with BSK related to sewer line construction in the Dick Price Road area

D. Discussion of the Arlington Water Contract

E. Discuss pending legal matters with the Ron Sturgeon vs. City of Kennedale

F. Discuss details of September City Attorney invoices

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

The Council reconvened into Open Session at 9:52 p.m.

A. Provide staff direction regarding Ron Sturgeon vs. City of Kennedale litigation

There was neither discussion nor action taken at this time.

XV. ADJOURNMENT

Motion To Adjourn. **Action** Adjourn, **Moved By** Mayor Pro Tem Lee, **Seconded By** Joplin. **Motion passed Unanimously.**

Mayor Johnson adjourned the meeting at 9:54 p.m.

APPROVED:

BRIAN JOHNSON, MAYOR

ATTEST:

Leslie Galloway

LESLIE GALLOWAY, CITY SECRETARY

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SEAL
TARRANT COUNTY, TEXAS