



**KENNEDALE**  
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**UTILITY & INFRASTRUCTURE BOARD AGENDA**  
**BOARD OF DIRECTORS SPECIAL MEETING**  
**DECEMBER 3, 2018 AT 8:00 PM**  
**CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE**

**I. CALL TO ORDER**

**NOTE: Pursuant to §551.071, Texas Government Code, the Utility and Infrastructure Board reserves the right to adjourn into Executive Session at any time during 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.**

**II. ROLL CALL**

**III. EXECUTIVE SESSION**

*The Utility and Infrastructure Board may meet in Closed Session at any time during 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 of any item posted on the agenda.*

- A. City of Arlington Wholesale Water Contract consultation with City Attorney
- B. City of Arlington Operations and Maintenance Contract consultation with City Attorney
- C. Memorandum of Understanding related to impact fees and the utilization of water supplied by the City of Fort Worth to serve areas outside of the City of Kennedale consultation with City Attorney

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

**V. REGULAR SESSION**

**VI. DECISION ITEMS**

- A. Consider adoption of an official recommendation to the City Council regarding the City of Arlington Wholesale Water Contract
- B. Consider adoption of an official recommendation to the City Council regarding the City of Arlington Operations and Maintenance Contract
- C. Discuss and consider making a recommendation to the City Council regarding a Memorandum of Understanding related to impact fees and the utilization of water supplied by the City of Fort Worth to serve areas outside of the City of Kennedale
- D. Discuss and consider making a recommendation to the City Council regarding the contract with Global Water Fathom
- E. Discuss and consider making a recommendation to the City Council regarding amending the water and sewer rate structure
- F. Discuss and consider establishing a regular meeting time and place for this board

**VII. ADJOURNMENT**

In compliance with the Americans with Disabilities Act, the City of Kennedale will provide for reasonable accommodations for persons attending meetings. This facility is wheelchair accessible and accessible parking spaces are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meeting. Please contact the City Secretary at 817-985-2104 or (TTY) 1-800-735-2989.

**CERTIFICATION**

I CERTIFY THAT A COPY OF THE DECEMBER 3, 2018, UTILITY AND INFRASTRUCTURE BOARD AGENDA WAS POSTED ON THE CITY HALL BULLETIN BOARD NEXT TO THE MAIN ENTRANCE OF THE CITY HALL BUILDING, 405 MUNICIPAL DRIVE, OF THE CITY OF KENNEDALE, TEXAS, IN A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES AND SAID AGENDA WAS POSTED AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING, IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOVERNMENT CODE.

  
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LESLIE GALLOWAY, CITY SECRETARY



## **STAFF REPORT TO THE BOARD OF DIRECTORS**

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**Date:** December 3, 2018

**Agenda Item No:** EXECUTIVE SESSION - A.

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**I. Subject:**

City of Arlington Wholesale Water Contract consultation with City Attorney

**II. Originated by:**

**III. Summary:**

The version of the contract that was provided to the Board at their Thursday, November 29, 2018 meeting is attached. Staff will provide an overview of any substantive changes that result from the meeting with the City of Arlington on Monday, December 3.

**IV. Recommendation:**

**V. Alternative Actions:**

**VI. Attachments:**

1.	Wholesale_Water_Contract_2018.11.29	Wholesale_Water_Contract_2018.11.29.pdf
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## STAFF REPORT TO THE BOARD OF DIRECTORS

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**Date:** December 3, 2018

**Agenda Item No:** EXECUTIVE SESSION - B.

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**I. Subject:**

City of Arlington Operations and Maintenance Contract consultation with City Attorney

**II. Originated by:**

**III. Summary:**

The version of the contract that was provided to the Board at their Thursday, November 29, 2018 meeting is attached. Staff will provide an overview of any substantive changes that result from the meeting with the City of Arlington on Monday, December 3.

**IV. Recommendation:**

**V. Alternative Actions:**

**VI. Attachments:**

1.	Operations & Maintenance (O&M) Contract 2018_11.29	OperationsMaintenance.Arlington.rd-003 (2) 2018_11.29.pdf
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**STAFF REPORT TO THE BOARD OF DIRECTORS**

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**Date:** December 3, 2018

**Agenda Item No:** EXECUTIVE SESSION - C.

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**I. Subject:**

Memorandum of Understanding related to impact fees and the utilization of water supplied by the City of Fort Worth to serve areas outside of the City of Kennedale consultation with City Attorney

**II. Originated by:**

**III. Summary:**

The MOU (Memorandum of Understanding) with the City of Fort Worth is attached.

**IV. Recommendation:**

**V. Alternative Actions:**

**VI. Attachments:**

1.	MOU City of Fort Worth	MOU - Kennedale Water Amendmentv2.pdf
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**KENNEDALE**  
Kennedale Economic  
Development Corporation  
[www.cityofkennedale.com](http://www.cityofkennedale.com)

## **STAFF REPORT TO THE BOARD OF DIRECTORS**

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**Date:** December 3, 2018

**Agenda Item No:** DECISION ITEMS - A.

---

**I. Subject:**

Consider adoption of an official recommendation to the City Council regarding the City of Arlington Wholesale Water Contract

**II. Originated by:**

**III. Summary:**

This contract will be considered by the City Council at their Thursday, December 6 meeting at 5:30 p.m.

**IV. Recommendation:**

**V. Alternative Actions:**

**VI. Attachments:**



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## **STAFF REPORT TO THE BOARD OF DIRECTORS**

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**Date:** December 3, 2018

**Agenda Item No:** DECISION ITEMS - B.

---

**I. Subject:**

Consider adoption of an official recommendation to the City Council regarding the City of Arlington Operations and Maintenance Contract

**II. Originated by:**

**III. Summary:**

This contract will be considered by the City Council at their Thursday, December 6 meeting at 5:30 p.m.

**IV. Recommendation:**

**V. Alternative Actions:**

**VI. Attachments:**



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## STAFF REPORT TO THE BOARD OF DIRECTORS

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**Date:** December 3, 2018

**Agenda Item No:** DECISION ITEMS - C.

---

**I. Subject:**

Discuss and consider making a recommendation to the City Council regarding a Memorandum of Understanding related to impact fees and the utilization of water supplied by the City of Fort Worth to serve areas outside of the City of Kennedale

**II. Originated by:**

**III. Summary:**

This MOU will be considered by the City Council at their Thursday, December 6 meeting at 5:30 p.m.

**IV. Recommendation:**

**V. Alternative Actions:**

**VI. Attachments:**



## STAFF REPORT TO THE BOARD OF DIRECTORS

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**Date:** December 3, 2018

**Agenda Item No:** DECISION ITEMS - D.

---

**I. Subject:**

Discuss and consider making a recommendation to the City Council regarding the contract with Global Water Fathom

**II. Originated by:**

**III. Summary:**

This item will be considered by the City Council at their Thursday, December 6 meeting at 5:30 p.m.

**IV. Recommendation:**

**V. Alternative Actions:**

**VI. Attachments:**



**Date:** December 3, 2018

**Agenda Item No:** DECISION ITEMS - E.

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**I. Subject:**

Discuss and consider making a recommendation to the City Council regarding amending the water and sewer rate structure

**II. Originated by:**

**III. Summary:**

This item will be considered by the City Council at their Thursday, December 6 meeting at 5:30 p.m.

**IV. Recommendation:**

**V. Alternative Actions:**

**VI. Attachments:**



## STAFF REPORT TO THE BOARD OF DIRECTORS

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**Date:** December 3, 2018

**Agenda Item No:** DECISION ITEMS - F.

---

**I. Subject:**

Discuss and consider establishing a regular meeting time and place for this board

**II. Originated by:**

**III. Summary:**

**Regular meeting times of the City Council and various Advisory Boards:**

- City Council: 3rd Tuesdays at 7:00 p.m. (Work Session at 5:30 p.m.)
- BOA/BBA: 2nd Tuesdays at 7:00 p.m. (if there is a case)
- EDC: 4th Tuesdays at 7:30 p.m.
- KKB: 2nd Tuesdays at 6:00 p.m. (Conference Room)
- Parks Board: 1st Wednesdays at 7:00 p.m.
- P&Z: 3rd Thursdays at 7:00 p.m.

Ordinance 614, which established the Utility and Infrastructure Board is attached and requires that the board meet a minimum of 6 times per year.

Note: In an effort to ensure the presence of a quorum, the City Council will consider an Ordinance at their next Regular Meeting that would add two alternate places to this board. If approved, those places could be filled by the City Council at that same meeting.

**IV. Recommendation:**

**V. Alternative Actions:**

**VI. Attachments:**

1.	O614: Establishing Ordinance (2016)	O614.pdf
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## ORDINANCE NO. 614

**AN ORDINANCE CREATING A UTILITY AND INFRASTRUCTURE BOARD; PROVIDING FOR CREATION AND PURPOSE, MEMBERSHIP, ORGANIZATION, RULES AND REQUIREMENTS, AND POWERS AND DUTIES OF THE BOARD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMCLATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kennedale is a home rule city acting under its charter adopted by the electorate pursuant to Article X1, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council desires to create a Utility and Infrastructure Board to provide policy recommendations for the City's water and wastewater, solid waste collection, storm water utility, and streets/transportation systems.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, THAT:**

### **SECTION 1. CREATION AND PURPOSE**

There is hereby created and established a Utility and Infrastructure Board. Such board shall be officially designated as the Utility and Infrastructure Board of the City of Kennedale, Texas. The board shall provide recommendations and advice to the City Council on policies, projects, and other matters pertaining to the water and wastewater system, the storm water utility system, the street/transportation system, and the solid waste collection system.

### **SECTION 2. MEMBERSHIP**

- (a) The board shall consist of seven (7) regular members, designated by Places 1 through 7, who shall be appointed by a majority vote of the City Council. The initial appointment of Places 1, 3, 5, and 7 shall be for a term expiring October 1, 2017. The initial appointment of Places 2, 4, and 6 shall be for a term expiring October 1, 2018. Thereafter the terms for each place shall be two (2) years.
- (b) Members must meet the following qualifications:
  - (1) Be a registered voter of the City;

- (2) Shall have resided in the corporate limits of the City for at least one (1) year; and
- (3) Shall continue residency in the City during the term of office.
- (c) The City Council shall appoint a replacement to fill any vacancy for the unexpired term of a member whose place has become vacant.
- (d) The City Council shall have the authority to remove any member at any time, with or without cause.

**SECTION 3.  
ORGANIZATION, RULES, AND REQUIREMENTS**

- (a) By November of each year, the membership shall determine, by simple majority vote, a chair and vice chair. The terms of the chair and vice chair shall be one (1) year. It will be the duty of the chair to preside over meetings. If the chair is absent the vice chair shall assume the duties of the office.
- (b) Members of the board shall meet at least six (6) times per year, on a regular day and time selected by its members. The chair may call special meetings as necessary.
- (c) The board shall conduct meetings and govern its proceedings according to the City Council's adopted rules of order, abide by the Texas Open Meetings Law, and shall keep a record of its proceedings, including votes and attendance, and shall submit these records to the City Secretary's Office.
- (d) Members of the board shall not take any action unless a quorum is present. A quorum shall consist of four (4) members. Each member, including the chair, is entitled to one (1) vote, and action of the board shall require a majority of those members present.
- (e) The City Manager shall designate a city employee to serve as staff liaison to the board.
- (f) Members of the board shall receive one dollar (\$1.00) for each regular meeting attended as compensation for the performance of their duties, but no compensation shall be paid for special meetings. In addition, members may receive reimbursement of authorized expenses attendant to the performance of their duties.

**SECTION 4.  
POWERS AND DUTIES**

- (a) This board is advisory only and shall not have any decision-making authority.

(b) The board shall have the following duties:

- (1) To make studies and project plans for the City's water and wastewater system; solid waste collection system; streets/transportation system; and storm water utility system, including erosion controls and improvements along Village Creek tributaries and improvements to the main branch of Village Creek;
- (2) To aid and assist the City in the procuring of financial and other aids and assistance for the City from the state and federal governments and their agencies for each and all the purposes herein enumerated;
- (3) To act with and assist all other municipal boards, governmental agencies, regional associations and the City Council in formulating proper plans for utility infrastructure development;
- (4) To plan and recommend capital improvement projects (CIP) related to the water and wastewater utility, storm water utility, streets and transportation, and solid waste utility;
- (5) To recommend general rules and regulations governing use of water and wastewater utilities, storm water utility, streets and transportation, and solid waste collection;
- (6) To accomplish these duties, the board may establish subcommittees as necessary. Any subcommittee shall be chaired by a Utility and Infrastructure Board member, and an unspecified number of community volunteers may be chosen by the commission as working subcommittee members.

#### **SECTION 5. CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all other ordinances of the City of Kennedale, Texas, and shall not repeal any of the provisions of such ordinance except in those instances when provisions of such ordinances are in direct conflict with the provisions of this ordinance, in which event the conflicting provisions of such ordinances are hereby repealed.

#### **SECTION 6. SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs or sections of this Ordinance shall be declared unconstitutional by the valid judgment or decree a of any court of competent jurisdiction,

such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same shall have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

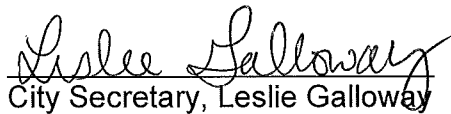
**SECTION 7.  
EFFECTIVE DATE**

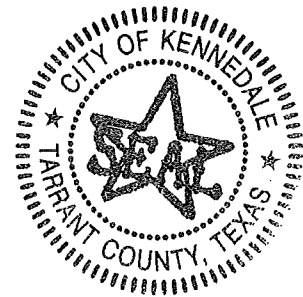
This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

**PASSED AND APPROVED ON THIS 17<sup>th</sup> DAY OF OCTOBER, 2016.**

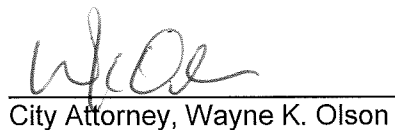
  
\_\_\_\_\_  
Mayor, Brian Johnson

**ATTEST:**

  
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City Secretary, Leslie Galloway



**APPROVED AS TO FORM AND LEGALITY:**

  
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City Attorney, Wayne K. Olson