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KENNEDALE CITY COUNCIL MINUTES

REGULAR MEETING VIA VIDEOCONFERENCE
MARCH 16, 2021 AT 5:30 PM

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I. CALL TO ORDER

Mayor Johnson called the meeting to order at 5:31 p.m. and immediately opened the Regular Session as both work session items appear on the regular agenda as well.

II. WORK SESSION

A. WORK SESSION REPORTS

1. Presentation of the independent auditor's report (Comprehensive Annual Financial Report (CAFR)) for the fiscal year ended September 30, 2020

   There was no discussion at this time.

2. Continued discussion and consider providing staff direction regarding capital projects to submit to Tarrant County for inclusion in a proposed County bond authorization election in November, 2021 and/or to include in a local bond election in November, 2021 and/or to fund through the issuance of Certificates of Obligation

   There was no discussion at this time.

B. REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA

There was no discussion at this time.

III. EXECUTIVE SESSION

This item was taken out of order. Following the consideration of all Regular Session items at 7:21 p.m., Mayor Johnson offered a brief recess before convening into closed session from 7:27 p.m. to 8:16 p.m.

A. **PURSUANT TO §551.071** — 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 or legal issues regarding the Open Meetings Act

1. PZ Case No. 21-03

IV. REGULAR SESSION

A. ROLL CALL

Participating via VideoConference: Mayor Brian Johnson; Josh Altom, Place 1; Gary Mitchell, Place 2; Linda Rhodes, Place 4; Mayor Pro Tem Chad Wandel, Place 5; **Absent:** NONE (Note: Place 3 is Vacant at this time). ***Staff Participating via VideoConference:*** *City Manager George Campbell, City Attorney Drew Larkin, City Secretary and Communications Coordinator Leslie E. Galloway, Director of Finance and Information Technology Lakeita Sutton, Fire Chief James Brown, Police Chief Tommy Williams, Director of Planning and Economic Development Melissa Dailey, Library Director Amanda King, Director of Human Resources and Administrative Services Danielle Clarke, Public Works Director Larry Hoover, Financial Analyst Debby Scott;* ***Consultants Participating via VideoConference:*** *Managing Director Danny Martinez and Audit Manager Linda Xie of BKD*

B. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

The invocation and pledges were not carried out due to the meeting being held remotely.

C. VISITOR AND CITIZEN FORUM

There were no requests to speak at this time.

D. REPORTS AND ANNOUNCEMENTS

1. Updates from the City Council

- **Mayor Pro Tem Chad Wandel, Place 5**, did not have any announcements.
- **Gary Mitchell, Place 2,** thanked staff for meeting with Council regarding CIP projects.
- **Linda Rhodes, Place 4,** encouraged anyone receiving the senior or disabled discount on their water bill to check on the current status and noted the new application process.
- **Josh Altom, Place 1**, thanked staff for their efforts to keep Council informed and announced that he met with staff regarding ADA compliance efforts at the Senior Center.

2. Updates from the Mayor

Mayor Brian Johnson presented a proclamation in support of the protection and promotion of the habitats and well-Being of Monarch butterflies; and announced that he had attended meetings on the Tarrant County transportation bond package, noting that he believed we could gain support from the railroad company regarding the New Hope Road bridge project as they now advocate for above-grade crossings; and that a cement plant fire will leave the area in short supply of concrete in coming weeks.

3. Updates from the City Manager

City Manager George Campbell stated that staff was in the process of obtaining bids for Senior Center improvements while the facility is closed.

4. Financial Reports for the City

There was no discussion at this time.

E. CONSENT AGENDA

1. Approval of the minutes from the February 16, 2021 regular meeting
2. Approval of the minutes from the February 23, 2021 special meeting
3. Approval of the minutes from the March 9, 2021 special meeting
4. Approval of a Resolution, supporting a grant application for police traffic data and enforcement system
5. Appoint Lakeita Sutton (voting member) and Dennis Brown (alternate) to the Fort Worth Wholesale Water and Wastewater Advisory Committee

Motion Approve. **Action** Approve the Consent Agenda, **Moved By** Mayor Pro Tem Wandel, **Seconded By** Altom. **Motion passed unanimously.**

F. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider acceptance of independent auditor's report (Comprehensive Annual Financial Report (CAFR)) for the fiscal year ended September 30, 2020

Director of Finance and Information Technology Lakeita Sutton stated that this item provided the outcome of the FY2020 audit, noting that it was a very positive outcome including an end of year General Fund balance that was significantly larger than projected. She added that the external auditors began work in December and had no findings to report for FY2020. There was some discussion of factors leading to the increase in fund balance, CARES Funding, sales and property tax revenue, the lack of salary adjustments for civilian employees, and the lack of step plan implementation for sworn employees.

Danny Martinez, Managing Director of BKD then presented the audit, noting the unmodified opinion and absence of any findings. The presentation included a discussion of areas of emphasis, required communications, financial statement trends, revenues by source, government-wide expenses, pension liability, new Governmental Accounting Standards Board (GASB) standards, and the potential for American Rescue Plan Act (ARPA) funding. The Council stated their appreciation of staff efforts to reduce spending and offer conservative estimates. There was a brief discussion of the decrease in commercial property tax revenue and Sutton stated that staff could request more detailed information from the Tarrant County Tax Office. Mayor Johnson also requested a confidential report to Council regarding sales tax revenue by company. There was also discussion of how the financial anomalies of 2020 had accelerated efforts to rebuild the fund balance, how this might affect the City's bond rating, and the possibility of providing salary adjustments and reenstating the public safety step plans.

Motion Approve. **Action** Approve acceptance of independent auditor's report (Comprehensive Annual Financial Report (CAFR)) for the fiscal year ended September 30, 2020, and providing direction to the City Manager to bring forward a plan to reinstate compensation adjustments for City employees for the current fiscal year, including step increases for eligible sworn public safety employees and a two-percent base salary increase for eligible non-public safety employees, effective with each employees' eligibility as of October 1, 2020, **Moved By** Altom, **Seconded By** Mayor Pro Tem Wandel.

In response to questions from the Council, Sutton stated her confidence in the ability of the City's budget to support such a salary adjustment plan. In response to questions from the Council, City Manager George Campbell and Fire Chief James Brown discussed issues with employee recruiting and retention, current salaries being below market, the age of the data contained in the salary study, the cost and time required to train and outfit firefighter paramedics, and overtime expenditures.

City Attorney Drew Larkin noted that increasing salaries was not included in this agenda.

In response to a comment by Councilmember Linda Rhodes regarding her view of salary adjustments as premature and too costly as recommended and that she is concerned about the impact such increases might have on the taxpayers, Campbell asked that the Council weigh the cost of salary increases against the overtime, training, and turnover expenditures currently being experienced. In response to Councilmember Gary Mitchell's suggestion to wait to see what ARPA funding might be received, Campbell stated that it was not recommended to base any salary adjustment decisions based on a one-time revenue source.

It was the consensus among Council to request that staff bring forth a budget amendment including salary adjustments and step plan implementation for consideration at a future meeting.

Motion passed 3-1, with Rhodes voting against.

2. Consider approval of a Resolution identifying and supporting capital transportation projects to be submitted by the City of Kennedale to Tarrant County for consideration of inclusion in a Tarrant County Bond Program expected to be presented to voters at an election in November 2021, certifying funding for the City's participation in such projects, and certifying time for commencement of construction

   Mayor Johnson reminded everyone that this was a bond program being developed by the County that only allowed for transportation projects.

Public Works Director Larry Hoover gave a presentation including the four projects proposed by staff for submittal for consideration of inclusion in the County Bond Program, which are: Little School Road extension, Kennedale Sublett realignment, Collett Sublett Road, and Valley Lane erosion at a total estimated cost of $20.8 million.

There was some discussion of the inclusion of utilities in these project costs, potential funding sources for the City's matching portion, the potential of replacing the Sublett realignment with Peggy Lane and Trent Street, the County's criteria for a project's ability to improve the flow of the overall traffic system, impact fees related to developments adjacent to these projects, TxDOT considerations, that expenditures made by the City related to these projects before they are put to election would not be reimbursable, the traffic congestion related to school traffic, the safety issue of roads approaching Kennedale Parkway at non-90-degree angles, that the realignment of Kennedale Sublett had been discussed since 2005, why Trent Street and Valley Lane could not be combined into a single project, and potential Certificates of Obligation (CO) issuance not requiring a tax rate increase.

Mayor Johnson asked if anyone had an objection to any of the four projects being submitted. Councilmember Gary Mitchell objected to the extension of Little Road, and the Mayor called for a deciding vote.

Motion Approve. **Action** Approve inclusion of the Little Road extension in a Tarrant County Bond Program expected to be presented to voters at an election in November 2021, **Motion passed 3-1**, with Mitchell voting against.

Councilmember Linda Rhodes stated her desire to prioritize the projects in the submittal, and Mayor Johnson stated that the Council should send to City Manager George Campbell any priority list that they might wish for him to include in his accompanying letter of support.

Due to the concerns expressed by Council regarding inclusion of the Kennedale Sublett realignment project, Mayor Johnson called for a vote on this item individually as well.

Motion Approve. **Action** Approve inclusion of the Kennedale Sublett realignment in a Tarrant County Bond Program expected to be presented to voters at an election in November 2021, **Motion passed 3-2,** with Mitchell and Rhodes voting against and Mayor Johnson breaking the tie with a vote in favor.

Motion Approve. **Action** Approve a Resolution identifying and supporting capital transportation projects (Little School Road extension, Kennedale Sublett realignment, Collett Sublett Road, and Valley Lane erosion) to be submitted by the City of Kennedale to Tarrant County for consideration of inclusion in a Tarrant County Bond Program expected to be presented to voters at an election in November 2021, certifying funding for the City's participation in such projects, and certifying time for commencement of construction, **Moved By** Mayor Pro Tem Wandel, **Seconded By** Altom. **Motion passed 3-2,** with Mitchell and Rhodes voting against and Mayor Johnson breaking the tie with a vote in favor.

3. Consider adoption of a resolution setting a public hearing to be held during the City Council meeting beginning at 5:30 p.m. on Tuesday, April 20, 2021, to consider amendments to the land use assumptions, capital improvements plan, and associated water, wastewater, and roadway impact fees

   Public Works Director Larry Hoover stated that staff was working with Freese and Nichols to update these plans and the related impact fees, and that staff recommends approval. Mayor Johnson requested a preliminary report be distributed to the Council as quickly as possible.

   Motion Approve. **Action** a resolution setting a public hearing to be held during the City Council meeting beginning at 5:30 p.m. on Tuesday, April 20, 2021, to consider amendments to the land use assumptions, capital improvements plan, and associated water, wastewater, and roadway impact fees, **Moved By** Mayor Pro Tem Wandel, **Seconded By** Altom. **Motion passed unanimously.**

4. Consider approval of the low bidder, Excel 4 Construction, for the Tarrant County Community Development Block grant (CDBG) project for the rehabilitation of water lines in the 400-600 blocks of Third Street

Public Works Director Larry Hoover stated that the Council approved Resolution 569 during their April 21, 2020 meeting approving the funding for this CDBG project; but that project costs had increased due to lack of right-of-way, thus increasing the City's required matching funds (included in Resolution 569 as $133,512). Hoover stated that staff recommended awarding the project to Excel 4 Construction including, but not limited to, removal and proper disposal of approximately 273 feet of asbestos cement pipe at a total project cost of $409,064 (an increase of $95,552 over the original approved project cost), with the City's matching portion now being $229,064.

Motion Approve. **Action** Approve the low bidder, Excel 4 Construction, for the Tarrant County Community Development Block grant (CDBG) project for the rehabilitation of water lines in the 400-600 blocks of Third Street using option B at a cost of $409,064, **Moved By** Mayor Pro Tem Wandel, **Seconded By** Altom. **Motion passed unanimously.**

5. Consider approval of a Resolution adopting policies, procedures, and/or protocols related to City facilities during the novel coronavirus (COVID-19) pandemic

   City Manager George Campbell stated that this item was added to the agenda at the request of Council, noting that Resolution 583 outlines the criteria and procedures related to the reopening of City Hall, parks, and other City facilities (not to include the Senior Center, pending renovations) beginning Monday, March 22. Campbell noted that the City Attorney had suggested some slight changes to the policies (in Exhibit A) and that the updated version distributed to the Council via email prior to the meeting was the version that the Council would now consider for approval.

   Councilmember Josh Altom proposed the removal of the final bullet point of Exhibit A, regarding continuing to hold public meetings via videoconference. The Mayor proposed offering hybrid meetings that would allow for in-person attendance and virtual attendance for all participants, including Council, staff, and the public. Campbell suggested continuing to meet virtually until the information technology issues were fully resolved for proper access to all for a public meeting.

   Motion Approve. **Action** Approval of the amended version of Resolution 583 (as provided to Council via email on Tuesday, March 16), with the removal of the final bullet point on Exhibit A (regarding continuing to hold public meetings virtually), adopting policies, procedures, and/or protocols related to City facilities during the novel coronavirus (COVID-19) pandemic, **Moved By** Altom, **Seconded By** Mayor Pro Tem Wandel. **Motion passed unanimously.**

G. PUBLIC HEARINGS

There were no public hearings on this agenda.

H. TAKE ACTION NECESSARY, PURSUANT TO EXECUTIVE SESSION, IF NEEDED

V. ADJOURNMENT

Mayor Johnson reconvened the open meeting at 8:17 p.m.

Motion Adjourn. **Action** Adjourn, **Moved By** Rhodes, **Seconded By** Mayor Pro Tem Wandel. **Motion passed unanimously.**

Mayor Johnson adjourned the meeting at 8:18 p.m.

APPROVED:

BRIAN JOHNSON, MAYOR

CITY OF KENNEDALE TARRANT COUNTY, TEXAS SEAL

ATTEST:

Leslie E. Galloway

LESLIE E. GALLOWAY, CITY SECRETARY