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KENNEDALE CITY COUNCIL MINUTES

REGULAR MEETING | JULY 20, 2021 AT 5:30 PM
CITY HALL COUNCIL CHAMBERS | 405 MUNICIPAL DRIVE, KENNEDALE, TX 76060
MEMBERS OF THE PUBLIC MAY JOIN IN PERSON OR VIRTUALLY BY VISITING WWW.CITYOFKENNEDALE.COM/JOINMEETING AND/OR BY DIALING 1-877-853-5257 (TOLL-FREE) AND USING ACCESS CODE 76060–76060

I. CALL TO ORDER

Mayor Linda Rhodes called the meeting to order at 5:30 p.m., noting that the public could join virtually but that the virtual option did not allow for input.

II. WORK SESSION

A. WORK SESSION REPORTS

1. Presentation by City of Arlington staff regarding current status of the Sublett Road project

   Sabino Martin, Civil Engineer for the City of Arlington Public Works and Transportation gave a brief presentation regarding this project including the projected start date of February 2022, with an expected timeline of 18 months. Information can be found online at www.arlingtontx.gove/sublettroad.

2. Safe Routes to School (SRTS) update and discussion regarding remaining project costs

   Interim City Manager Leslie Galloway stated that this was a cooperative project with NCTCOG to install sidewalks and crosswalks in Crestdale between Arthur Intermediate and Delaney Elementary, noting that roughly $37,000 had been spent thus far with another ~$400,000 necessary for completion, which could be funded via the 2018 Tax Note issuance. Mayor Rhodes added that there was a Consent Agenda item related to this Work Session Discussion. Jean Marie Barnes, Executive Vice President and Chief Operations Officer for Shield Engineering, was available to answer questions from the Council. There was some discussion of the potential for proving sidewalks and crosswalks on additional streets in the area, the funding source, the previous costs, TxDOT approval required, concerns about putting more money into the project without seeing it come to fruition, the strong community support for the project, the history of the project, that the original amount had been expected to be $162,000, various associated costs, the bidding process.

3. Presentation and discussion regarding Senior Center reopening plan and staffing options

   Library Director Amanda King presented options for re-opening the Senior Center including staffing, food service, a history of the center, and other recommendations. After some discussion, it was the consensus among the Council to unfreeze the frozen parttime Library staff position to complete a soft re-opening of the Center as soon as possible with final decisions regarding staffing, transportation, and food service to be determined during the budget process. There was some discussion of the need to consider effects on the tax rate, bridging gap of community involvement, volunteer possibilities, and the costs of various meal options.

- **Linda Neal** spoke in support of reopening, including transportation and meals.
- **Sara Johnson** spoke in support of reopening and how Kennedale Senior Outreach assists seniors.
- **Joe Palmer** spoke against reopening the Center with additional staff.
- **Parker Chamberlain** did not speak but was in favor of reopening the Center.
- **Judy Anderson** spoke about the lack of communication regarding needs at the Senior Center.

4. Presentation by potential purchasers and developers of the Texas Raceway property

Developers Doug Skomer of Graham Hart Home Builder and Rick Swager of Double Eagle Real Estate presented concepts including 266 homes in the area, in four phases. There was a discussion of the greenspace in the development, entrances, amenities, the necessary extension of Linda Road, average lot and home size, pricing, the forthcoming re-zoning request, and the existing development agreement. Property owner Dave McMillan was also present to answer questions. Council expressed a desire to see R3 rather than – or in addition to – R4 lots.

- **John Hivale** spoke against the closing of Texas Raceway.

There was some discussion of the fact that the business had been closed since 2016 and that the owner had the right to sell the property to developers.

The Council took a short recess from 7:52 to 8:00 p.m.

B. REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA

III. REGULAR SESSION

A. ROLL CALL

Present: Mayor Linda Rhodes; Jan Joplin, Place 1; Gary Mitchell, Place 2; Julie Jacobson, Place 3; Linda Rhodes, Place 4; James Connor, Place 5; **Absent:** NONE; ***Staff:*** *Interim City Manager Leslie E. Galloway, City Attorney Drew Larkin, Police Chief Darrell Hull, Library Director Amanda King, Director of Finance and Information Technology Lakeita Sutton, Fire Chief James Brown, Director of Human Resources and Administrative Services Danielle Clarke, Public Works Director Larry Hoover, Administrative Assistant Rosie Ericson*

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

Councilmember Mitchell offered the invocation.

C. VISITOR AND CITIZEN FORUM

- **Harrell Mitchell** spoke regarding development difficulties.
- **Eric Elam** spoke regarding worries about a development abutting his property.
- **Jeff Prause** spoke regarding development difficulties.
- **Jacqueline Skaggs** spoke in support of Harrell Mitchell's project.

- **Joe Palmer (representing KABO)** spoke about lowering property taxes by supporting business development.
- **Susan Lasky** spoke in support of Harrell Mitchell's project.

D. REPORTS AND ANNOUNCEMENTS

1. Updates from the City Council
    - **Jan Joplin, Place 1,** thanked staff for their dedication despite the change, thanked citizens for their patience, thanked Leslie Galloway for taking on the existing issues; announced that she attended the Chamber of Commerce luncheon, had met with citizens and staff including Fire Chief James Brown, had attended several Senior Outreach events; and thanked everyone for their offers to volunteer; had attended a TIRZ Board meeting and looked forward to the next one; attended a JPS neighborhood clinic webinar by Commissioner Devan Allen; attended the KISD Board meeting including recognition of Coach Basaldu; and announced the next school planning meeting would be July 26.
    - **Gary Mitchell, Place 2,** had no updates at this time.
    - **Julie Jacobson, Place 3,** had no updates at this time.
    - **James Connor, Place 5,** thanked the citizens and staff; and announced that he had productive meetings in recent weeks that had brought up good points.

2. Updates from the Mayor
   Mayor Linda Rhodes proclaimed Tuesday, August 3, 2021, as National Night Out (NNO) in the City of Kennedale; and announced that she attended several Senior Outreach events including bingo; attended the KISD meeting and had the pleasure of knowing Coach Basaldu; that she enjoyed meeting the KISD board of trustee members; that she would like to see future collaborative meetings between the two bodies; and attended a Southeast Tarrant Transportation (SETT) meeting along with Interim City Manager Leslie Galloway where it was announced that all cities were expected to be awarded one project submittal for the Tarrant County Transportation Bond Program.

3. Updates from the Interim City Manager
   Interim City Manager Leslie Galloway announced that the Commissioners Court is expected to complete their project ranking on July 27, with the official project list expected to be announced on August 3; that Shield Engineering had drafted letters to Commissioner Allen asking that the City's projects be considered for her discretionary funding; thanked Council and the community for their patience as staff moves through this time of transition; congratulated Finance Director Lakeita Sutton and her staff on earning the Certificate of Achievement for Excellence in Financial Reporting from Government Finance Officers Association (GFOA); and announced that the first Citizens Police Academy would be held in September.

4. Financial Reports for the City and the EDC
   Finance Director Lakeita Sutton stated that the financials from June 2021 showed the General Fund to be on track for the time of year; discussed that we currently have four major vacancies in the past month and due to severance packages of those tenured

employees that substantial payouts would be coming out of the General Fund; that the Water Sewer Fund was also tracking well and currently had a 61% fund balance, but that there are several large items that the City had not yet been invoiced by the City of Arlington; that the Stormwater Fund was also tracking on time, but that there were some capital projects scheduled for this year that may not occur; that she was considering recommending combining the Streets Fund with the General Fund because it is supported by franchise fees which have decreased significantly due to S.B. 2.

In response to a question to Councilmember Joplin regarding a large franchise fee payment, Ms. Sutton stated that she would have to look into it, but that it may have been a coding error. Councilmember Joplin stated her support of the idea of consolidating the Streets Fund into the General Fund.

5. Schedule of Investment Activity for quarter ending June 30, 2021
   Finance Director Lakeita Sutton stated that if the Council had any questions that they should reach out.

E. <u>CONSENT AGENDA</u>
Councilmember Joplin asked that items 2 and 3 be removed from Consent. Mayor Rhodes noted that the Consent Agenda did not include the minutes from recent meetings, but that they would appear on the August agenda.

1. Authorize staff to execute an agreement with North Central Texas Council of Governments (NCTCOG) for the acceptance of a grant

   Motion Approve. **Action** Approve Consent Agenda item 1, **Moved By** Jacobson, **Seconded By** Connor.

   Councilmember Joplin noted that this was a grant for 25% of the cost of the fire truck.

   Motion passed unanimously.

2. Consider approval of an Ordinance amending the senior and disabled discount provisions of the current water/sewer rate ordinance by extending discounts to a surviving spouse for the remainder of the fiscal year

   Councilmember Joplin noted that the qualified applicants had not been receiving the discount while this was in progress; that the application period was moving from a 2- to 5-year period; and asked that staff look at streamlining the application process.

   Motion Approve. **Action** Approve an Ordinance amending the senior and disabled discount provisions of the current water/sewer rate ordinance by extending discounts to a surviving spouse for the remainder of the fiscal year, **Moved By** Joplin, **Seconded By** Connor. **Motion passed unanimously.**

3. Consider authorizing the Interim City Manager to enter into a Professional Services Agreement (PSA) with Shield Engineering for engineering design and services related to the Safe Routes to School (SRTS) Program

   Councilmember Joplin reiterated her desire to ensure that more money would not be committed without seeing this project come to fruition, including the matching funds.

Interim City Manager Leslie Galloway stated that she was comfortable advising the Council to move forward. Jean Marie Barnes of Shield stated that the Council could withhold the notice to proceed until funding was guaranteed.

- **Sara Johnson** spoke in support of this item.

Motion Approve. **Action** Approve authorizing the Interim City Manager, based on the information we have heard tonight, to enter into a Professional Services Agreement (PSA) with Shield Engineering for engineering design and services related to the Safe Routes to School (SRTS) Program, **Moved By** Joplin, **Seconded By** Jacobson.

Councilmember Connor requested that staff seek the adding of Magnolia, Hilltop, and Ruth, if possible.

Motion passed unanimously.

F. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Authorize the Interim City Manager to prepare bidding documents and publish notice for the sale of 5412 Kennedale Street

   Mayor Linda Rhodes stated that this item would be considered following Executive.

2. Consider authorizing the Interim City Manager to execute Change Order No. 1 for Inland Pipe Rehabilitation, submitted by IPR SC in the amount of $23,517.37 which is part of the Crestdale sanitary sewer improvements

   Craig Barnes of Shield Engineering was available to answer any questions from the Council. In response to a question from Councilmember Mitchell, Barnes stated that the work was completed.

   Motion Approve. **Action** Approve authorizing the Interim City Manager to execute Change Order No. 1 for Inland Pipe Rehabilitation, submitted by IPR SC in the amount of $23,517.37 which is part of the Crestdale sanitary sewer improvements, **Moved By** Joplin, **Seconded By** Jacobson. **Motion passed unanimously.**

3. Consider authorizing the Interim City Manager to execute a pay estimate to PM Construction & Rehab, LLC, in the amount of $60,525.00 for the Crestdale sanitary sewer improvements

   Interim City Manager Leslie Galloway noted that one more payment of about $36,000 was expected on this project.

   Motion Approve. **Action** Approve authorizing the Interim City Manager to execute Change Order No. 1 for Inland Pipe Rehabilitation, submitted by IPR SC in the amount of $23,517.37 which is part of the Crestdale sanitary sewer improvements, **Moved By** Joplin, **Seconded By** Jacobson. **Motion passed unanimously.**

4. Consider approval of a Resolution authorizing publication of notice of intention to issue Certificates of Obligation to finance street, sidewalk and related drainage improvements at various locations in the City and the acquisition of public safety vehicles and equipment

Finance Director Lakeita Sutton stated that Mark McLiney of SAMCO Capital was present to give information and answer questions, noting that this debt would be structured to legally comply with the note's purposes. Mr. McLiney gave a brief presentation regarding the notice of intent resolution, noting that this was the first legal step to issue the debt, but was not the actual issuance – which would happen on September 21, 2021. He added that the COs must be sold before final adoption of the tax rate. There was some discussion of current debt levels, the amount being paid towards debt each year, current interest rates, and ability to pay off debt early.

Motion Approve. **Action** Approval of a Resolution authorizing publication of notice of intention to issue Certificates of Obligation to finance street, sidewalk and related drainage improvements at various locations in the City and the acquisition of public safety vehicles and equipment, **Moved By** Joplin, **Seconded By** Connor. **Motion passed unanimously.**

Following this item, the Council recessed to Executive (Closed) Session from 9:42 p.m. to 11:06 p.m.

G. PUBLIC HEARINGS

IV. EXECUTIVE SESSION

The City Council reserves the right to meet in Executive Session at any time during this meeting pursuant to the below cited sections of the Texas Government Code:

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, legal issues regarding the Open Meetings Act, and the following:

1. Chapter 380 and Economic Development Corporation Agreement between the City of Kennedale, the Kennedale Economic Development Corporation, and Karmali Holdings, Inc.
2. City of Kennedale v. James Coyel
3. Kennedale TownCenter agreements and assessments
4. 800 W Kennedale Parkway
5. Separation Agreement with George Campbell
6. Salvage yards and special exception/special use permits

B. **PURSUANT TO §551.072** — Deliberation regarding the purchase, exchange, lease, or value of real property:

1. Chapter 380 and Economic Development Corporation Agreement between the City of Kennedale, the Kennedale Economic Development Corporation, and Karmali Holdings
2. 5412 Kennedale Street

C. **PURSUANT TO §551.074** — Deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: or to hear a complaint or charge against an officer or employee; and the following:

1. City Manager
2. Public Works Director
3. Community Development Director
4. City Council Place 4

D. **PURSUANT TO §551.087** — (1) Deliberation regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1):

1. Chapter 380 and Economic Development Corporation Agreement between the City of Kennedale, the Kennedale Economic Development Corporation, and Karmali Holdings
2. Kennedale TownCenter

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

Mayor Rhodes reconvened the open meeting at 11:06 p.m.

Motion Approve. **Action** For the Interim City Manager to negotiate, finalize and execute, as discussed in Executive Session, a settlement agreement in the City of Kennedale v. James Coyel, **Moved By** Joplin, **Seconded By** Jacobson. **Motion passed unanimously.**

Motion Approve. **Action** Authorize the Interim City Manager to prepare bidding documents and publish notice for the sale of 5412 Kennedale Street, **Moved By** Joplin, **Seconded By** Jacobson. **Motion passed unanimously.**

VI. ADJOURNMENT

Motion Adjourn. **Action** Adjourn, **Moved By** Jacobson, **Seconded By** Connor. **Motion passed unanimously.**

Mayor Rhodes adjourned the meeting at 11:08 p.m.

APPROVED:

LINDA RHODES, MAYOR

ATTEST:

LESLIE E. GALLOWAY, CITY SECRETARY