



**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
CITY OF WHITE SETTLEMENT, TEXAS
6:30 P.M. – Tuesday, June 1, 2021
City Hall – Council Chambers
214 Meadow Park Drive, White Settlement, TX 76108**

CALL TO ORDER

Mayor White called the open meeting to order at 6:39 p.m. announcing a quorum of council members present as follows:

Council Member Paul Moore,
Mayor Pro Tem Evelyn Spurlock,
Council Member Amber Munoz,
Council Member Christina Grudzinski; and
Council Member Gregg Geesa.

Executive Staff present included City Manager Jeffrey J. James, City Secretary Amy Arnold, and City Attorney Drew Larkin. Other staff present included Executive Administrative Assistant Ann Elias, Community Services Director Rich Tharp, Finance Director Krystal Crump (Foght), Building Official Robert Nunley, Police Chief J. Bevering, Fire Chief Brandon Logan, City Marshal Randy Rogers, Public Works Director Jeff Ray, and Communications Manager Aaron Hall.

INVOCATION / PLEDGE OF ALLEGIANCE

Mayor White offered the invocation and led the Pledge of Allegiance

CITIZEN PARTICIPATION

Prior to acknowledging speakers, Mayor White made the following statement:

The purpose of this item is to allow citizens an opportunity to address the City Council on items that are not listed on the agenda, as well as any consent agenda, executive session, or workshop items. Any person desiring to make a public comment must first fill out a speaker request form, and be recognized by the presiding officer. Individual citizen comments are limited to three minutes. The City Council has no obligation to respond in any manner to comments or questions from the public. Any response from a member of the City Council to comments on items not listed on the agenda is limited to a statement of specific factual information, a recitation of existing policy, or direction to staff to place the subject on the agenda for a future City Council meeting.

Sue Miller of 605 Dale Lane addressed the City Council with concerns of and disappointment in the current solid waste pickup service. Mrs. Miller gave examples of lack of trash pickup and voiced her frustration.

Mayor Pro Tem Evelyn Spurlock responded to Mrs. Miller stating staff and council are aware of the issues, mentioning staff preparations to review and address the current contract.

PRESENTATIONS

STAFF PRESENTATION

1. City Manager Jeff James will update City Council on current infrastructure and municipal projects which included the following:

- Swift water rescue over the weekend by White Settlement Fire Department, assisting locally and other municipalities. Mr. James thanked Chief Logan and his department;
- Water park opening including mentioning the successful reorganization of staff, introducing Chris Chapin who will be the water park manager. Mr. Chapin spoke to members providing his experience and enthusiasm as the new manager.
- Street conditions and water concerns related to infrastructure repairs and recent flooding in particular areas;
- Special needs park fence, explaining reason for delay in constructing the fence; and
- Bomber Rd. apartment complex, introduced Mr. John Palmer who gave an overview of his previous presentation and answered questions from council members.

CONSENT AGENDA

Mayor Pro Tem Spurlock made a motion to approve the Consent Agenda. Council Member Grudzinski seconded the motion which carried unanimously. Approval of the Consent Agenda included the following:

- 2. Approval of City Council meeting minutes:**
 - a. May 4, 2021**
- 3. Acknowledge receipt of Monthly Financial Statements for FY 20-21 as of April 30, 2021.**
- 4. Approval of a proposal for promotional services for the 2021 Splash Dayz Water Park Season to H Two Marketing.**

Before Executive Session Mayor White asked to move the Executive Session to after the Deliberation Agenda. A motion and second were heard. Prior to voting City Secretary Amy Arnold informed members the Executive Session is for consultation with the Attorney on an item listed in deliberation. The motion was rescinded.

Mayor Pro Tem Spurlock made a motion to switch the order of items 5 and 6 on the agenda. Council Member Munoz seconded the motion which carried unanimously.

EXECUTIVE SESSION

Mayor White announced City Council would convene in Executive Session at 8:00 p.m. after first reading the following statement:

Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the City Council may convene into Executive Session to deliberate regarding the following matters:

- 5. Sec. 551.071 Consultation with Attorney: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the city attorney about any matters listed on the agenda and the following:**
 - a. Commercial Electricity Service Agreement between the City and GEXA Energy, LP, regarding notice of Ancillary Services and Nodal Basis Adjustment (Storm Recovery Amount) due.**

RECONVENE IN OPEN SESSION

Take action, if any, on items discussed in Executive Session.

Mayor White announced City Council is reconvened from Executive Session at 8:16 p.m. to take action on items discussed in Executive Session. No action was taken.

DELIBERATION AGENDA

PLANNING AND DEVELOPMENT:

6. Hold a Public Hearing and consider a special use permit (SUP) for Sunset Gardens Addition, Block 12 Lot 13C, more commonly known as 109 Russell Street, White Settlement, TX 76108.

Building Official Robert Nunley presented the item explaining the applicant is the current tenant at the location doing work as allowed by the current zoning and has received a temporary CO. Mr. Nunley mentioned the previous business at the location and stated the applicant has moved to the location due to business growth and need for space.

Members discussed zoning of location at time of previous tenant, zoning, location, parking and noise concerns. Mr. Nunley explained the location is listed as commercial corridor on the 2006 zoning map and staff is unaware of any zone amendments prior to this date.

Mayor White opened the public hearing at 7:25 p.m.

Arnold Layton of 112 Russell Street, Brinda Rhodes of 123 Russell Street, Carla Potter of 119 Russell Street and Sue Miller of 605 Dale Lane each addressed the City Council in opposition to the item. Speakers voiced concerns of wreckers dropping off vehicles during nighttime hours, noise produced by tools, blocked driveways, safety concerns mentioning children play in the street, concerns of smells, and concerns of ruining the quiet neighborhood. Mr. Layton also mentioned the current situation in reference to the comp plan and desire to upgrade.

Hearing no other speakers, Mayor White closed the Public Hearing at 7:31 p.m.

Members discussed the option to issue a temporary SUP to which City Attorney Drew Larkin advised against stating members should be considering the use and permanent time frame. Members also discussed permitted uses, tenant abiding by permitted uses according to current zone, and the ability to enforce a noise ordinance for specific time frames. City Attorney Drew Larkin noted the ordinance presented grants the SUP without special conditions listed, however, members have the ability to impose special conditions to help mitigate negative effects of the SUP.

Council Member Geesa made a motion to postpone the item. The motion died for a lack of second.

Mayor Pro Tem Spurlock made a motion to grant the SUP as recommended by Planning and Zoning Commission. Council Member Moore seconded the motion followed by Mayor Pro Tem Spurlock withdrawing her motion. No vote was taken on this motion.

Mayor Pro Tem Spurlock made a motion to approve the ordinance with amendments to include no business be conducted after 10 p.m. and no wreckers between 10 p.m. and 8 a.m. Mayor Pro Tem Spurlock withdrew her second motion to allow for the owner to speak.

The owner of the business spoke in response to residence concerns explaining the operations of the business and standard procedures for receiving vehicles and storage of vehicles.

Mayor Pro Tem Spurlock made a motion to approve an ordinance (ORD 2021-06-009) granting a special use permit (SUP) for Sunset Gardens Addition, Block 12 Lot 13C, more commonly known as 109 Russell Street, with special conditions to include no wreckers between 10 p.m. and 7 a.m. and no working past 10 p.m. on normal business days. Council Member Moore seconded the motion which carried as follows: Mayor Pro Tem Spurlock and Council Members Moore, Munoz, and Grudzinski voting in favor and Council Member Geesa abstaining.

7. Hold a Public Hearing, and consider an ordinance to amend section 111-215 " Fences" of the zoning ordinance by amending section 111-215 (J) "fence material".

Building Official Robert Nunley presented the item explaining staff review of the current fence ordinance and recommendation to amend depth of post hole to two feet from three feet. Mr. Nunley explained the current requirement causes material waste and confirmed the metal post is sufficient to maintain an upright fence with a two foot post hole.

Mayor White opened the public hearing at 8:18 p.m. Hearing no speakers, Mayor White closed the Public Hearing at 8:18 p.m.

Council Member Moore made a motion to approve an ordinance (ORD 2021-06-010) to amend section 111-215 " Fences" of the zoning ordinance by amending section 111-215 (J) "fence material". Mayor Pro Tem Spurlock seconded the motion which carried unanimously.

8. Hold a Public Hearing and consider a re-plat for Lot 29 and 30, Block 7 Meadow Park Addition more commonly known as 8510 Wyatt Drive.

Building Official Robert Nunley explained the request stating the lots have the same owner who built a new home on one lot and demoed the home on the other. Mr. Nunley explained the lots need to be platted as one lot to meet requirements for fences and accessory buildings.

Mayor White opened the public hearing at 8:21 p.m. Hearing no speakers, Mayor White closed the Public Hearing at 8:21 p.m.

Council Member Munoz made a motion to approve the re-plat for Lot 29 and 30, Block 7 Meadow Park Addition more commonly known as 8510 Wyatt Drive as presented. Council Member Grudzinski seconded the motion which carried unanimously.

9. Hold a Public Hearing and consider a re-plat for Lot 1 Block 1, Blackwell Estates situated in the W.M Robinson Survey Abstract, more commonly known as 1112 Dell Street, White Settlement, Texas.

Building Official Robert Nunley explained the item stating the property is currently an abstract and must be platted land in order to be developed.

Mayor White opened the public hearing at 8:22 p.m. Hearing no speakers, Mayor White closed the Public Hearing at 8:23 p.m.

Mayor Pro Tem Spurlock made a motion to approve the re-plat for Lot 1 Block 1, Blackwell Estates situated in the W.M Robinson Survey Abstract, more commonly known as 1112 Dell Street. Council Member Munoz seconded the motion which carried unanimously.

ADMINISTRATIVE:

10. Discuss and consider fund amounts for General Fund (01) City Council (501) budget line items 20.231 "Council Sponsored Events", 20.232 "Marketing and Promotional", 20.233 "Travel and Training", 20.234 "In Sympathy / Memorials", and 20.237 "Plaques, Awards, Recognition" to be submitted to finance for inclusion in the FY 21-22 proposed budget. This is not for final approval of these line item fund amounts.

Finance Director Krystal Crump (Foght) presented the item stating staff would like council guidance on the items listed due to the previous fiscal years events. Mrs. Crump (Foght) explained "Council Sponsored Events" have been moved to another fund (fund 5) to better categorize the items, with 25000 in the fund.

Members, along with staff, discussed the funds and noted the following be included in the proposed budget presentation:

- Marketing and promotional
 - Training for boards - \$2500
 - Banquet for board appreciation - \$2000
- Travel and Training
 - TML training - \$5000
- Council Sponsored events to include
 - Chili cook off - \$1800
- In Sympathy / Memorials to remain \$600
- Plaques, Awards & Recognitions to remain 1 business and 1 citizen recognition at \$350.

No action was needed on this item.

11. Discuss and consider payment for Ancillary Services and Nodal Basis Adjustment (Storm Recovery Amount) to GEXA Energy, LP. in the amount of \$74,345.32 to be paid through a monthly surcharge; and making a selection of a payment option.

Finance Director Krystal Crump (Foght) stated based on Executive Session staff asks for City Council approval of option one (1).

Council Member Moore made a motion to approve selection of option one (1). Mayor Pro Tem Spurlock seconded the motion which carried unanimously.

FINANCIAL:

12. Discuss and consider a Software Service Agreement between the City and Open Gov, to be for a term of five years, to provide for transparency, budgeting, and stories platforms using ARPA funds.

City Manager Jeff James and Finance Director Krystal Crump (Foght) presented the information explaining benefits of the software including transparency and accessibility. Staff reviewed implementation costs, annual costs, and compliance with transparency requirements. Mrs. Crump (Foght) mentioned the agreement was reviewed by and adjustments made by the city attorney prior to being presented to city council.

Council Member Geesa questioned the 5% inflation cost to which staff responded is the standard percentage and is unable to be amended.

Mayor Pro Tem Spurlock made a motion to approve a software Service Agreement between the City and Open Gov, to be for a term of five years, using ARPA funds. Council Member Grudzinski seconded the motion which carried unanimously.

13. Discuss and consider an ordinance amending Ordinance 2020-09-019 to provide for revisions to the City of White Settlement, Texas operating budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021.

Finance Director Krystal Crump (Foght) explained the requested amendments which included:

- Water & Sewer fund will have \$348,115 taken out of fund balance for staff and meter supplies for meter and transmitter replacement
- Stormwater fund will have \$40,000 taken out of fund balance for capital costs for Clyde Stormwater engineering costs
- Street improvements fund will have \$155,000 take out of fund balance for capital costs for curb and gutter

Council Member Geesa made a motion to approve an ordinance (ORD 2021-06-011) amending Ordinance 2020-09-019 to provide for revisions to the City of White Settlement, Texas operating budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021. Mayor Pro Tem Spurlock seconded the motion which carried unanimously.

PUBLIC WORKS:

- 14. Discuss and Consider awarding the curb and gutter improvements on East Wilbur Street to Reliable Paving.**

Community Services Director Rich Tharp presented the item explaining it is in conjunction with the Tarrant County Overlay project and provided information on the improvements to be done including a description of the area.

Council Member Munoz made a motion to award the curb and gutter improvements on E. Wilbur Street to Reliable Paving. Council member Grudzinski seconded the motion which carried unanimously.

BOARD APPOINTMENTS:

- 15. Discuss and consider reappointments to the Economic Development Corporation Board of Directors**
 - a. Place 3, currently held by Ann Smith, for a new term to expire June 2023;**
 - b. Place 5, currently held by Pat Wirsing, for a new term to expire June 2023; and**
 - c. Place 7, currently held by Richard Huff, for a new term to expire June 2023.**

Mayor Pro Tem Spurlock made a motion to reappointed as presented. Council Member Munoz seconded the motion which carried unanimously.

ADDENDUM

- 16. Consider an ordinance vacating and abandoning a portion of a utility easement located on Lot 3AR-1, Block 4, Westgate Addition; declaring that such easement is unnecessary for use by the public; and authorizing the city manager to execute a quitclaim deed releasing public ownership, interest, and control.**

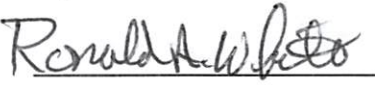
Building Official Robert Nunley provided information explaining the removal of an older, unused water main at the location and the need for the easement for a relocated water main.

Mayor Pro Tem Spurlock made a motion to approve an ordinance (ORD 2021-06-012) vacating and abandoning a portion of a utility easement located on Lot 3AR-1, Block 4, Westgate Addition; declaring that such easement is unnecessary for use by the public; and authorizing the city manager to execute a quitclaim deed releasing public ownership, interest, and control. Council Member Munoz seconded the motion which carried unanimously.

ADJOURNMENT

With there being no further discussion, Mayor White adjourned the meeting at 9:10 p.m.

Approved this 6th day of July, 2021.



Ronald A. White, Mayor

ATTEST:



Amy Arnold, City Secretary

