



Minutes  
White Settlement City Council  
Regular Meeting

City Hall, 214 Meadow Park Drive  
White Settlement, Texas

January 14, 2019  
7:00 p.m.

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Mayor White called the meeting of the City Council to order at 7:00 p.m. announcing a quorum of members present as follows:

Council Member Paul Moore  
Council Member Evelyn Spurlock  
Mayor Pro Tem Danny Anderson  
Council Member Gregg Geesa  
Council Member Elect Christina Grudzinski

Executive staff present included City Manager, City Secretary, and City Attorney. Management staff present included Police Chief, EDC Director, Public Works Director, City Marshal, and MIS staff.

Mayor White asked Pastor Robin Smith to give the invocation. Mayor White led the Pledge of Allegiance.

#### **CITIZEN PARTICIPATION**

There were none.

#### **CONSENT AGENDA**

**Council Member Moore made a motion to approve the consent agenda. Council member Spurlock seconded the motion which carried unanimously. Approval of the consent agenda included:**

- 1) Approval of City Council meeting minutes:
  - a) December 4, 2018;
  - b) December 18, 2018
- 2) Acknowledge receipt of Monthly Financial Statements for FY 17 – 18 as of November 30, 2018.
- 3) Approval of Interlocal Agreement with Tarrant County for FY 2019 Street Reconstruction.
- 4) Approval of appointments to Wholesale Water and Wastewater Customer Advisory Committee; appointing Finance Director as voting member and Public Works Director as alternate member.

#### **OATH OF OFFICE**

- 5) Administer Oath of Office to Council Member Place 5 Elect, Gregg Geesa, for the term November 2018 through November 2021.

City Secretary Amy Arnold administered the Oath of Office to Council Member Elect Place 5, Gregg Geesa.

- 6) Administer Oath of Office to Council Member Place 4 Elect, Christina Grudzinski, for the term November 2018 through November 2021.

City Secretary Amy Arnold administered the Oath of Office to Council Member Elect Place 4, Christina Grudzinski.

- 7) Discuss and take action with respect to Election of Mayor Pro Tem.

**Council Member Moore made a motion to nominate Council Member Danny Anderson to the position of Mayor Pro Tem. Council Member Spurlock seconded the motion which carried unanimously.**

- 8) Administer Oath of Office to Mayor Pro Tem.

City Secretary Amy Arnold administered the Oath of Office to Mayor Pro Tem Elect, Council Member Danny Anderson.

*A brief recess was held to allow for photos and new members to take their seat at the dais.*

## **DELIBERATION AGENDA**

### **PUBLIC WORKS**

- 9) Discuss and consider Professional Services Agreement with James DeOtte Engineering, Inc. for design services associated with the FY2019 CIP Improvements, in the amount of \$575,599.22; and authorization for the Mayor to execute contract on behalf of the City.

Public Works Director Doug Stevens presented projects for the Fiscal Year 2019 CIP Improvements, which included Hackamore, Pemberton, and Tumbleweed; curb and gutters. Mr. Stevens explained the agreement requesting City Council approval.

**Council Member Spurlock made a motion to approve Professional Services Agreement with James DeOtte Engineering, Inc. for design services associated with the FY2019 CIP Improvements, in the amount of \$575,599.22; and authorization for the Mayor to execute contract on behalf of the City. Council Member Geesa seconded the motion which carried with a vote as follows:**

<b>Council Member Paul Moore</b>	<b>Aye</b>
<b>Council Member Evelyn Spurlock</b>	<b>Aye</b>
<b>Mayor Pro Tem Danny Anderson</b>	<b>Aye</b>
<b>Council Member Christina Grudzinski</b>	<b>Aye</b>
<b>Council Member Gregg Geesa</b>	<b>Abstained</b> <i>(stated his street is included)</i>

- 10) **Public Hearing** on selection of the 45<sup>th</sup> Year CDBG Project, for the replacement of the Sanitary Sewer Main on Cherry Lane between Tumbleweed Trail and Downe Drive.

Public Works Director stated the Public Hearing is required for CDBG projects; explained the anticipated project to be sewer line replacement on Tumbleweed from Meadow Park to Cherry Lane; discussing the east and west flow, improvements and upsizing from 6" sanitary sewer lines to 8" sanitary sewer lines.

Mayor White opened the public hearing at 7:27 p.m.

No speakers were heard.

Mayor White closed the public hearing at 7:28 p.m.; after Mayor Pro Tem Anderson made a motion to close the public hearing followed by a second from Council Member Spurlock which received a unanimous vote.

- 11) Discuss and consider **Resolution No. 2019.01.001** selecting the 45<sup>th</sup> Year Community Development Block Grant Program Project as sanitary sewer main replacement on South Cherry Lane from Tumbleweed Trail to Downe Drive.

**Council Member Spurlock made a motion to approve Resolution No. 2019.01.001. Council Member Geesa seconded the motion which carried unanimously.**

PUBLIC SAFETY

- 12) Discuss and consider **Ordinance 2019.01.001** approving a Law Enforcement Hiring Incentive Repayment Agreement for police officers; providing a cumulative clause; and providing an effective date.

Police Chief JP Bevering explained the agreement regarding the hiring of certified and non-certified officers; explaining non-certified officers are sent to school for five months; concluding that the incentive will give monetary incentives to certified officers in an effort to increase the applicant pool with the goal to put experienced officers on the street.

**Council Member Spurlock made a motion to approve Ordinance No. 2019.01.001. Mayor Pro Tem Anderson seconded the motion which carried unanimously.**

ADMINISTRATIVE:

- 13) Discuss and consider **Ordinance 2019.01.002** amending Chapter 6 "Alcoholic Beverages" of the Code of Ordinances, City of White Settlement, Texas, amending the hours of sale and consumption of alcoholic beverages; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a savings clause; and providing an effective date.

City Manager Jeff James explained the item is to bring City code in compliance with TABC regulations. City Attorney Drew Larkin explained the item is a routine housekeeping item.

Council Member Gregg Geesa stated he was told by Chili's employees they did not build in White Settlement due to the hours listed in the ordinance; stating he hopes the change will bring in businesses to the City.

**Council Member Geesa made a motion to approve Ordinance No. 2019.01.002. Council Member Spurlock seconded the motion which carried unanimously.**

- 14) Discuss and consider **Ordinance 2019.01.003** amending Chapter 2 of the Code of Ordinances of the City of White Settlement, Texas, by amending Article II of Chapter 2 "City Council"; amending Section 2.20 "Meetings" and Section 2.20a(b) "Agenda"; Providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date.

Council Member Spurlock stated, to clarify, the ordinance does not limit the meetings of the Council. City Attorney Drew Larkin explained the ordinance lines up with City Charter; allows flexibility; noting his position is that meetings can be cancelled and rescheduled and he approves this ordinance language.

**Council Member Spurlock made a motion to approve Ordinance No. 2019.01.003. Council Member Moore seconded the motion which carried unanimously.**

- 15) Presentation and discussion on possible future rezoning of property and to seek input and direction from City Council. This is a presentation and discussion item only. Any future action rezoning the property will be made by ordinance after notice and a public hearing. The property in question is located in the PARKVIEW VILLAS ADDN, described as: Block 1, Lots 1, 2, and 3, more commonly known as 8401, 8409, and 8411 Clifford Street.

Pastor RA Smith of 301 Ralph Street addressed the City Council on this item explaining he is in support of this item. Pastor Smith gave a brief history of his church acquiring the property; their current position to sell; his conversations with proposed buyer; and new zoning in order to sell.

Mayor White spoke on the item stating his knowledge of the previous owners, planned development of property and issued related to the planned development. Mayor White asked EDC Director Kyle Reeves to provide back history on the property.

EDC Director Kyle Reeves provided the following:

- February 7, 2007 – the property was zoned from CN to PD with very specific zoning conditions;
- May 21, 2008 – owner(s) received funds from the City for completion. Project was abandoned by the owner(s).
- Property is split between 10 or more owners
- Property is currently zoned PD

Mayor Pro Tem Anderson questioned why current owner is asking for changes rather than the developer wishing to purchase the property. Mayor White answered by stating the buyer will not buy until the zoning is changed.

City Attorney Drew Larkin mentioned the city's concern is not when something is built but rather two options: 1) rezone to straight zoning, or 2) amend PD portion.

Council Member Spurlock gave comments on the issue stating it would be foolish to make changes ahead of time; option of a purchase contract being contingent; and stating she would not vote on a zoning change without knowing what would be going in; and mentioned the value of the property location. Council Members Geesa and Anderson discussed control of the footprint of the property and citizen understanding of the city's landlocked position.

Mayor White allowed Pastor Smith to speak again, who stated he feels penalized, unable to get answers; feels discriminated against due to the denial of zoning changes.

Council Members continued discussion with Pastor Smith, finally requesting to hear from the proposed buyer. EDC Director Kyle Reeves responded stating staff has spoken with the proposed buyer, Mr. Sneed, and provided information on required paperwork, with no response from Mr. Sneed.

City Attorney Drew Larkin responded to Mayor Pro Tem Anderson's question regarding agenda requirements stating the City Council is able to initiate rezoning however any rezoning is to go through the official process. Council Member Christina Grudzinski spoke to clarify her understanding of the issue. City Attorney Drew Larkin confirmed and stated how Planned Development works, stating zoning requirements are common and not a form of discrimination.

### **EXECUTIVE SESSION**

Mayor White announced the City Council is convened in Executive Session at 8:40 p.m. after first reading the following:

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 matter:

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 topics:

(a) requirements of Chapter 211 Local Government Code regarding land use decisions within the City;

(b) Restriction Agreement by and between the City of White Settlement, Texas and FBP Clifford, LLC as it pertains to property described as Lots 10 and 11, Block 12 of the Glenn Acres Addition;

(c) Easement Agreement by and between the City of White Settlement and FBP Clifford, LLC as it pertains to property described as 8-19, Block 12, Glenn Acres Addition;

(c) local option alcohol elections;

**RECONVENE IN OPEN SESSION**

Mayor White stated the City Council is reconvened from Executive Session at 9:22 p.m. to take action, if any, on items discussed in Executive Session, including the following:

1. Consider an amendment to Restriction Agreement by and between the City of White Settlement, Texas and FBP Clifford, LLC as it pertains to property described as Lots 10 and 11, Block 12 of the Glenn Acres Addition; and

City Attorney Drew Larkin explained the item stating the item is requested by the potential purchaser of property where Chic-Fil-A is currently being built, stating current property owner has entered into a contract for sale with the potential buyer; the buyer is requesting the City waive the its Right to Repurchase (Section 3.2) of the Restriction Agreement. Mr. Larkin asked members, should they decided to authorize the waiver, to motion to authorize the waiver of the City's right to repurchase under section 3.2 of the Restriction Agreement.

**Council Member Spurlock made a motion to waive the City's right to repurchase under section 3.2 of the Restriction Agreement. Council Member Moore seconded the motion which carried with a vote of 4 to 1 as follows:**

<b>Council Member Moore</b>	<b>Aye</b>
<b>Council Member Spurlock</b>	<b>Aye</b>
<b>Mayor Pro Tem Anderson</b>	<b>Aye</b>
<b>Council Member Grudzinski</b>	<b>Aye</b>
<b>Council Member Geesa</b>	<b>Nay</b>

2. Consider an amendment to Easement Agreement by and between the City of White Settlement and FBP Clifford, LLC as it pertains to property described as 8-19, Block 12, Glenn Acres Addition.


City Attorney Drew Larkin stated the item is related to the first item in that it pertains to the current property where Chic Fil A is being built, which is benefited by an easement running east through the city's parking lot. Mr. Larkin explained requestor is asking the easement agreement between the City and the current owner be amended so that the easement would run with the property and not the operator of the business on the property. Mr. Larkin asked members, should they so desire, to authorize the amendment as discussed and to authorize the City Attorney and City Manager to finalize the amendment and execute.

**Council Member Geesa made a motion to authorize the amendment as discussed; authorizing the City Attorney and City Manager to finalize the amendment and execute. Council Member Spurlock seconded the motion which carried unanimously.**


**ADJOURNMENT**

With there being no further discussion Mayor White adjourned the meeting at 9:22 p.m.

Approved this 5<sup>th</sup> day of February, 2019

  
Ronald A. White, Mayor

ATTEST:

  
Amy Arnold, TRMC, CMC  
City Secretary

