

STATE OF TEXAS COUNTIES OF KAUFMAN AND HUNT CITY OF POETRY, TEXAS

BE IT REMEMBERED THAT ON THIS DAY OF THE 18th of July 2024 at 6:30 pm, the Town Council of Poetry, Texas, held a Regular Town Council Meeting at Poetry Town Hall, 5671 CR 323 Poetry, Texas 75160 with the following present:

Mayor Tara Senkevech Councilmember Terry Fowler Councilmember Jonathan Blake

Councilmember Tom Anderson Mayor Pro Tem Mike Jaffe Councilmember Simeon White – (via live video feed)

- **A. Mayor Senkevech** called the meeting to order at 6:30 p.m. At this time the mayor reminded the public that disruption of the meeting may be considered a criminal offense under Texas Penal Code 3813 and may be escorted out by a peace officer and issued a citation.
 - Section 38.13 Hindering Proceedings By Disorderly Conduct
 - (a) A person commits an offense if he intentionally hinders an official proceeding by noise or violent or tumultuous behavior or disturbance
 - **(b)** A person commits an offense if he recklessly hinders an official proceeding by noise or violent or tumultuous behavior or disturbance and continues after explicit official request to desist.
 - (c) An offense under this section is a Class A misdemeanor.
 - Tex. Pen. Code § 38.13
- **B.** Anne Hamilton, Town Secretary, took roll call. Four council members were present, with Councilmember White joining via a live video feed. Mayor Senkevech announced the presence of a quorum.
- **C.- D. Pledge of Allegiance and Invocation:** Pastor Jack Mullins led the Pledge of Allegiance and the invocation.
 - **E. Citizen Comments: Mayor Senkevech** announced the opportunity of citizens to speak on any posted agenda item, limited to three (3) minutes each, as long as they had signed up prior to the meeting either by emailing contact@poetrytexas.org or by signing up in person at the meeting location prior to the start of the meeting at 6:30 pm. She reminded all present of the Offenses Against Public Order and Decency as outlined in Texas Penal Code §§ 38.13, 42.05.
 - **F. Items of Community Interest:** Pursuant to Section 551.0415 of the Texas Government Code, the Town Council may report on the following items: 1) expression of thanks, congratulations, or condolences; 2) information about holiday schedules; 3) recognition of individuals; 4) reminders upcoming Town Council events; 5) about community events, and 6) announcements involving an imminent threat to public health and safety.
 - **Councilman Simeon White** joined the meeting via video feed. **Mayor Senkevech** announced that **Councilman White** was joining the meeting via video and would be allowed to vote per Texas law, then continued with the items of community interest:
 - Thanks to Brian Vinson for using his tractor to remove a large hole in the parking area resulting from a tree removal.
 - Thanks to Becky Carter and Todd for trimming tree branches at Town Hall lot and parking area.
 - Thanks to Ken P, Kevin and Josh Senkevech, and Council Member Jaffe for working on pothole repairs on 247 on July 27th and 28th.
 - Thanks to Constable Bowden for working on CR249 to ensure safety during the dead tree removals on July 9th.
 - Thanks to volunteers Trevor Krueger, Kevin Senkevech, Ken P, and Darrell Watson for making pothole repairs on 247 and 323 on July 11th.
 - Thanks to Brian Vinson, Poetry Tack and AG Labor for removing the remainder of tree limbs at the Town Hall site.
 - Thanks to Councilmember Blake, Mayor Senkevech, Poetry Tack and AG for contributing supplies and labor for the French drain at the Town Hall site.

Noted that the French drain performed well during the recent one-inch rainfall.

G. Reports:

- 1. Financial Report June end 2024:
 - a) Beginning balance of \$123,647.32. Ending balance of \$122,321.65
 - Deposits \$11,298.07
 - Withdrawals and debits \$709.84
 - Checks paid \$11,913.90
 - b) Sales and Use Tax Receipts Report:
 - The town's sales and use tax revenue total allocation for the year, from June 2023 to June 2024 is \$122,321.65 with 100% going to the road fund.
 - Total expenditures of \$27,940.13
 - General fund balance \$35,703.45
 - Sales and Use Tax income: \$8025.35
 - Road Fund Balance: \$86,618.20
 - General Fund: \$35,703.45
 - Total Road Expenditures (including signage, tree removals, and pothole repair): \$27,940

c) Q3 Budget vs. Actual:

- Income is under budget due to an FEC issue, which is expected to be remedied.
- Franchise Fee for solid waste is up by 23%, at 98.1% of the budgeted amount.
- Donations are about one-third of last year's amount.
- Total income is at 7.3%, slightly under the expected 75% for Q3.
- Secretary expenses are at 60.4%, under budget due to the position being vacant until February.
- Legal fees are at 74%, in line with expectations.
- Insurance is at 71%, also in line with expectations.
- Pothole repair and related expenses (line 6100) are over budget at 99%, primarily due to excess potholes from severe storms and tree removal costs not anticipated.

Action Items:

- A budget amendment will be necessary for the additional \$1,800 engineering costs related and tree removal costs.
- Council to consider allocating more funds for pothole repair, signage, and related expenses in the upcoming budget.
- Discussion on whether to use the Road Fund for additional pothole repair expenses.

2. Secretary's Report:

Town Secretary and Deputy Secretary reports read by Town Secretary, Anne Hamilton.

H. Consent Agenda:

- 1. Approve Minutes from June 20th, 2024: Motion to approve made by Councilmember Blake, second by Councilmember Anderson. Motion passed 5:0
- 2. Ordinance Amendment 2024-07-01 with Farmer's Electric Cooperative (FEC):

Discussed was an amendment to the agreement with FEC Electric regarding payment schedules. The original agreement, signed three years ago, stipulated quarterly payments for the first two and a half years, followed by annual payments. Due to the town's lack of property tax, the mayor successfully negotiated a change to semiannual payments instead of annual. The preliminary estimate for each payment is approximately \$18,000. The new payment schedule sets due dates of January 31st for fees collected from July 1 to December 31, and July 31st for fees collected from January 1 to June 30. A special provision for 2024 ensures that the July 31st payment will include all fees collected throughout 2024 not otherwise paid, guaranteeing the budgeted amount for the fiscal year. The council reviewed these changes to ensure proper budgeting and cash flow for the town. Motion to approve amendment made by

Councilmember Anderson, second by Councilmember Blake. Motion passed 5:0
Action Items:

- Implement new semiannual payment schedule with FEC Electric
- Update budget to reflect the new payment structure
- Ensure proper accounting for the special 2024 provision
- Monitor receipt of payments on January 31st and July 31st annually
- 3. Approve May legal bill of \$975: Motion to approve by Councilmember Blake, second by Councilmember Anderson. Motion passed 5:0
- 4. Merrill ETJ petition release: Motion to approve by Councilmember Blake, second by Councilmember White. Motion passed 5:0

Memorandum of Understanding with Kaufman County for debris cleanup: A Memorandum of Understanding (MOU) with Kaufman County for debris cleanup was presented. Steve Huey from Kaufman County submitted this MOU just before the scheduled meeting. Initially, the Federal Emergency Management Agency (FEMA) funds were allocated only for structures, but now they cover all cleanup efforts as well. The council considered the MOU and its implications for the town's debris cleanup efforts. Motion to approve by Councilmember Blake, second by Councilmember Anderson. Motion passed 5:0

Action Items:

- The MOU is to be signed by the appropriate town officials.
- Coordinate with Kaufman County to implement the debris cleanup efforts as outlined in the MOU.

I. Regular Agenda

- 1. Agriculture Scholarship presentation to Ms. Shaylee Reed: Mayor Senkevech presented the Poetry Second Annual Agricultural Scholarship to Miss Shaylee Reed. Shaylee, an 18-year-old lifelong resident of Poetry, graduated from Poetry Community Christian School on May 24th after attending for 13 years. She will be attending Texas A&M University in College Station, majoring in animal science with the intention of becoming a large animal veterinarian specializing in equine science. The council noted Shaylee's lifelong passion for animals and recognized her as a deserving applicant. A check for \$750, made out to the university and earmarked for Shaylee's education, was presented. The council also acknowledged recent donations to the scholarship fund, expressing gratitude to the contributors.
- 2. Determine August date for "Cake with Council: Determination of the date for the next "Cake with Council" event. This will be the fourth such event, designed to provide an informal setting for community members to interact with council members and ask questions. Details decided are as follows:

Key details:

Date: Tuesday, August 20th
Time: 6:30 PM to 8:30 PM

• Participating council members: Anderson and Blake

No formal action was taken on this discussion item.

3. New Town Hall flagpole to replace storm-damaged one: The need to replace the town's flagpole, which was destroyed in a recent storm, was addressed. While the flag itself was saved and safely stored, the council discussed various options for a new flagpole. The previous pole was a donation, and a \$200 contribution has already been received towards its replacement from Citizen Glen Straus. Council members debated the merits of different types of flagpoles, considering factors such as durability, wind resistance, height, and design. They expressed a preference for a sturdy, commercial-grade pole that could withstand future storms, with suggestions for a 20–24-foot pole with 4 feet anchored in the ground. The council also discussed the appropriate flag size, noting that the previous flag was 4x6 feet. Cost estimates ranged from around \$200 for a basic residential model to over \$500 for more robust options. Given budget constraints and the desire for a durable solution, it was agreed that further research would be needed on suitable options that balance longevity with cost-effectiveness. The findings will be addressed at the August council meeting. No formal action was taken on this discussion item.

Action Items:

- Research flagpole options, focusing on durability and wind resistance.
- Consider including the flagpole replacement in next month's budget discussions.
- Revisit the topic at the next council meeting with more information on suitable options.
- 4. Update on prospective Bishop Airfield LLC. MUD: Mayor Senkevech provided an update on the Bishop Airfield LLC Municipal Utility District (MUD) project. Mayor Senkevech, Mayor Pro Tem Mike Jaffe, Citizen Glenn Straus (due to his experience in property tax and MUDs) Judge Stovall and Brian Toole of Hunt County, held a meeting with Mindy Koehne, the project's attorney and Stephanie White of Kimley- Horn, the engineers, on the project. It was discovered that the proposed development could include up to 1,757 homes on 440 acres, with high-density housing. This comes to approximately five homes an acre on 40-foot lots. Mayor Pro Tem Jaffe expressed how Judge Stovall was not at all pleased with this plan stating that this would get a lot of people killed if there were ever a fire or some type of emergency and that currently Hunt County operates with only a volunteer fire department and as such, they are not equipped to handle a development of this size with only two driveways available to access the homes. Concerns were raised about infrastructure capacity, emergency services, water supply, sewage treatment, traffic impact, and environmental effects. The Texas Commission on Environmental Quality (TCEQ) permitting process was discussed, noting its limitations in addressing all community concerns. The council explored the TCEQ evaluation process, learning that it focuses on a limited set of criteria and primarily involves mathematical calculations related to acreage, flood plains, runoff, and watersheds. There was particular concern about the cumulative effect of effluent water on local creeks, especially when combined with other developments like Wildwood. The council noted that while their zoning ordinance addresses effluent water, the TCEQ's scope is restricted by law. The engineering evaluation is in its early stages, and feasibility could affect the project's future. There is an expressed interest by the council in speaking directly with the property owner/developer for further discussions. While no immediate action was required, the council will continue to monitor the situation, considering both the potential tax implications for future MUD residents and the long-term impacts on the community. The attorney mentioned that some similar projects have been held for up to 20 years without development, indicating that approval doesn't guarantee immediate construction. Citizen Glen Strauss: Having been a property tax consultant for 45 years, he has had some "really nasty issues" with MUDs (municipal utility districts) in the Houston area a few years ago. He got the impression from the attorney, while at the meeting, that, while the residents can protest, they are likely to lose, and the attorney advised them not to lawyer up and fight it. Strauss felt this was similar to attending a school board meeting where the board has already decided on a course of action and is just going through the motions of public hearings. Strauss also believes the development may start immediately, as the landowner is ready to "cash out the land that has value", unless the housing market changes. No formal action was taken on this discussion item.
- 5. Approve Minutes addendum for the May 30th, 2024, meeting minutes: Mayor Senkevech explained that a statement needed to be added to the May minutes regarding addressing any fraud claims. She pointed out that a video of the meeting is live streamed directly to the YouTube channel, so it cannot be edited. Councilmember Fowler's motion had died for a lack of a second and no vote was taken. The statement was added on the last page (page 6) in yellow. There was a typo that was to be fixed. Councilmember Fowler questioned why a financial auditor would be telling the council to add something about editing a live stream.
 Mayor Senkevech explained that the auditors do more than just financial audits they audit the council's minutes and procedures, and they felt that even if a fraud claim is erroneous, it should be adequately addressed so it doesn't just "stand out there" without being addressed. Motion to approve by Councilmember Blake, seconded by Councilmember Anderson.

Motion passed 5:0

- 6. Hunt County Project Sheet H-14 for drainage ditch for flood prevention for \$1500. receptacles. [CM Blake]: Mayor Senkevech explained that a veteran living on 2466 reported that during the recent significant storms, the water came up past a tree and under the pier and beam of his home. She visited the site and the resident pointed out that the area is not graded properly. Commissioner Monroe and his assistant Kevin Cook also visited the site and agreed it needs to be graded. Additionally, Councilmember Blake alerted her to another issue on cr 2326, so the commissioners also visited that site and determined it also needs grading. Motion to approve \$1,500 to address the grading issues at both CR 2466 and CR 2326 was made by Mayor Pro Tem Jaffe and seconded by Councilmember Fowler. Motion passed 5-0.
- 7. Hunt County Project Sheet H-15 for CR roads CR 2430, CR 2434, CR 2440, CR 2446, CR 2448, CR 2432, CR 2426, CR 2400 for \$4000: Hunt County will provide the labor and equipment for the completion of the work on these roads. The council will provide \$4,000 for the materials and diesel fuel. Councilmember Fowler had some questions about who was providing what, but it was clarified that Hunt County will handle the labor and equipment, while the town will cover the \$4,000 for materials and fuel. Motion to approve was made by Councilmember Blake and seconded by Councilmember Anderson. Motion passed 5-0.
- 8. Pay BHC Professional Engineers bill of \$1800 and discuss findings: This invoice was received about two weeks ago, but no report or findings from BHC were received until the afternoon of the meeting. Councilmembers Fowler and Anderson had worked with BHC on this project, and the \$1,800 bill covered their work in June. BHC confirmed they had found one POE (point of elevation) coordinate discrepancy that had already been identified by Councilmember Fowler. He then found another one within 10 minutes of reviewing the materials, they had found a potential discrepancy of about 0.5 miles. Councilmember Fowler expressed his disappointment, feeling they should not have to identify these issues when the council is paying for a professional service to do the work. Discussion continued about the accuracy of the data points and maps provided by BHC. Concerns were raised about discrepancies in the coordinates and distances, with questions about what level of discrepancy the council would consider material or unacceptable. Council felt they should not have to "beat up" BHC, but rather just get the issues resolved. Rather than immediately paying the \$1,800 bill, it was decided to have Councilmember's Fowler and Anderson follow up with BHC to get answers on the issues identified, rather than having BHC come present to the full council. The council wanted solutions, not just explanations.

Citizen Doug Kendrick: Mr. Kendrick overall, advocated for a collaborative approach that leverages the knowledge and recommendations of professional engineers, while still maintaining appropriate checks and balances, to best serve the community's needs. No formal action was taken on this discussion item.

Action Items:

- Councilmember Fowler and Councilmember Anderson to follow up with BHC regarding the identified issues and discrepancies.
- Council to determine what level of discrepancy they would consider material or unacceptable.
- BHC to provide a revised report and recommendations addressing the council's concerns.
- Council to reconsider payment of the \$1,800 invoice once the issues have been resolved.

A five-minute break was taken at 7:39. Resumed at 7:44

9. Subdivision Regulations Interlocal Agreement (with Kaufman County, Hunt County and Rockwall Counties) according to HB 1445 and Chapter 791 Texas government code for provisions of platting and permits in the ETJ of Town of Poetry. [Attorney Berman]: Attorney Berman emphasized that the town is required by state law to establish an extraterritorial jurisdiction (ETJ) agreement with the surrounding counties. The council had previously discussed this issue, but no action was taken. Councilmember Blake stated that the

Rockwall County agreement is the shortest and simplest option and recommended that the council approve sending this agreement to the other two counties (Hunt and Kaufman) for their consideration. There was discussion about the need to ensure the map accurately reflects the ETJ boundaries, though the attorney noted that the map is not strictly necessary for the agreement itself, as the boundaries can be updated over time as needed. **Councilmember Fowler** expressed concerns about the ETJ agreement, stating that it places additional burdens on ETJ residents without providing them with the full protection of being within the city limits. He felt this was unfair and amounted to "selling out" ETJ residents. However, the attorney clarified that state law requires the city to have these agreements in place. It was ultimately decided to move forward by approving the Rockwall County agreement as a template and sending it to the other two counties for their review and feedback. This was seen as a way to get the process started, while allowing for further discussion and potential modifications based on the other counties' responses. A motion to approve was made by **Councilmember Anderson** with a second by **Councilmember Blake**. **Motion passed 5:0**.

Action Items:

- Send the Rockwall County agreement to Hunt and Kaufman counties for their review and feedback.
- 10. Selecting Mayor Pro Tem for one year term: Three nominations were made for Councilmember Blake, Councilmember Fowler and for the current Mayor Pro Tem Jaffe to continue another year. A vote was taken, and Councilmember Blake was voted in as the Mayor Pro Tem for the 2024-2025 year.
- 11. Approving an Interlocal Cooperative Purchasing Agreement with Dallas and Ellis County and participating in an interlocal cooperative purchase program with Dallas and Ellis County: Here is a summary of the city council discussion regarding the interlocal cooperative purchasing agreement with Dallas and Ellis Counties: Mayor Senkevech explained that the city has the opportunity to participate in an interlocal cooperative purchasing program with Dallas and Ellis Counties. This would allow the city to "piggyback" on the bidding and procurement processes already conducted by these larger counties, rather than having to go through the full bidding process themselves for certain goods and services. When asked to preview the agreement, attorney Berman had noted that the agreement with Ellis County was relatively straightforward, as they already had a template in place that the city could adopt. Several other nearby cities and towns are already participating in this Ellis County cooperative. The mayor has been working to try to get Dallas County to approve their participation, but Attorney Berman acknowledged it may be more difficult to get them on board. Council supported of moving forward with the Ellis County interlocal agreement, as it would provide significant benefits and cost savings for the city. They were open to continuing to pursue the Dallas County agreement as well but recognized it may be more challenging. A motion to approve was made by Councilmember Blake with a second by Councilmember Anderson. Motion passed 4:1.

Action Items:

- Continue efforts to establish a similar agreement with Dallas County.
- 12. Allowing Volunteer Roads Team additional \$1400 materials for two more 5-ton loads of new asphalt mix to finish out the KC road repairs needed. [Balance left is currently approx. \$ 1374 or about two-5-ton loads worth]: Here is a summary of the city council discussion regarding the additional materials needed for the Kaufman County Road repairs: Mayor Senkevech provided an update on the funds and materials used so far for the volunteer road repair crew. She pointed out that the original \$3,000 in approved funds had been mostly spent, with around \$1,350 remaining. The volunteer crew had been able to complete seven half days of work, using approximately seven, five-ton loads of asphalt mix. The latest load cost \$1,374.50, which was slightly higher than the original \$1,350 estimate. She discussed

- how the volunteer crew had been prioritizing the most hazardous road sections, such as portions of County Road 249 and Four Post Lane, and that additional work on County Road 323 is planned for the near future. The mayor recommended using the remaining \$1,350 to purchase two more five-ton loads of asphalt mix so the necessary repairs could be completed. She felt this would be the best use of the funds, without hindering the volunteer efforts. Council is supportive of the volunteer crew's work and the recommendation to provide the additional materials needed to finish the Kaufman County Road repairs. A motion to approve was made by **Mayor Pro Tem Jaffe** with a second by **Councilmember Blake**. **Motion passed 5:0**.
- 13. Discuss Code of Conduct policy [CM Jaffe, CM Fowler]: The Poetry City Council convened to discuss a proposed code of conduct policy, initially drafted by Councilmembers Jaffe, Fowler and former Councilmember Vinson. Mayor Senkevech informed council that Town Attorney, Mr. Berman, had reviewed the document after it arrived late on the Friday afternoon prior to the meeting. He said that this document could not be voted on and identified several concerns, including potentially illegal provisions. A primary issue raised by Mr. Berman was Section 3 of the document, which pertained to the forfeiture of office. Mr. Berman advised that the council lacks the authority to force an elected official to forfeit their position, as it would disenfranchise voters. Councilmember Fowler clarified that the intent of this section was for voluntary forfeiture but said that he disagreed with Attorney Berman as the state statute provides a way for an elected official to be voted out for official misconduct and would like to follow up with the town attorney on that. Mayor Senkevech raised a point regarding the state government code on ethics, which provides for an unbiased group from the Secretary of State's office to handle ethical issues. She expressed concern that if such matters were to be handled internally by the council, it would be difficult to maintain impartiality. In response, other council members noted that it is common practice for towns to have their own code of conduct. Councilman Fowler provided a specific example of the code's utility, stating that such a policy would prohibit council members from contacting the employers of town citizens. Discussion continued around the scope and applicability of the code and how much of what is outlined in the proposed document is already in the state government code, as well as what would be the determining factor that these codes were violated and who would make that determination? Some examples were presented, such as a council member trying to get free trash service, using city property for personal use, or holding themselves out as representing the entire town. Mayor Pro Tem Jaffe expressed his view that a code of conduct of this nature serves to hold town officials to a higher standard of behavior and ethics, emphasizing that the implementation of such a document would not only affect the current leadership but would also establish expectations for future elected officials. He pointed out that this approach would help to create a lasting framework for ethical governance in the town, ensuring continuity in standards regardless of changes in leadership over time. He stressed the importance of setting a precedent that future councils would need to actively vote to change, thus reinforcing the commitment to ethical conduct in local government. Councilman Fowler raised a point of discussion regarding the applicability of the proposed code of conduct to various town roles, emphasizing the need to consider how the code might apply differently to town officers versus volunteers. Councilman Fowler suggested that volunteers handling government documents or operating recording devices should be subject to stricter ethical guidelines compared to those engaged in tasks such as road maintenance. He realizes the challenge in differentiating between these roles but stressed the importance of clearly defining expectations for those with access to sensitive information. Mayor Pro Tem Jaffe read from the proposed document, the Town of Poetry's Code of Conduct outlines the ethical standards expected for members of the Town Council, boards, commissions, and appointed or elected officials. Mayor Senkevech pointed out that the code does not specifically address volunteers, and her concern that volunteers might feel disenfranchised and unwilling to sign the code. Councilman Fowler

proposed a scenario of a new IT volunteer and said that there should be a higher level of expectations for someone with access to sensitive information compared to someone performing less critical tasks, like shoveling asphalt. **Mayor Senkevech** agreed with the point and appreciated the intent, but after her discussion with Attorney Berman, she is concerned that such codes can be misused and wants to ensure it is drafted in a way that prevents misuse and perhaps have Attorney Berman prepare a revised version. **Councilmember Anderson** mentioned that Poetry should avoid situations like what happened in Godly a few years ago, where a council member was jailed by the mayor just before a meeting, allegedly because they were going to raise concerns about misappropriated funds. The council decided to continue the discussion on the town's online forum to allow for ongoing input from all council members and the town attorney. They also agreed to research codes of ethics from other municipalities for reference and comparison. The council agreed to revisit the topic in future meetings after these action items have been addressed and more refined drafts are available for review.

Citizen Doug Kendrick: Gave praises to the Council and offered suggestions on proposed Code of Conduct and how to apply standards to volunteers.

Citizen Shelley Smith: Believes that volunteers who work on the website or video should also be included in the code of conduct.

No formal action was taken on this discussion item.

Action items:

- Post the draft code of conduct policy on the town forum for continued discussion and input.
- Follow up with Attorney Berman on state statutes.
- **Councilmember Jaffe** to discuss specific concerns about the document to Attorney Berman for detailed legal review.
- Develop a framework for appropriately applying ethical standards to volunteers with different levels of responsibility.
- Continue refining the document based on council, attorney, and potentially public feedback.
- Draft clear procedures for addressing potential ethical violations, including the use of executive sessions for initial discussions.
- J. General Public Comments: Comments are limited to three (3) minutes. If a translator is needed, the speaker may be given up to four (4) minutes.

Citizen Glenn Strauss: Thanked the council for choosing his granddaughter for the scholarship and spoke at length about her and all her accomplishments.

The meeting was adjourned at 8:30 pm.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS on this 15th day of August 2024.

	Tara Senkevech, Mayor	
ATTEST:		
Anne E. Hamilton, Town Secretary		