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# *KENNEDALE CITY COUNCIL*

**MINUTES**
**REGULAR MEETING**
**January 18, 2016**
**CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE**

**WORK SESSION - 5:30 PM**
**REGULAR SESSION - 7:00 PM**

## I. CALL TO ORDER

Mayor Johnson called the meeting to order at 5:35 p.m.

## II. WORK SESSION

***NOTE: Pursuant to Section 551.071, Texas Government Code, the City Council reserves the right to adjourn into Executive Session at any time during the work session or the regular session to discuss posted executive session items or to seek legal advice from the City Attorney on any item posted on the agenda.***

A. Joint Work Session to discuss the Uniform Development Code with the Planning and Zoning Commission and LSL Planning, Inc. representatives

**Planning and Zoning Commission**
Present: Stephen Brim, Thomas Pirtle, Billy Gilley, Jeffrey Whitacre
Absent: Ernest Harvey, Carolyn Williamson, Harry Browne

LSL Planning Representative Paul Leblanc met with the Planning and Zoning Commission, City Council and staff to discuss the Uniform Development Code project. Mr. Leblanc presented a blueprint for the project, noting that it will be the framework used to move forward. He stated that LSL has reviewed current regulations, including zoning ordinances and land regulations.

Additionally, he provided a general overview of the project, stating that the next step is to prepare a working draft ordinance. He emphasized that the following goals of the ordinance is to be more user-friendly by making it predictable, flexible, organized, with concise wording, and using clearly defined criteria, streamlined procedures, graphics, drawings, and tables.

The overview continued with a breakdown and recommendation for each section of the blueprint. There was discussion concerning the need to have a well-defined ordinance to eliminate loopholes; yet flexible enough to encourage creativity. In concluding, Mr. Leblanc stated that the Unified Development Code should have at least a 5-year life span.

## III. REGULAR SESSION

Mayor Johnson opened the regular session at 7:00 p.m.

## IV. ROLL CALL

**Present:** Frank Fernandez, Brian Johnson , Kelly Turner, Liz Carrington, Charles Overstreet, Michael Walker
**Absent:** None

### V. INVOCATION

Greg Adams, Pastor of Covenant Life Baptist Church gave the invocation.

### VI. UNITED STATES PLEDGE

### VII. TEXAS PLEDGE

“Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State under God; One and Indivisible."

### VIII. VISITOR/CITIZENS FORUM

At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

There was no one present requesting to speak.

### IX. REPORTS/ANNOUNCEMENTS

In addition to any specific matters listed below, the city council may receive a report about items of community interest, including but not limited to recognition of individual officials, citizens or departments, information regarding holiday schedules, upcoming or attended events, etc.

A. Updates from City Council

Councilman Kelly Turner informed the group that he attended the January meeting for the Emergency Preparedness Planning Council (EPPC); he stated that the State of Texas has issued $1.8 million to be used mainly for police and fire programs. Kelly added that he was hopeful that Kennedale would see some regional funding.

B. Updates from the Mayor

There were no updates from the Mayor.

C. Updates from the City Manager

There were no reports or announcements from the City Manager.

### X. MONITORING INFORMATION

A. Monthly Financials - November and December 2015

B. Executive Limitations

C. Ends Review - Balanced Scorecard

Monitoring information updates are in the agenda packet for review.

### XI. INCIDENTAL ITEMS

A. Review and accept the Police Department 2015 Racial Profiling Report

Police Chief, Tommy Williams stated that this is the annual report for the State and everything looked to be in order.

**Motion** To approve the 2015 Racial Profiling Report. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Liz Carrington.
**Motion passed Unanimously**

B. Review the Charter Review Committee report and consider directing staff to call an election

City Manager Bob Hart stated that we appointed a Committee to review and make recommendations for Charter amendments; there are five (5) broad areas to be reviewed:

- Appointment of the City Secretary
- Changing Council terms from 2 years to 3 years
- Dates for submittal of budget
- Dates for submittal of the audit
- Vacancy of offices

Bob added that the City Attorney, Wayne Olson reviewed the Committee's recommendations and made adjustments and recommended a change to the definition of a Council quorum. Continuing, Bob stated that the Charter Amendment Election must be called by the end of February and ballot language will have to be submitted to Tarrant County.

City Attorney, Wayne Olson provided Council with a brief overview of the recommended amendments. There was discussion concerning the change of term lengths for Mayor and Council. Mayor Johnson stated that one advantage to changing term lengths is it provides time for a learning curve; however, the City will still have an election every year. Councilman Overstreet added that this provides Councilmembers the opportunity to get comfortable with the governance model. Discussions continued on the additional amendments.

Mayor Johnson stated that best practice standards recommend that City's review their charters every 5-year and we have never done this. Councilman Fernandez asked how many amendments will be on the ballot. Bob Hart stated that there will be six amendments.

**Motion** To authorize staff to move forward to call an Election for Charter Amendments. **Action** Approve, **Moved By** Kelly Turner, **Seconded By** Charles Overstreet.
**Motion passed Unanimously**

**XII. REQUIRED APPROVAL ITEMS (CONSENT)**

All matters listed under required approval items (consent) have been previously discussed, require little or no deliberation, or are considered to be routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately.

A. Consider approval of minutes from December 14, 2016 meeting

B. Consider adopting Resolution 475, amending authorized representatives of TEXPOOL local government investment pool

C. Consider adopting Resolution 476, amending authorized representatives of Texas short term asset reserve program (TEXSTAR) local government investment pool

D. Consider adopting Resolution 477, amending authorized representatives of Texas

Term/Texas Daily local government investment pool

E. Consider authorizing the city manager to execute a contract with Linebarger, Goggan, Blair, and Sampson, LLP to collect delinquent taxes for the City

F. Authorize filing a statement of correction with the Tarrant County Clerk's Office correcting errors made in a plat abandonment recorded in D214210746 and approve abandonment of a portion of the Swiney Estates plat.

G. Approval of beer and wine sales at the Brickworks Festival

H. Approve Schedule of Investment Activity for quarter ending December 31, 2015

**Motion** To approve all Incidental Items on (Consent) agenda. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Liz Carrington.
**Motion passed Unanimously**

## XIII. DECISION ITEMS

A. **CASE # PZ 15-13** Public hearing and consideration of approval of Ordinance No 587 regarding a request by Kennedale Economic Development Corporation for a zoning change from "AG" Agricultural to "PD" Planned Development zoning district for single family residential use for that approximately 8-acre portion outside the floodplain of an approximately 15.6 acre tract, belonging to Ethel Swiney and located in the David Strickland Survey A-1376, Tarrant County, Texas. The property is mostly located east of the former Williamson Drive as shown on the plat abandonment recorded in Tarrant County Clerk's instrument number D214210746. Addresses include 1201, 1305, & 1307 Bowman Springs Rd.

1. Staff presentation
2. Applicant presentation
3. Public Hearing
4. Applicant response
5. Staff response and summary
6. Action by the City Council

City Planner, Rachel Roberts provided the staff presentation to approve Ordinance 587 regarding a request by the Economic Development Corporation (EDC) for a zoning change from "AG" to "PD" for approximately 8 acres located in the David Strickland Survey. Rachel stated that the property is currently zoned agricultural and is located across from the Southwest Nature Preserve. Property Owner, Ethel Swiney would like to sell the property to the EDC; however, the EDC is only interested in the floodplain area and are currently in partnership with the developer for this rezoning case. This request applies only to the portion of the 15-acres tract outside the floodplain area.

Rachel added that the Planning and Zoning Commission (P&Z) considered this request in November 2015, and asked the developer to make some changes to the proposed Ordinance with clarification and additional controls. The developer implemented the requested changes and brought the case back to P&Z in December 2015; whereas, additional changes have since been made. The final proposed Ordinance is being presented tonight and the Planning and Zoning Commission recommends approval.

Rian Maguire and Ryan Hill with CHC Development provided the applicant's presentation. Mr. Maguire presented a power point presentation with a brief summary of the proposed highlights for the development. The development will consist of 35 lots with HOA and Architectural Controls, along with fencing standards, landscaping requirements, and a HOA maintained park.

There was discussion by Council and staff concerning emergency access and the potential builder. Rachel stated that currently the Fire Department is not concerned with access issues and if anything changes in that regard, it can be addressed during the platting process. Additionally, she informed the Council that a builder has not been selected at this point, which is way P&Z required so many controls.

Public Hearing:
Mayor Johnson opened the public hearing; there was no one present requesting to speak. Mayor Johnson closed the public hearing.

**Motion** To approve Ordinance 587 as written. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Kelly Turner.
**Motion passed with a vote of 4-1; with Frank Fernandez voting against approval.**

B. **CASE # PZ 15-16** Public hearing and consideration of approval of Ordinance 588 regarding a city-initiated rezoning from "C-2" General Commercial District to "AG" Agricultural District on a 29.43 acre lot located at 3925 Kennedale New Hope Rd., legal description of Joel Snider Survey A1448 Tr 1A.

1. Staff presentation
2. Public hearing
3. Staff response and summary
4. Action by the City Council

City Planner, Rachel Roberts provided the staff presentation. She stated that this is the property that was the former Cowtown Speedway which closed in 2012 and has been vacant ever since. Last year Council directed staff to initiate rezoning the property from Commercial to AG. She added that the future Land Use Plan shows this as Neighborhood which is intended to be primarily residential. Because this area is in transition and there is a lot of opportunity for development, staff does not want to assign a specific residential zoning district to this property at this time. AG zoning is for places in transition, and will help the family who is currently there to utilize the property for agricultural use and possible tax breaks until they decide what they are going to do with the property.

The Planning and Zoning Commission consider this Ordinance at their December 2015 meeting and held a Public Hearing in which one resident spoke in favor of approval. The Planning and Zoning Commission and staff recommend approval.

Public Hearing:
Mayor Johnson opened the public hearing; there was no one present requesting to speak. Mayor Johnson closed the public hearing.

**Motion** To approve Ordinance 588 regarding city-initiated rezoning at 3925 Kennedale New Hope Road. **Action** Approve, **Moved By** Liz Carrington, **Seconded By** Charles Overstreet.
**Motion passed Unanimously**

C. Present recommended rate schedule and approve Water and Sewer Rates Ordinance 589 effective for bills paid in March.

City Manager Bob Hart stated that the City appointed a Rate Committee to work on this project, along with Consultant Carolyn Marshall and City Finance Director Krystal Crump. Bob noted that Committee members Adrienne Kay and Carl Hall were in attendance.

Consultant Carolyn Marshall stated that the City's current position is based on the FY2016 adopted budget, which has a water revenue shortage of $893,046 and a sewer revenue shortage of $1,045,543. The current structures in place depend heavily on volume rates (variable/usage), which is 72% of revenues. Additionally, fixed costs are not being covered by base rates, currently only 28% is being covered. Carolyn continued with a summary of how the base rate and tier system works. She noted that weather and conservation rates impact the amount of variable costs collect each month, which can result in less revenue received to cover fixed costs.

Finance Director Krystal Crump reviewed the two options brought forward to Council for review, noting that the Committee did not consider Option 1 to be feasible. She added that after much discussion and review the Committee agreed to recommend approval for Option 2. Option 2 recommends an increase of the fixed water rates by approximately 50% and adds a fourth tier to water volumes. It will increase the fixed sewer rates by 100% and adds an Industrial Class with a volume rate of $4.90. Option 2 will generally decrease the volume rate for water and sewer. There was a lengthy discussion regarding the proposed increases and the need to better communicate what is going on in the City.

**Motion** To approve Option 2 of Ordinance 589 approving water and sewer rates. **Action** Approve, **Moved By** Kelly Turner, **Seconded By** Charles Overstreet.
**Motion passed with a vote of 4-1; with Frank Fernandez voting against approval.**

## XIV. EXECUTIVE SESSION

Mayor Johnson recessed into executive session at 9:07 p.m.

A. The City Council will meet in closed session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property for the following:

1. 5401 High Ridge Road
2. 5400 and 5404 Kennedale Road

B. The City Council may meet in closed session at any time during the work session or the regular session, pursuant to Section 551.071 of the Texas Government Code for 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 on any item posted on the agenda and the following items:

1. Floodplain amortization and remediation
2. Land use amortization (6727 Hudson Village Cemetery Road)
3. Municipal setting designation (MSD)

4. Corp of Engineers Section 205 CAP land acquisition parameters
5. Eminent domain with environmental cleanup guidelines

## XV. RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED

Mayor Johnson reconvened into open session at 9:36 p.m.
No action required.

## XVI. ADJOURNMENT

**Motion** To adjourn the January 18, 2016 regular City Council meeting. **Action** Adjourn, **Moved By** Liz Carrington, **Seconded By** Michael Walker.
**Motion passed Unanimously**

The meeting was adjourned at 9:37 p.m.

| APPROVED: | ATTEST: |
| --- | --- |
| Brian Johnson, Mayor | Leslie Galloway, City Secretary |