KENNEDALE CITY COUNCIL MINUTES

REGULAR MEETING | DECEMBER 11, 2018
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE
WORK SESSION at 5:30 PM | REGULAR SESSION at 7:00 PM

I. CALL TO ORDER

Mayor Brian Johnson called the meeting to order at 5:32 p.m.

II. WORK SESSION

A. Continued discussion of potential amendments to the FY 2018-19 budget

There was no discussion at this time. Council requested that this item be moved forward to the January 15, 2019 Regular Meeting.

B. Winding Creek Erosion Study Presentation and discussion of other drainage/erosion issues

Public Works Superintendent Larry Hoover introduced Ben Pylant Director of Water Resources at Halff Associates who presented an overview of a study of the Erosion and Drainage of Winding Creek (from Bowman Springs Road to Kennedale Sublett Road) that was finalized in December 2017. Both were available to answer Council's questions regarding this study that aimed to prioritize erosion issues, develop options, and inform future planning and budget efforts. Stabilization suggestions included gabions and rock rip rap, at a total cost of roughly $3.5 million among the 16 prioritized sites.

There was discussion among the City Council of the possible causes of this erosion and the need to prioritize the mitigation. Finance Director Brady Olsen stated his recommendation to increase the Stormwater Drainage Fee to fund the project. Public Works Superintendent Larry Hoover stated that during his 17 years on staff, he had advocated for the funding of stormwater projects, including originating the stormwater fee for purposes such as this.

Resident Glen Massengill, *628 Briar Court*, who spoke at the previous month's Visitor/ Citizens Forum, stated his concerns regarding the erosion and shared photos.

Craig Barnes of Shield Engineering Group presented an overview of erosion issues and means of repair on Valley Lane and Danny Drive and was available to answer Council's questions regarding these subjects. Barnes stated that additional pavement failures have occurred on Valley Lane and that the repair cost will require engineering analysis. Options presented were gabions, channel improvements, and/or a connection with Trent Street.

Councilmember Pugh stated his support of identifying another entry point for Valley Lane. Councilmembers Gilley and Joplin stated their support for prioritizing this issue. Public Works Superintendent Larry Hoover requested direction regarding funding and noted the City's Silver Certification through the NCTCOG iSWM program.

There was a brief discussion of the need for easements.

Regarding Danny Drive, Barnes stated that bids for the current CDBG Project would be opened Wednesday, December 12. He presented hydraulic work maps from the NCTCOG FY13 Risk Map Project (prepared by Halff), which was part of a study that had since been submitted to FEMA. There was some discussion of rebuilding the roadway and addressing a low point in the road. Barnes stated that installation of culverts or anything that moved water downstream faster would assist in low flow events, but would not keep water from the roadway during larger events. There was a brief discussion of the existing detention pond.

The City Council stated their desire for the Utility and Infrastructure Board (UIB) to offer recommendations on these projects.

C. Discuss amending the Comprehensive Plan as it relates to Urban Village zoning

There was no discussion at this time. Council requested that this item be moved forward to the January 15, 2019 Regular Meeting.

D. Discuss issues of Utility Billing by Fathom

There was no discussion at this time. Council requested that this item be moved forward to the January 15, 2019 Regular Meeting.

Mayor Johnson recessed the Work Session at 6:55 p.m.

III. REGULAR SESSION

Mayor Johnson called the Regular Session to order at 7:06 p.m.

IV. ROLL CALL

Present: Mayor Brian Johnson; Rockie Gilley, Place 1; Chris Pugh, Place 2; Linda Rhodes, Place 4; Jan Joplin, Place 5; **Absent:** Mayor Pro Tem Sandra Lee, Place 3

Staff: *City Manager George Campbell, City Secretary & Communications Coordinator Leslie Galloway, Finance Director Brady Olsen, Director of Planning and Economic Development Melissa Dailey, Police Chief Tommy Williams, Fire Chief James Brown, Public Works Superintendent Larry Hoover, Director of Human Resources & Administrative Services Danielle Clarke, Library Director Amanda King, and City Attorney George A. Staples, Jr.;* ***Consultants****: Ben Pylant, Director of Water Resources at Halff Associates; and Craig Barnes President of Shield Engineering Group*

V. INVOCATION

Pastor Nelda Barrett Murraine of FUMC Kennedale offered the invocation.

VI. UNITED STATES PLEDGE AND TEXAS PLEDGE

VII. VISITOR/CITIZENS FORUM

No one spoke at this time.

VIII. REPORTS/ANNOUNCEMENTS

A. Updates from the City Council

- **ROCKIE GILLEY, PLACE 1**, announced that he visited local businesses and toured the creeks of Kennedale.

- **CHRIS PUGH, PLACE 2**, announced that he attended the Christmas Tree Lighting and thanked the public works staff for their work at that event and the community for attending.
- **LINDA RHODES, PLACE 4**, announced that she attended the Christmas Tree Lighting and enjoyed meeting members of the Youth Advisory Council (YAC); and that she would be attending a TMCA training on January 24-25.
- **JAN JOPLIN, PLACE 5**, stated that she attended the Senior Center Thanksgiving luncheon; attended EDC, Council, Park Board, and P&Z meetings; and thanked the staff for their work on the Christmas Tree Lighting and the KPFFA for their Angel Tree Program; and that there was a "Police Navidad" luncheon on December 20 at FUMC.

Joplin then read a proclamation recognizing James F. Delaney Elementary for their "Linda Huckabay Thanksgiving Food Drive".

Pastor Nelda Barrett Murraine of FUMC Kennedale thanked the students, families, and staff of Delaney for their support of the FUMC Mission Store Food Pantry through this program.

B. Updates from the Mayor
This item was taken out of order; Followed VII.C. Updates from the City Manager.

Mayor Brian Johnson announced that he attended the Mayors Council meeting (which he chairs) and visited the Presbyterian Night Shelter; he noted the approval of the Tarrant County bond package, which included satellite health care locations; stated that the Commissioners Court recently approved the funding of a $10 million project to improve the portion of Sublett Road between Joplin Road and the Kennedale city limit; and that Kennedale Theatre in the Park had upcoming productions on Friday, December 14 and Saturday, December 15.

Mayor Johnson then read a Proclamation designating December 22 as Arbor Day.

C. Updates from the City Manager
This item was taken out of order; Followed VII.A. Updates from the City Council.
City Manager George Campbell introduced newly appointed Fire Chief James Brown.

IX. MONITORING INFORMATION

A. Monthly Financials – November 2018
There was no discussion at this time.

B. Monthly EDC Financials and Activity Report
There was no discussion at this time.

X. INCIDENTAL ITEMS

XI. REQUIRED APPROVAL ITEMS (CONSENT)

A. Consider approval of minutes from November 12, 2018 regular meeting

B. Consider appointment to the Fort Worth Wholesale Water and Wastewater Advisory Committee

Councilmember Rhodes requested that item A be removed from Consent.

Motion To Approve Consent Agenda, except Item A. **Action** Approve, **Moved By** Joplin, **Seconded By** Rhodes. **Motion passes Unanimously.**

In relation to item XI.A (November 12 Minutes), Councilmember Rhodes requested that Work Session item B have the following language added to the final sentence: "… and for the Senior Center Board to turn in monthly financial reports to the City."

Motion To Approve Consent Item A as amended by Councilmember Rhodes. **Action** Approve, **Moved By** Rhodes, **Seconded By** Gilley. **Motion passes Unanimously.**

XII. DECISION ITEMS

A. Consider appointment of a Chair of the TIRZ Board per Ordinance 506 (refer to Section 3)

Mayor Johnson nominated Councilmember Rockie Gilley as Chair of the TIRZ Board.

Motion To Approve appointment of Councilmember Rockie Gilley as Chair of the TIRZ Board. **Action** Approve, **Moved By** Joplin, **Seconded By** Rhodes. **Motion passes 4-0-1**, with Councilmember Gilley abstaining.

B. Consider adoption of Ordinance 656 adding two alternate places to the Utility and Infrastructure Board

Motion To Approve Ordinance 656 adding two alternate places to the Utility and Infrastructure Board. **Action** Approve, **Moved By** Pugh, **Seconded By** Joplin. **Motion passes unanimously.**

C. Consider appointment of two Utility and Infrastructure Board alternate members pursuant to Ordinance 656

Motion To Postpone appointments of two alternate members to the UIB until Council can interview applicants. **Action** Postpone, **Moved By** Gilley, **Seconded By** Joplin. **Motion passes unanimously.**

D. Discuss and consider adoption of Ordinance 643, amending Chapter 15, Article V, Sec. 15-155 of the City Code to regulate noise nuisances near residential dwellings

Director of Planning and Economic Development Melissa Dailey gave a brief overview of this ordinance and was available to answer Council's questions regarding the ordinance.

Motion To Amend Ordinance 643, by maintaining a start time of 7:00 a.m. on weekdays, but delaying the start time until 8:00 a.m. on Saturdays and Sundays. **Action** Amend, **Moved By** Gilley, **Seconded By** Joplin. **Motion passes unanimously.**

Motion To Approve Ordinance 643, amending Chapter 15, Article V, Sec. 15-155 of the City Code, as amended. **Action** Approve, **Moved By** Pugh, **Seconded By** Joplin. **Motion passes unanimously.**

E. Receive a staff report and hold a discussion regarding the Village of Hammack Creek located at the northeast corner of East Kennedale Parkway and Kennedale Sublett Road

Director of Planning and Economic Development Melissa Dailey gave a brief overview of this proposed mixed-use development, including a description of the requirements of the Urban Village zoning which the developers intended to pursue, pending approval of Decision Item F by the Council. Dailey then presented a preliminary site plan provided by OM Housing, which included 144 apartments, 16 townhomes (in Phase 1), 31,000 sqft. of retail, 7,500 sqft. of office space, and 2 acres of open space. She noted that the aim of Section 42 or the IRS code was to allow for a higher quality of housing than might be seen without offering subsidized financing to decrease development costs.

In response to questions from Council, Patricia Ward, Director of the Tarrant County Community Development And Housing Department, stated that the proposed funding was subsidized on the developer side, rather than on the tenant side.

Dailey then discussed the maximum rent amounts, the income levels that would qualify, the appeal of affordable housing to seniors and veterans (which the developer is required to reach out to under the proposed financing program), myths associated with affordable housing, the quality requirements of Urban Village zoning, and the principles of the Comprehensive Plan with which this development would align.

Dailey noted that this was a $50 million investment in a parcel of land currently valued at about $700,000; and that the economic impact was estimated to be $1.24 million annually ($513,000 in sales and property tax to the City and $726,000 in property tax to KISD) or $36.5 million over 20 years as well as 50 added permanent jobs.

F. Discuss and consider a resolution of Support for an application to the Texas Department of Housing and Community Affairs (TDHCA) 2019 Housing Credit Program by OM Housing, LLC to partially finance the mixed-use development of The Village at Hammack Creek, located at the northeast corner of East Kennedale Parkway and Kennedale Sublett Road

Mayor Johnson noted that approval of this item was merely an expression of support for the developer's application for the tax credit financing, not approval of the development, which would require application to the Planning & Zoning Commission for rezoning and site plan approval, which would then be considered by the City Council, if approved by the P&Z.

Patricia Ward noted the lack of affordable housing in Tarrant County, and the need to have quality housing for all levels of income, including those beginning their careers or families that earn a median income.

Director of Planning and Economic Development Melissa Dailey was also available to answer questions from the City Council, including those concerning the economic impact, the infrastructure and staff required to support the added residential and retail, mitigation of increased water runoff, and the potential impact on the school district.

Councilmember Chris Pugh reiterated Mayor Johnson's statement that Council was not considering the approval of the development, but was merely considering expressing support of the developer's application for funding on a proposed $50 million development that would then go through many levels of review by both the Planning & Zoning Commission and the City Council where concerns could be addressed. He added that the community survey results presented to Council in an Informal Staff Report indicated several desires that would be met by this proposed development including professional office space, neighborhood services and small retail, and varying types of housing and designs.

Councilmember Gilley stated his belief that this development would fundamentally change the community, and that he desired public input before supporting the developer's application for tax credit funding.

Deepak Sulakhe, President and CEO of OM Housing, stated that the deadline for the application for funding was March 1, 2019, with a pre-application due January 7, 2019.

Mayor Johnson then requested that several emails from residents presented by himself and Councilmember Joplin be added to the minutes:

- **Lisa Cooper**, *717 Timberline Street*, stated via email her opposition to low income housing, and her support of seeking businesses in this area.
- **Cheryl Pond**, *606 Hilltop Court*, stated via email her opposition to the Council considering mixed use low income apartments.
- **Anthony Bichel**, *908 Shady Vale Drive*, stated via email his opposition to this proposed development because of the potential effects to the City and KISD.
- **Thelma Kobeck**, *200 Valley Lane*, stated via email her opposition to the Council supporting the developer's application to the TDHCA due to the reduced rents and increased traffic; and urged the City Council and staff to review and revise the Comprehensive Plan.
- **Josh Altom**, *1033 Estates Drive*, stated via email his support of this Resolution and the related development, stating that it would be a housing option for public safety personnel and teachers. He also attached a statement from **LeCretia Johnson** who stated that she was born and raised in Kennedale, but as a single mother had left because of the lack of affordable housing.
- **Michael Strait**, *509 Mansfield Cardinal Road*, stated via email his support of this proposed development as well as the one on Little Road (Item G on this agenda).
- **Allen Ray**, 1025 Winding Creek Drive, stated via email his desire for Council to table this item until more information is available about the financing.
- **Doug Elliott**, *205 Hilltop Drive*, stated via email his opposition to low cost family housing.
- **Sarah Turner**, *1000 Oak Hill Park*, stated via email her opposition to affordable housing unless the schools, first responders, and businesses can support it.
- **Jennifer Cannon**, *701 Sunrise Drive*, stated via email her support of apartments in this location if they were high-end with retail and restaurants attached, but not if they were "Section 8, HUD, or Government Assistance living".

Jason Lain, Director of Acquisitions of OM Housing, stated that the company focuses on high-end LEED-certified developments, partners with local companies, and includes the necessary infrastructure for each retail space. He went on to discuss the economic development advantages, the management of the property after completion, and the environmental standards of their developments. Lain reiterated that this resolution of support would allow OM Housing to proceed in the State application process, but would not guarantee approval in that process or indicate approval of the proposed site plan.

Deepak Sulakhe stated that the State requires a 'Hold Harmless' letter at the time of zoning application, and understands that the development could be voted down in the future and was available to answer Council's questions regarding these subjects.

Motion To Approve a resolution of Support for an application to the Texas Department of Housing and Community Affairs (TDHCA) 2019 Housing Credit Program by OM Housing, LLC to partially finance the mixed-use development of The Village at Hammack Creek. **Action** Approve, **Moved By** Pugh, **Motion Not Seconded**. **Motion Failed**.

Mayor Johnson declared this item dead for lack of a second.

G. **Case PZ 18-07** to conduct a public hearing and consider a request by Harlan Properties, Inc. for a rezoning of approximately 5 acres at 1109 North Little School Road, legal description of M P Lamar Survey, Abstract 987, Tract 2B Less HS and David Strickland Survey, Abstract 1376, Tract 8B, and approximately 6 acres at 1121 North Little School Road, legal description of David Strickland Survey, Abstract 1376, Tract 8A, 8A1 & 8A2, Less AG, and M P Lamar Survey, Abstract 987, Tract 2A, 2A1 & 2a1A Less HS, City of Kennedale, Tarrant County, Texas from C-1 Restricted Commercial to UV Urban Village

1. Staff Presentation

Director of Planning and Economic Development Melissa Dailey stated that these four parcels would be combined for a proposed development on Little Road, that current surrounding uses are primarily commercial with some residential and one multifamily location (most of which are in the City of Arlington), and that the proposed zoning change would comply with the Future Land Use Plan.

She provided a brief overview of the proposed development for this location and was available to answer Council's questions regarding these subjects.

Dailey stated that staff recommends approval and that the Planning and Zoning Commission recommends approval 4-2 vote.

2. Public Hearing

- **Wayne Burgdorf**, *of SVN Trinity Advisors at 3000 Race Street (Fort Worth),* stated his support for the proposed rezoning, adding that during the four years he had been the listing agent for these properties, he had received more than 360 inquiries many of which were higher density rental developments, but that it was his opinion that something like this proposed medium density owner-occupied custom product would fit best within the plan and as well as meeting the needs of market demand and the Urban Village goals as defined by leadership.

Mayor Johnson recessed the meeting at 8:59 p.m. and reconvened the meeting at 9:09 p.m.

3. Staff Response and Summary

Director of Planning and Economic Development Melissa Dailey was available to answer the Council's questions regarding the origin on the Urban Village zoning classification and other potential uses allowed under that zoning as well as the current zoning of C-1.

Suresh Shridharani, President of Harlan Properties and Sumeer Homes, the developer of the proposed townhomes, stated that he only had intentions of building what was presented and that groundbreaking could likely happen by August of 2019.

Motion To Approve Case PZ 18-07, a request by Harlan Properties, Inc. for a rezoning of approximately 5 acres at 1109 North Little School Road, legal description of M P Lamar Survey, Abstract 987, Tract 2B Less HS and David Strickland Survey, Abstract 1376, Tract 8B, and approximately 6 acres at 1121 North Little School Road, legal description of David Strickland Survey, Abstract 1376, Tract 8A, 8A1 & 8A2, Less AG, and M P Lamar Survey, Abstract 987, Tract 2A, 2A1 & 2a1A Less HS, City of Kennedale, Tarrant County, Texas from C-1 Restricted Commercial to UV Urban Village. **Action** Approve, **Moved By** Gilley, **Seconded By** Pugh. **Motion passes unanimously.**

Mayor Johnson recessed to Executive Session at 9:32 p.m.

XIII. EXECUTIVE SESSION

A. Discuss proposed contract to purchase potable water from the City of Arlington and contract to transfer the operation and maintenance of the Kennedale water and sewer systems to the City of Arlington

B. Discuss pending legal matters regarding Ron Sturgeon vs. City of Kennedale

C. Discussion of City Manager's Annual Evaluation

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

Mayor Johnson reconvened the meeting at 9:48 p.m.

Council directed staff to move forward Work Session items A, C, and D and Executive Session item C to the January 15, 2019 Regular Meeting.

XV. ADJOURNMENT

Motion To Adjourn. **Action** Adjourn, **Moved By** Gilley, **Seconded By** Rhodes. **Motion passed Unanimously.**

Mayor Brian Johnson adjourned the meeting at 9:50 p.m.

APPROVED:

BRIAN JOHNSON, MAYOR

ATTEST:

LESLIE GALLOWAY, CITY SECRETARY

CITY OF KENNEDALE SEAL TARRANT COUNTY, TEXAS