KENNEDALE CITY COUNCIL MINUTES

REGULAR MEETING | FEBRUARY 19, 2019
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE
WORK SESSION - 5:30 PM | REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

Mayor Brian Johnson called the meeting to order at 5:31 p.m.

II. WORK SESSION

A. Presentation of the Parks and Recreation Board's program, budget, and funding goals and objectives – *Requested by Joplin/Lee*

Interim Public Works Director Larry Hoover introduced Parks and Recreation Board Chair David Deaver who offered a presentation of the projects the board would recommend to Council for consideration of funding, most of which centered around the ballfields at Sonora, including additional security measures, a secure storage building, field refurbishment, and an additional staff member or annual contract for ongoing sports field maintenance.

There was some discussion of the desire to offer a dedicated football practice field, acquisition of land, and potential funding sources, including the Park Dedication Fund, the potential of a bond issuance, or – in future year – Hotel Occupancy Tax (HOT) revenue.

Park Board Chair Deaver noted that the Board attempted to minimize costs on this proposal, but could complete a proposal for a bond. He noted that security items, field refurbishment, and the additional staff member were the immediate priorities. Mayor Johnson noted the economic development value of parks, and asked that the Parks Board determine what they would like to see included in a potential bond package.

City Manager George Campbell stated that staff could draft an Informal Staff Report detailing what could likely be accomplished with the funds currently available and would then move forward with those projects barring any objection from the Council.

B. Receive a report and hold a discussion regarding recommendations of the Utility & Infrastructure Board (UIB) regarding the Winding Creek Erosion Study and other similar issues within the City– *Requested by Gilley/Joplin*

City Manager George Campbell noted that, following a report from Ben Pylant of Halff and Associates on December 11, 2018, that the Council requested the Utility & Infrastructure Board (UIB) consider erosion issues throughout the City and formulate a recommendation to Council. At the February 5, 2019 UIB meeting, the board discussed many factors including funding, construction, development policies, and the formulation of a process to prioritize erosion issues; and came to a consensus that additional discussions would be necessary before submitting any formal recommendations to the City Council

City Manager George Campbell noted the complexity of this issue and the extensive time necessary to consider all factors; and stated that staff and engineers were formulating plans to prevent future issues, which he hoped could be presented to the UIB for their consideration within the next 90 days. He added that if the City were to decide to attempt to mitigate identified erosion issues, including those along Winding Creek, that the sooner those efforts could begin, the better.

C. Continued discussion of top ten streets in need of repair and rebuild

City Manager George Campbell noted that this was a continued discussion that includes the top ten streets, which were presented at the January 15, 2019 Regular Meeting, but now adds a cost estimate, which in total is more than $500,000 in maintenance and repair. He added that this will clearly be a consideration when formulating the FY19-20 Budget.

There was some discussion of the ensuring that the budget did not focus solely on these streets to the detriment of others, which – without proper maintenance (such as crack sealing) – would deteriorate much more quickly.

D. Discussion regarding landscaping and maintenance of right-of-way on Kennedale Parkway – Requested by Joplin/Lee

City Manager George Campbell noted that this issue was addressed in an Informal Staff Report sent to the City Council on Monday, January 28; and that Interim Public Works Director Larry Hoover was available to answer and questions Council might have.

There was some discussion of potentially removing additional bushes at the Cloverlane Drive intersection for sightline improvement. The Council requested traffic accident data from this and all intersections along the Parkway (particularly those that indicated sightline issues as factors) from Police Chief Tommy Williams.

Interim Public Works Director Larry Hoover noted that it was the responsibility of property owners all along the Parkway to maintain the area between the curb and the property line – other than the plants and sprinklers installed through the Green Ribbon Project Grant, which were the responsibility of City staff to maintain.

Mayor Johnson announced that the remaining Work Session items would be discussed following the Regular Session. He then adjourned to Executive Session at 6:52 p.m.

Following this first Executive Session and the entirety of the Regular Session Mayor Johnson reconvened the Work Session at 9:06 p.m.

E. Receive a report and hold a discussion regarding right-of-way acquisitions for New Hope Road – Requested by Joplin/Lee
THIS ITEM WAS TAKEN OUT OF ORDER. DISCUSSION HELD FOLLOWING THE CONCLUSION OF THE REGULAR SESSION.

City Manager George Campbell stated that there are four properties that must be purchased by August 2020 for the bridge project – two of which had been acquired and two that remain to be purchased. He added that the design of the widening of New Hope Road would need to be completed before staff would know what parcels might be necessary. Councilmember Joplin requested a report of the attorney fees associated with the land acquisitions.

F. Discuss and provide staff direction regarding the creation of a Council Audit Committee and the establishment of a fraud hotline – *Requested by Joplin/Lee*

Finance Director Brady Olsen stated that staff recommended a Fraud Hotline, but would not recommend an Audit Committee. There was some discussion of a need for subcommittees on larger governing bodies, but that it would be somewhat less useful (or practical, considering a quorum of three) for a Council of just six members. Councilmember Gilley noted the possibility of including at least one citizen representative.

There was a consensus among the Council to move forward with establishing a fraud hotline, but not an Audit Committee as it would require more research into the logistics.

G. Discussion regarding goals and objectives the City Council may recommend for the Economic Development Corporation Board's consideration and implementation – *Requested by Joplin/Lee*

City Manager George Campbell noted that this item had been placed on the agenda, pursuant to the joint work session of the EDC Board and the City Council on Monday, January 14; and that he was available to answer Council's questions.

Councilmember Gilley stated a desire for the EDC to create a "use case" for each property. Councilmember Joplin stated a desire to also see uses determined for land owned; for the EDC to reimburse the Water Fund $171,000.00 for the land that is deeded to the EDC, but was funded by the Water Fund; and for the money billed to the City for EDC attorney fees to also be correctly coded and reimbursed to the General Fund.

City Manager George Campbell stated that the EDC Board was also interested in assessing the land owned and determining best uses, adding that a developer had expressed interest in the 13 acres (purchased for $171,000.00). He noted that the EDC Board is interested in more aggressively pursuing projects in several areas including Kennedale Parkway.

H. Discussion of items on the Regular Agenda

There was no discussion at this time.

Following the conclusion of second portion of the Work Session (which began at 9:06 p.m.), Mayor Johnson offered a brief recess at 9:27 p.m. before the second Executive Session.

III. REGULAR SESSION

Mayor Johnson convened the Regular Session at 7:30 p.m.

IV. ROLL CALL

Present: Mayor Brian Johnson; Mayor Pro Tem Sandra Lee, Place 3; Rockie Gilley, Place 1; Chris Pugh, Place 2; Linda Rhodes, Place 4; Jan Joplin, Place 5; **Absent:** NONE

Staff: *City Manager George Campbell, City Secretary Leslie Galloway, Finance Director Brady Olsen, Police Chief Tommy Williams, Fire Chief James Brown; Director of Planning and Economic Development Melissa Dailey; Library Director Amanda King; Human Resources Director Danielle Clarke; Interim Public Works Director Larry Hoover; Permit Clerk Melinda Middleton*

V. INVOCATION

Pastor Greg Adams of Covenant Life Baptist Church offered the invocation.

VI. UNITED STATES PLEDGE AND TEXAS PLEDGE

VII. VISITOR/CITIZENS FORUM

There were no requests to speak at this time.

VIII. REPORTS/ANNOUNCEMENTS

A. Updates from the City Council

- **JAN JOPLIN, PLACE 5,** announced that she had visited with several citizens.
- **LINDA RHODES, PLACE 4,** did not have any updates at this time.
- **MAYOR PRO TEM SANDRA LEE, PLACE 3,** stated that she met with the Director of the Women's Center regarding a program for Senior Citizens, met with State Representative Bill Zedler regarding her desire for a Recreational Center, and volunteered with Nature's Kitchen at First United Methodist Church of Kennedale.
- **CHRIS PUGH, PLACE 2,** announced he attended an event honoring Corporal Garrett Hull at Red's Road House, a fundraiser for his widow and their children; and hoped it would be repeated annually.
- **ROCKIE GILLEY, PLACE 1,** announced that he spoke in favor of Senate Bill 2 (which would put a more stringent cap on property taxes) at a recent State Senate Hearing.

B. Updates from the City Manager
THIS ITEM WAS TAKEN OUT OF ORDER. FOLLOWED ITEM VIII.C. UPDATES FROM THE MAYOR.

City Manager George Campbell stated that discussions with the City of Arlington regarding the two water contracts were ongoing, and that staff hoped to present final versions – along with recommendations from the Utility & Infrastructure Board (UIB) – to the City Council at their next Regular Meeting on March 19. He noted that if all deadlines were met, the contracts would have an effective date of Friday, March 29, 2019.

He then asked for Council direction regarding a Work Session scheduled for March 4 to discuss updates to the Comprehensive Plan. The consensus among Council was to delay that meeting until after the election, when there would be at least two new Councilmembers.

C. Updates from the Mayor
THIS ITEM WAS TAKEN OUT OF ORDER. FOLLOWED ITEM VIII.A. UPDATES FROM THE CITY COUNCIL.

Mayor Johnson announced that he attended a joint meeting of TRTC (Tarrant Regional Transportation Coalition) and DRMC (Dallas Regional Mobility Coalition) that included an update on the 287/820/I-20 project, which is now estimated at $1.7 billion; that he attended a Southeast Tarrant Transportation (SETT) meeting – now chaired by newly-elected County Commissioner Devan Allen – including discussions regarding Debbie Lane in Mansfield and the widening of Highway 287 south of Kennedale; he noted that surveying had begun on the widening of Sublett Road (between the city limits and the intersection of Highway 287) including the bridge, noting former Tarrant County Commissioner Andy Nguyen's approval of $2 Million towards the funding of that project; that he also spoke at the State Senate Hearing in favor of Senate Bill 2 specifically regarding the transparency of appraisals and the easier appeals process, noting that his primary concern was the timeframe of a City's budget process in relation to a potential "rollback" election; and announced that Kennedale Community Theater in the Park would be presenting "Seussical" in April.

IX. MONITORING INFORMATION

A. Monthly Financials – January 2019
THIS ITEM WAS TAKEN OUT OF ORDER. DISCUSSION FOLLOWED ITEM XII.B.

In response to Councilmember Joplin's question regarding the increased sales tax revenue for January, Finance Director Brady Olsen stated that it was a correction made by the State Comptroller. Councilmember Joplin noted that, even accounting for that one-time payment, that sales tax revenue was up about $5,000.00 compared to January 2018.

In response to Councilmember Joplin's question regarding the General Fund balance increasing from 1.2 Million in November to 2.9 Million in December Olsen stated that it was a result of receipt of property taxes, noting City revenues spike at certain times of the year.

B. Monthly EDC Financials and Activity Report

There was no discussion at this time.

C. Schedule of Investment Activity for quarter ending December 31, 2018

There was no discussion at this time.

X. INCIDENTAL ITEMS

XI. REQUIRED APPROVAL ITEMS (CONSENT)

A. Consider approval of the minutes from the January 15, 2019 Regular Meeting

B. Consider approval of the minutes from the February 11, 2019 Special Meeting

C. Consider authorizing the City Manager to sign an Agreement for Mutual Aid in Fire Protection and Emergency Medical Services with Tarrant County

D. Receive the 2018 Racial Profiling Report from the Police Department

Police Chief Tommy Williams noted that the Racial Profiling Report (Consent Item D) that was included in the packet had an error in Table 1. (Motor Vehicle Contacts Including Tickets, Citations and Warnings). The number of Hispanic or Latino motor vehicle contacts should have been 489, but was entered incorrectly as 789. Chief Williams stated that a corrected version would be distributed to the Council via email and that Council could, if they desired, accept the report, contingent upon that correction.

Motion To Approve Consent Agenda. **Action** Approve, **Moved By** Mayor Pro Tem Lee.

Before a second was made, Councilmember Linda Rhodes asked that Consent Item A (minutes from the January 15, 2019 Regular Meeting) be removed.

Motion To Approve Consent Agenda, except Item A. **Action** Approve, **Moved By** Mayor Pro Tem Lee. **Seconded By** Rhodes. **Motion passes Unanimously.**

Regarding Consent Item A, Councilmember Rhodes requested that the January 15, 2019 minutes be edited to reflect that, on Decision Item B., there was a seconded motion to approve the item, but that it was amended to instead table that item.

Motion To Approve Consent Agenda Item A (Minutes from the January 15, 2019 Regular Meeting), with the correction as noted by Councilmember Rhodes. **Action** Approve, **Moved By** Rhodes. **Seconded By** Pugh. **Motion passes Unanimously.**

XII. DECISION ITEMS

A. Consider authorizing the Mayor to sign an Interlocal Agreement with the Fort Worth Transportation Authority ("Trinity Metro") for Administrative Cost Funding for Section 5310 Program

City Manager George Campbell stated that this is a recurring annual agreement with minimal changes, and that staff would recommend approval.

City Secretary and Communications Coordinator Leslie Galloway stated that this was an agreement that allows for transportation of older adults and other qualified persons for a fare of $2.50 per trip (one-way), at a total annual cost of $1,288.00.

Motion To Approve authorizing the Mayor to sign an Interlocal Agreement with the Fort Worth Transportation Authority ("Trinity Metro") for Administrative Cost Funding for Section 5310 Program. **Action** Approve, **Moved By** Rhodes. **Seconded By** Pugh. **Motion passes Unanimously.**

B. Consider approval of a change order submitted by Circle C Construction at an additional cost of $37,330.00 for additional repairs related to the replacement of a sanitary sewer line in the 300-400 blocks of Dick Price Road

Interim Public Works Director Larry Hoover gave a brief overview of the history of the project and the additional repairs required. He asked for the City Council to confirm the decision made by staff to fund these newly-identified repairs. City Manager George Campbell noted that, these additional items were at a cost of $37,330.00, but that, overall, the project was over budget by just $21,410.00

Motion To Approve the change order submitted by Circle C Construction at an additional cost of $37,330.00 for additional repairs related to the replacement of a sanitary sewer line in the 300-400 blocks of Dick Price Road. **Action** Approve, **Moved By** Pugh. **Seconded By** Rhodes. **Motion passes Unanimously.**

C. Discuss and consider Resolution 543, 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

City Manager George Campbell noted that this item was postponed during the February 11 Special Meeting, and that staff and the developer were available to answer questions. Mayor Johnson noted that all submitted Speaker Request Forms from that meeting had been retained and those people would be given a chance to speak at this time. He added that all speakers would be allotted a maximum of three minutes.

Requests to speak that were submitted during the February 11, 2019 Special Meeting:

- **Eric Elam**, *349 Kennedale Sublett Road*, declined to speak at this time.
- **Bob Gruenhagen**, *913 Shady Vale Drive*, was not present to speak at this time and did not indicate support or opposition on the Speaker Form.
- **Sara Johnson Cotton,** *700 Crestview Drive*, spoke in opposition of Resolution 543.
- **Mike Johnson**, *1006 Colonial Court*, was not present to speak at this time and did not indicate support or opposition on the Speaker Form.
- **Martha Dibella**, *509 Pennsylvania Avenue*, spoke in support of Resolution 543.
- **Ngan Nguyen**, *900 Sunrise Drive*, was not present to speak at this time but registered in support of Resolution 543 on the Speaker Form.
- **Josh Altom**, *1033 Estates Drive*, was not present to speak at this time but registered in support of Resolution 543 on the Speaker Form.
- **Adlai Pennington**, *1375 Gilman Road*, Fort Worth, was not present to speak at this time but registered in support of Resolution 543 on the Speaker Form.
- **Jeff Nevarez**, *338 Spring Branch Lane*, spoke in favor of Resolution 543.
- **Luke Mullen**, *5440 Harvest Hill, Dallas*, was not present to speak at this time and did not indicate support or opposition on the Speaker Form.
- **Mr. and Mrs. Toby Davis**, *906 Shady Creek Drive*, was not present to speak at this time but registered in opposition of Resolution 543 on the Speaker Form.
- **Austin Degenhart**, *304 W. Mistletoe Drive*, was not present to speak at this time but registered in opposition of Resolution 543 on the Speaker Form.
- A speaker form was submitted **anonymously** in opposition of Resolution 543.
- **Cheryl Pond**, *606 Hilltop Court*, spoke in opposition of Resolution 543.
- **Cathy Brown**, *808 Shady Bend*, spoke in opposition of Resolution 543.
- **Phillip Elam**, *349 Kennedale Sublett Road*, did not speak, but registered in favor of Resolution 543.

- **Jason Lain**, *409 Yacht Club, Rockwall*, did not speak at this time, but is part of the development team and was available to answer questions.
- **Deepak Sulakhe**, *5033 Brookview Drive, Dallas*, did not speak at this time, but is part of the development team and was available to answer questions.

Requests to speak that were submitted during the February 19, 2019 Special Meeting:

- **John Hivale**, *418 Coker Valley Drive*, spoke regarding Resolution 543.
- **Jeff Brand**, *4941 Nashwood Lane, Dallas*, is part of the development team and thanked the Council for considering this development and addressed some concerns that had been stated by previous speakers.

At this time, Councilmember Gilley noted that the vote tonight was on a Resolution of support, neutrality, or opposition on an application for low-income tax credits for a housing development, and asked – because of the wording of the agenda caption – if the financing was for the mixed-use or for the apartments.

- **Deepak Sulakhe**, *5033 Brookview Drive, Dallas*, is part of the development team; he thanked the Council for their consideration and noted that while the financing is only applicable to the apartments, they are an integral part of the overall development.

Mayor Johnson closed the Public Hearing at 8:36 p.m.

City Attorney Drew Larkin reminded the City Council that any decision regarding this item should ignore any public input or personal opinion that might violate the Fair Housing Act.

Motion To Postpone consideration of Resolution 543, 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 until an opinion is obtained from the Texas Attorney General in regards to the two letters sent by the legal representatives of OM Housing threatening legal action if a Resolution of Support was not approved; that were delivered to the City as to if the cases cited in the two letters from OM Housing apply to a Resolution of Support; as well as the two letters threatening legal action against Councilmember Joplin if she did not recuse herself in the Resolution of Support for the low income housing application delivered by a private citizen of Kennedale; and additionally seeking the Texas Attorney General's opinion if these threats of legal action constitute a coercion of a public official to influence a vote under Texas Penal Code 36.03 - Coercion of Public Servant or Voter. **Action** Postpone, **Moved By** Gilley. **Seconded By** Joplin.

In response to Mayor Johnson's question, City Attorney Drew Larkin stated that it is each individual Councilmember's duty to determine whether they might have a conflict of interest; and if they conclude that they do, they should not in any way participate in the debate or vote regarding that item and should complete a "Conflict of Interest Affidavit".

Motion To Move the Question. **Action** Move the Question, **Moved By** Pugh. **There was no Second. Motion dies.**

Councilmember Joplin stated that her goal was to represent the citizens, but that there had been threat made against both her and the City, adding that her family was her first priority.

Mayor Johnson noted that any private party could protect their own rights and express their opinions, even if that means taking legal action. He then called for a vote.

Motion To Postpone consideration of Resolution 543, 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** Postpone, **Moved By** Gilley. **Seconded By** Joplin. **Motion fails 2-3,** with Mayor Pro Tem Lee, Pugh, and Rhodes voting against postponement.

Motion To Approve Resolution 543, 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. **Seconded By** Mayor Pro Tem Lee.

Mayor Johnson reminds the Council that this is a Resolution of Support, not an approval of the development as presented.

Councilmember Joplin added that her safest course of action personally was to recuse herself from this vote. She then filled out a "Conflict of Interest Affidavit".

Mayor Pro Tem Lee stated that Councilmember Joplin should feel at liberty to vote.

Motion passes with a vote of 3-2-1, with Mayor Pro Tem Lee and Pugh voting in favor, Gilley and Rhodes voting against, Joplin abstaining, and Mayor Johnson breaking the tie with a vote in favor.

D. Discuss and consider Resolution 547, a Resolution of Support for an application to the Texas Department of Housing and Community Affairs (TDHCA) 2019 Housing Credit Program by CSH Cardinal Court Seniors, Ltd. to partially finance the senior residential development of Cardinal Court Seniors, located at 439 Mansfield Cardinal Road

Director of Planning and Economic Development Melissa Dailey gave a brief overview of the proposed development, for seniors 55 and older, noting that only either this or the Village at Hammack Creek would be approved by the State since they are within a two-mile radius of one another. As staff recommended approval of the last item, we did not recommend approval of this development during this application cycle for this program.

Matt Higgins, *4203 Brookhollow, Colleyville,* part of the development team noted that CSH Cardinal Court Seniors was proposing an age-restricted housing project on Mansfield Cardinal. He acknowledged that two projects within two miles of one another would not, in fact, both move forward, but this project could serve as a back-up to get development on the ground during this round of applications.

Councilmember Pugh stated his concern with the fact that this was the first formal presentation of the property to Council.

Mayor Johnson opened the floor for a motion. No motion was put forward. No action was taken on Resolution 547.

Mayor Johnson recessed to the Work Session at 9:06 p.m., beginning with item E.

XIII. EXECUTIVE SESSION

Following the second portion of the Work Session, Mayor Johnson recessed at 9:27 p.m., noting that the Council would take a short break before recessing into a second Executive Session.

A. Discussion of pending legal matters regarding Ron Sturgeon vs. City of Kennedale

B. Discussion with the City Attorney regarding proposed contracts to purchase potable water from the City of Arlington and to transfer the operation and maintenance of the Kennedale water and sewer systems to the City of Arlington

C. Discussion with the City Attorney regarding Resolutions of Support for applications to the Texas Department of Housing and Community Affairs (TDHCA) Housing Credit Program

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

Mayor Johnson reconvened the meeting at 9:59 p.m.

There was no discussion or action at this time.

XV. ADJOURNMENT

Motion To Adjourn. **Action** Adjourn, **Moved By** Lee **Seconded By Joplin. Motion passed unanimously.**

Mayor Johnson adjourned the meeting at 10:00 p.m.

APPROVED:

BRIAN JOHNSON, MAYOR

ATTEST:

LESLIE GALLOWAY, CITY SECRETARY