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KENNEDALE CITY COUNCIL MINUTES

REGULAR MEETING | MAY 21, 2019
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 Work Session to order at 5:30 p.m., noting that all Councilmembers were present except Linda Rhodes.

II. WORK SESSION

A. Discussion of policy regarding short-term rentals

Director of Planning & Economic Development Melissa Dailey stated that staff has received complaints from multiple neighborhoods regarding short-term rentals (*e.g., Airbnb listings*); gave an overview of some considerations surrounding the issue; offered information about other cities' approaches (mainly allowing the practice, but regulating some aspects); and was available to answer questions from the Council. There was some discussion about potential nuisances to residents, safety concerns, inspections, the potential of requiring a Certificate of Occupancy (CO), differentiation of purely rental properties vs. owner-occupied dwellings that are sometimes rented either in whole or in part, insurance requirements, and what laws the State Legislature might enact or consider. At this time, the general consensus of the Council was to prefer permitting short-term rentals, but to aim to mitigate nuisances to residents through regulations.

B. Discussion of potential amendments to Chapter 3 – "Animals" of the Kennedale Municipal Code

Director of Planning & Economic Development Melissa Dailey stated that staff regularly receives questions regarding ownership of animals such as chickens, goats, and horses on residential lots; and that in most cases the existing animals were not allowed under current code, as the ordinance only allows "farm animals" on land zoned as Agricultural (AG). She stated that – after conducting a focus group – staff recommends expanding the ability to have these animals to a more logical parameter by regulating by acreage rather than by zoning. There was some discussion regarding the need to define different categories and sizes of animals, regulations in other cities, the health and well-being of the animals, and cleanliness and odor concerns.

C. Discussion of items on the regular agenda

In response to Mayor Brian Johnson's request for background regarding Item XIII.A. (Resolution 554, adopting an incentive policy, etc.), City Manager George Campbell stated that staff was preparing to present an economic development incentive package for Council's consideration at the June meeting, and that adoption of this policy was a necessary step in that process. He noted that adoption of this policy did not, in itself, grant any incentive but provided the mechanism.

In response to Mayor Pro Tem Sandra Lee's question regarding Item XII.D. (Cooperative Purchasing Agreement), Campbell stated that such agreements potentially allowed Cities to obtain more competitive pricing via volume discounts. Former Finance Director Brady Olsen added that the City currently participates in several other statewide purchasing agreements.

Mayor Johnson recessed to Executive Session at 6:14 p.m.

III. REGULAR SESSION

Mayor Johnson called the Regular Session to order at 7:00 p.m.

IV. ROLL CALL

Present: Mayor Brian Johnson; Mayor Pro Tem Sandra Lee, Place 3; Josh Altom, Place 1; Chris Pugh, Place 2; Chad Wandel, Place 5; **Absent:** Linda Rhodes, Place 4

Staff: City Manager George Campbell, City Secretary & Communications Coordinator Leslie E. Galloway, City Attorney Drew Larkin, Former Finance Director Brady Olsen (engaged as a consultant), Director of Planning & Economic Development Melissa Dailey, Public Works Director Larry Hoover, Library Director Amanda King, Police Chief Tommy Williams, Fire Chief James Brown

V. INVOCATION

VI. UNITED STATES PLEDGE AND TEXAS PLEDGE

Sarah Johnson Cotton offered the invocation.

VII. VISITOR AND CITIZEN FORUM

- **Sarah Johnson Cotton**, *700 Crestview Drive,* discussed Kennedale Seniors' progress with the YMCA and Sixty and Better, announced the July 17 meeting, stated her opposition to a private development project being called "senior living", and stated her support of a local medical center.
- **John Silva**, *311 Autumnwood Court*, discussed his dissatisfaction with the runoff from Kennedale Junior High School to his home in Winding Creek Estates, showed a video from a recent rain event and a map of the water flow, and requested follow-up from staff.
- **Ronald Hudson**, *5100 Independence Avenue, Arlington*, spoke about a sanitary sewage backup that had affected his home and requested assistance from the City. City Manager George Campbell noted that his address was in the City of Arlington, and offered to put him in touch with their staff.
- **Phillip Wallace**, *516 Corry A. Edwards Drive*, thanked the Council (including outgoing members Joplin and Gilley) for approving the refurbishment of the ballfields at Sonora.

VIII. REPORTS AND ANNOUNCEMENTS

A. Updates from the City Council

- **JOSH ALTOM, PLACE 1**, announced that he attended the Kennedale Area Chamber of Commerce (KACC) "Best of Kennedale" award luncheon.
- **CHRIS PUGH, PLACE 2**, announced that he attended the TML Small Town Conference with several Councilmembers where there were discussions about common struggles facing Cities and how pursuit of grants and cooperation on creative solutions can be highly beneficial.
- **MAYOR PRO TEM SANDRA LEE, PLACE 3,** announced that she attended the Kennedale Seniors meeting and urged others to as well, on the third Monday of each month at 6:30 p.m.
- **CHAD WANDEL, PLACE 5,** announced that he also attended the TML Small Town Conference in Granbury and noted the success of their Town Square and recent designation as the #1 Small City in Texas, stating his hope that Kennedale would see similar success.

B. Updates from the City Manager

City Manager George Campbell did not have any updates at this time.

C. Updates from the Mayor

Mayor Brian Johnson noted that he attended the TML Small Town Conference, where TOASE presented, and there were discussions including economic development and branding; and that he was scheduled to be a guest speaker at both the Muslim Community Center for Human Services and the Reagan Republican Women's Club in Mansfield in the near future.

IX. INCIDENTAL ITEMS

X. MONITORING INFORMATION

A. Monthly Financials for April 2019

Former Finance Director Brady Olsen stated that in each packet, Council is provided with overall revenues and expenditures by fund, expenditures by department, and a sales tax update. He noted that these financials were visually similar to the budget with columns including spending through this month of the previous year, the budget as adopted, and actual expenditures so that the current position can be compared to the previous budget year, as revenues and expenditures are not steady throughout the budget cycle. Olsen added that there is also a chart benchmarking sales tax revenue against the five-year average and noting any highlights or irregularities.

B. KEDC Financial Report for March 2019

There was no discussion at this time.

XI. ELECTION BUSINESS

A. Certification by the City Secretary of official Recount Committee Report, which was conducted May 16, 2019

City Secretary and Communication Coordinator Leslie E. Galloway stated that the original returns from Tarrant County Elections reported that the May 4, 2019 race for Councilmember, Place 3 was a tie, with each candidate receiving 388 votes; but that, following the certification of these returns at the May 14 meeting, incumbent Sandra Lee requested a recount of the votes. A manual recount of the ballots cast for Place 3 took place at Tarrant County Elections on Thursday, May 16, and did, in fact, find an error in tabulation. The results of that recount were: Cesar Guerra, 388 votes; and Sandra Lee, 389 votes.

Motion To Approve. **Action** Approve Council's receipt of the certification of these official returns for the May 16th manual recount of the votes for City Council Place 3, which were cast in an election held Saturday, May 4, 2019; and approving that they be filed within the City's election register. **Moved By** Pugh. **Seconded By** Wandel. **Motion passes unanimously.**

B. Consider approval of Resolution 551, canvassing the recount results – conducted May 16, 2019 – of the General Election held on May 4, 2019, and declaring Sandra Lee elected to the office of City Council Place 3

Motion To Approve. **Action** Approve Resolution 551, canvassing the recount results – conducted May 16, 2019 – of the General Election held on May 4, 2019, and declaring Sandra Lee elected to the office of City Council Place 3. **Moved By** Wandel. **Seconded By** Pugh. **Motion passes unanimously.**

C. Oath of Office for Sandra Lee, City Council Place 3 (2019-2021)

City Secretary and Communication Coordinator Leslie E. Galloway administered the Oath of Office for Sandra Lee, City Council Place 3 (2019-2021).

D. Consider approval of Resolution 552, canceling the June 8, 2019 runoff election

Motion To Approve. **Action** Approve Resolution 552, canceling the June 8, 2019 runoff election. **Moved By** Altom. **Seconded By** Pugh. **Motion passes unanimously.**

XII. REQUIRED APPROVAL ITEMS (CONSENT)

Consent items are matters that have appeared on previous agendas, require little or no deliberation, or are considered routine. If discussion is desired, any item may be removed from Consent and considered separately.

A. Consider approval of the minutes from the April 16, 2019 Regular Meeting

B. Consider approval of the minutes from the May 14, 2019 Special Meeting at 5:00 p.m.

C. Consider approval of the minutes from the May 14, 2019 Special Meeting at 7:00 p.m.

D. Consider authorizing the City Manager to enter into a Cooperative Purchasing Agreement with the City of North Richland Hills

E. Consider approval of Resolution 553, supporting a grant application for police body cameras

F. Consider approval of contract award to Emergicon for emergency medical service billing and collections, and authorize the City Manager to sign the agreement

Motion To Approve. **Action** Approve the Consent Agenda. **Moved By** Mayor Pro Tem Lee. **Seconded By** Wandel. **Motion passes unanimously.**

XIII. DECISION ITEMS

A. Consider approval of Resolution 554, adopting an incentive policy, establishing guidelines and criteria for tax abatement, and electing to become eligible to participate in tax abatement

City Manager George Campbell stated that approval of this item meant the City would have a policy in place to grant incentives, if the Council should choose to do so. He added that staff was currently in discussions regarding a tax abatement, but the former incentive policy had expired.

Motion To Approve. **Action** Approve Resolution 554, adopting an incentive policy, establishing guidelines and criteria for tax abatement, and electing to become eligible to participate in tax abatement. **Moved By** Wandel. **Seconded By** Pugh. **Motion passes unanimously.**

B. Review and consider contract for Animal Control services from North Texas Animal Control Authority

Police Chief Tommy Williams stated that the City's Animal Control Officer (ACO) was accepted into the Police Academy and that this contract would provide for animal control services until another officer was hired. He added that the City had contracted with this company in the past and that the only material change to this agreement was the addition of an automatic renewal clause.

Motion To Approve. **Action** Approve a contract for Animal Control services from North Texas Animal Control Authority. **Moved By** Mayor Pro Tem Lee. **Seconded By** Wandel. **Motion passes unanimously.**

C. Consider making appointments to various advisory boards and commissions

City Manager George Campbell stated that membership rosters for all advisory boards and commissions were included in the packet, noting that not all vacancies must be filled tonight, but that staff would request that Council specifically prioritize the filling of vacancies on the Economic Development Corporation (EDC) Board and the Planning & Zoning (P&Z) Commission, as well as appointing Chairs and Vice Chairs on the P&Z and Board of Adjustment/Building Board of Appeals (BOA/BBA).

Motion To Approve. **Action** Approve the appointment of Robert Mundy to the Economic Development Corporation (EDC) Board, Place 5; and Cesar Guerra to the Economic Development Corporation (EDC) Board, Place 2. **Moved By** Pugh. **Seconded By** Wandel. **Motion passes 3-1**, with Mayor Pro Tem Lee voting against.

Motion To Approve. **Action** Approve the appointment of Martha Dibella and Greg Adams to the Planning & Zoning (P&Z) Commission. **Moved By** Pugh. **Seconded By** Wandel. **Motion passes 3-0-1**, with Mayor Pro Tem Lee abstaining.

D. Consider appointment of a Chair and Vice Chair of the Planning & Zoning Commission

Motion To Approve. **Action** Approve the appointment of Martha Dibella as the Chair of the Planning & Zoning (P&Z) Commission; and to request that the commissioners forward their nomination for Vice Chair following their next meeting. **Moved By** Pugh. **Seconded By** Wandel. **Motion passes unanimously.**

Motion To Amend. **Action** Amend the second motion related to item XIII.C. to designate which place each appointee should occupy, by amending the motion to: "Approve the appointment of Martha Dibella to the Planning & Zoning (P&Z) Commission, Place 2 (term expiring 2020); and Greg Adams to the Planning & Zoning (P&Z) Commission, Place 1 (term expiring 2019)". **Moved By** Pugh. **Seconded By** Wandel. **Motion passes unanimously.**

E. Consider appointment of a Chair and Vice Chair of the Board of Adjustment and Building Board of Appeals

Motion To Approve. **Action** Approve the appointment of Jeff Nevarez as the Chair of the Board of Adjustment and Building Board of Appeals (BOA/BBA); and to request that the board forward their nomination for Vice Chair following their next meeting. **Moved By** Wandel. **Seconded By** Pugh. **Motion passes unanimously.**

THE COUNCIL DID NOT CONVENE INTO EXECUTIVE SESSION AT THIS TIME. THERE WAS AN EXECUTIVE SESSION HELD IMMEDIATELY FOLLOWING THE WORK SESSION, BUT BEFORE THE REGULAR SESSION.

XIV. EXECUTIVE SESSION

A. Discussion with the City Attorney regarding settlement agreement between Ron Sturgeon, et al and the City of Kennedale

B. Discussion with the City Attorney regarding salvage yard special exception/special use permits

C. Discussion with City Attorney regarding legal issues associated with potential tax abatement, Chapter 380 incentives, and EDC grants

D. Potential tax abatement, Chapter 380 incentives, and EDC grant to relocating industrial business prospect

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

Motion To Approve. **Action** Approve, pursuant to the discussion in closed session, authorizing the City Manager to execute an agreement with regard to Ron Sturgeon. **Moved By** Pugh. **Seconded By** Altom. **Motion passes unanimously.**

XVI. ADJOURNMENT

Motion To Adjourn. **Action** Adjourn, **Moved By** Mayor Pro Tem Lee. **Seconded By** Wandel. **Motion passes unanimously.**

Mayor Johnson adjourned the meeting at 7:37 p.m.

APPROVED:

BRIAN JOHNSON, MAYOR

ATTEST:

LESLIE E. GALLOWAY, CITY SECRETARY