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KENNEDALE CITY COUNCIL MINUTES
REGULAR MEETING | JUNE 20, 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 5:31 p.m.

II. WORK SESSION

A. Discussion of policy regarding residential outdoor storage

Director of Planning & Economic Development Melissa Dailey stated that there were currently no residential outdoor storage requirements in the code and presented potential regulations that would allow residents to store items and personalize their properties while also addressing safety issues and hazards, improving aesthetics, and defining materials that are prohibited from being stored outdoors. Dailey discussed exempt items, non-exempt items, and items that were allowed in specific areas or behind screening only. Following a brief discussion of how staff is currently addressing outdoor storage, mosquito harboring considerations, and screening requirements, the general consensus among Council was for staff to continue working on an ordinance to address residential outdoor storage.

B. Discussion of policy regarding short-term rentals

Director of Planning & Economic Development Melissa Dailey discussed proposed regulations for short-term rentals, including permitting and certificate of occupancy (CO) inspections, notification and distance requirements, occupancy limits, parking, collection of Hotel Occupancy Tax (HOT), and several uses or actions that could be expressly prohibited. Following some discussion of the possible uses of HOT revenue, verification options regarding HOT submittals, the importance of stringent fire and safety inspections, how enforcement would be handled outside of regular business hours, and the process for identifying non-compliance the general consensus among Council was for staff to continue working on an ordinance to address short-term rentals.

C. Discussion of items on the regular agenda

There was no discussion at this time.

Mayor Johnson recessed to Executive Session at 5:59 p.m.

III. REGULAR SESSION

Mayor Brian 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; Linda Rhodes, Place 4; Chad Wandel, Place 5; **Absent:** NONE.

Staff: City Manager George Campbell, Administrative Assistant Rosie Ericson, City Attorneys George Staples and Drew Larkin, Interim Finance Director Debby Scott, Director of Planning & Economic Development Melissa Dailey, Public Works Director Larry Hoover, Library Director Amanda King, Police Chief Tommy Williams

V. INVOCATION
Laurie Sanders offered the invocation.

VI. UNITED STATES PLEDGE AND TEXAS PLEDGE

VII. VISITOR AND CITIZEN FORUM

- **Sarah Johnson Cotton**, *700 Crestview Drive*, spoke on behalf of Senior Outreach – Kennedale regarding coordination with Sixty & Better and the YMCA including the Silver Sneakers membership that benefits Kennedale and that second Thursdays would be Kennedale Senior Day at the YMCA swim exercise class; and announced that she was working with Mayor Pro Tem Lee and volunteers to remodel the Senior Center with paint donated by Sherwin Williams.
- **Raymond Rhodes**, *321 W Broadway*, thanked Council and staff for their kindness following his recent accident; and for their work for the City.
- **Bruce McCoy**, 1025 Oak Hill Park, asked Council to pay particular attention to existing deed restrictions and the regulation of the storage of RVs, campers, and boats during their discussions regarding outdoor storage.
- **Jeff Nevarez**, 338 Spring Branch Lane, spoke to Council regarding economic development including reviewing the process for approving new businesses, their compliance with codes, and signage; and looking at the property at the corner of Bowman Springs and the Parkway for short-term food truck or vendor rental space.

VIII. REPORTS AND ANNOUNCEMENTS

A. Updates from the City Council

- **Chad Wandel, Place 5**, announced that he and Councilmember Pugh attended the Mayors' Council of Tarrant County meeting where legislative updates were discussed; and noted potential funding opportunities though the Tarrant County Homeless Coalition.

- **Linda Rhodes, Place 4,** stated that she appreciated the two-day retreat and budget presentations by staff that gave a clearer picture of the needs within each department.

- **Mayor Pro Tem Lee, Place 3,** announced that she attended the Senior Outreach – Kennedale meeting and thanked Sarah Cotton for her work; stated that volunteers would be needed to paint the Senior Center; thanked Larry Hoover for the Public Works department's quick response time; and stated her appreciation for the budget workshop.

- **Chris Pugh, Place 2,** announced that there were many changes happening at the state level that would affect Cities; and that he followed up with Chief Brown following the two-day retreat to tour the Fire Station and would like to do the same with Chief Williams.

- **Josh Altom, Place 1,** announced that he attended the NCTCOG General Assembly, where the City of Kennedale was awarded the Regional Cooperation award and thanked the previous Council and City Manager George Campbell; and that he attended the Kennedale Rotary Club luncheon.

B. Updates from the City Manager

THIS ITEM WAS TAKEN OUT OF ORDER; IMMEDIATELY FOLLOWING VIII.C. UPDATES FROM THE MAYOR.

City Manager George Campbell announced that Lakeita Sutton was recently appointed as Director of Finance and Information Technology, with an expected start date of July 8; that staff was in ongoing negotiations with Global Water Fathom to shift water billing customer service to the City of Arlington; thanked Council for their time and input during the two-day retreat regarding goals and objectives; reminded Council that the proposed budget was currently scheduled to be presented on Monday, August 5; noted that one recent legislative change would be addressed on this agenda, but that there were hundreds of bills affecting Cities considered during this legislative session and that staff would continue researching other items that might need attention; that TAD is reporting steady property valuations; and that corrections had been made to the ordinances for items XII.B. and XII. F. and that any motion should reference these updated versions.

C. Updates from the Mayor

THIS ITEM WAS TAKEN OUT OF ORDER; IMMEDIATELY FOLLOWING VIII.A. UPDATES FROM THE CITY COUNCIL.

Mayor Johnson stated that the City receiving the North Central Texas Council of Governments (NCTCOG) Regional Cooperation award was quite an honor, as it was a competition among 16 counties, and thanked City Manager George Campbell and former Finance Director Brady Olsen; announced that he attended the Southeast Tarrant Transportation Partnership (SETTP) meeting where there was an update on Drive AI (artificial intelligence); that construction was slated to begin in 2021 on the widening of Sublett Road; that he had spoken at the Reagan Republican Women's Club in Mansfield regarding upcoming legislative considerations; that he would speak at the Fort Worth Rotary Club regarding future transportation; and that he just returned from Los Angeles where he was working on a project for disability inclusion.

IX. INCIDENTAL ITEMS

X. MONITORING INFORMATION

A. Monthly Financials for May 2019

There was no discussion at this time.

B. KEDC Financial Report for April 2019

There was no discussion at this time.

XI. REQUIRED APPROVAL ITEMS (CONSENT)

A. Consider approval of the minutes from the May 21, 2019 Regular Meeting

B. Consider approval of the minutes from the May 31, 2019 Special Meeting

C. Consider approval of the minutes from the June 1, 2019 Special Meeting

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

XII. DECISION ITEMS

A. Consider appointment of a Mayor Pro Tem

Councilmember Rhodes nominated Sandra Lee to continue as Mayor Pro Tem.

Motion To Approve. **Action** Approve appointment of Sandra Lee as Mayor Pro Tem. **Moved By** Rhodes. **Seconded By** Altom. **Motion passes unanimously.**

B. Consider approval of Ordinance 661, increasing the membership of the Youth Advisory Council (YAC) from 15 to 25 places

Motion To Approve. **Action** Approve the corrected version of Ordinance 661 as presented to the Council tonight, increasing the membership of the Youth Advisory Council (YAC) from 15 to 25 places. **Moved By** Mayor Pro Tem Lee. **Seconded By** Wandel. **Motion passes unanimously.**

C. Hold a Public Hearing and consider approval of Ordinance 662, designating a tax abatement reinvestment zone for approximately 13.55 acres of land, known as Lot 1A2, Block 1 of the Harris Corporation Addition, City of Kennedale, Texas, and generally located at Linda Road and Gail Drive

- Staff Presentation

Director of Planning & Economic Development Melissa Dailey stated that designation of a reinvestment zone was required by the State before offering incentives, and that the boundary of that zone was simply the site that Compressed Air would occupy, but that there was not an assigned address at this time.

City Manager George Campbell noted that this item was related to XII.D. and XII.E.

• Public Hearing

Mayor Johnson opened the public hearing. There were no requests to speak. Mayor Brian Johnson closed the public hearing.

• Staff Response and Summary

There was no additional discussion.

• Action by the City Council

Motion To Approve. **Action** Approve Ordinance 662, designating a tax abatement reinvestment zone for approximately 13.55 acres of land, known as Lot 1A2, Block 1 of the Harris Corporation Addition, City of Kennedale, Texas, and generally located at Linda Road and Gail Drive. **Moved By** Pugh. **Seconded By** Mayor Pro Tem Lee. **Motion passes unanimously.**

D. Consider authorizing the City Manager to enter into a Tax Abatement and Chapter 380 Agreement with Compressed Air Systems, L.L.C.

Motion To Approve. **Action** Approve authorizing the City Manager to negotiate the finalization of a Tax Abatement and Chapter 380 Agreement with Compressed Air Systems, L.L.C., provided that there are no significant changes to the agreement as presented. **Moved By** Rhodes. **Seconded By** Wandel. **Motion passes unanimously.**

E. Consider authorizing the EDC President to enter into an Economic Development and Performance Agreement with Compressed Air Systems, L.L.C.

Motion To Approve. **Action** Approve authorizing the EDC President to enter into an Economic Development and Performance Agreement with Compressed Air Systems, L.L.C., by authorizing the City Manager to negotiate finalization of said agreement, provided that there are no significant changes to the agreement as presented. **Moved By** Rhodes. **Seconded By** Pugh. **Motion passes unanimously.**

F. Consider approval of Ordinance 663, amending the Kennedale Municipal Code, by amending Exhibit A "Schedule of Fees" of Section 2-3, "Fees for licenses, inspections, permits, etc." to provide for a residential building permit fee based on square footage

Director of Planning & Economic Development Melissa Dailey stated that this amendment to the schedule of fees was in direct response to the passing of H.B. 852 during the recent legislative session. The bill prohibits the calculation of permitting fees based on certain valuations. Historically, the City has calculated based on valuation, but under this Ordinance, new residential construction permit fees would now be calculated based on square footage.

City Manager George Campbell noted that this Ordinance is only meant to bring the City into compliance with this new legislation, but that other fee schedule amendments might be recommended in August or September as a part of the budget process.

Motion To Approve. **Action** Approve the corrected version of Ordinance 663 as presented to the Council tonight, amending the Kennedale Municipal Code, by amending Exhibit A "Schedule of Fees" of Section 2-3, "Fees for licenses, inspections, permits, etc." to provide for a residential building permit fee based on square footage. **Moved By** Wandel. **Seconded By** Mayor Pro Tem Lee. **Motion passes unanimously.**

G. Consider approval of Ordinance 664, amending Chapter 3 – "Animals" of the Kennedale Municipal Code to add regulations regarding the keeping of certain fowl, livestock, and potbellied pigs within the City

Director of Planning & Economic Development Melissa Dailey stated that the purpose of this ordinance was to expand the ability to own and maintain animals within the City – specifically that farm animals would now be allowed on residential properties that are one (1) acre or larger (regardless of zoning); that pot-bellied pigs and hens could be kept on lots of any size; and that the number of livestock and fowl that may be kept would depend upon the size of the property.

In response to a question by Councilmember Rhodes, City Attorney Drew Larkin stated that, because there was a penalty clause, that it would be best to publish the Ordinance and that the effective date would follow that publication; but that the wording of the Ordinance would suffice as it is now. Councilmember Rhodes also noted that she was a part of the focus group in the process of drafting this Ordinance, and had been in favor of allowing animals on lots as small as one-half acre, while also giving the City more enforcement options. She urged staff to be generous with the grace period to ensure that residents had adequate time to comply with the Ordinance.

Motion To Approve. **Action** Approve Ordinance 664, amending Chapter 3 – "Animals" of the Kennedale Municipal Code to add regulations regarding the keeping of certain fowl, livestock, and potbellied pigs within the City. **Moved By** Altom. **Seconded By** Pugh. **Motion passes 4-0-1**, with Rhodes abstaining**.**

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.

XIII. 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 Public Information Act, including requests for City Attorney invoices

D. Discussion with City Attorney regarding legal issues associated with Economic Development and Performance Agreement, Tax Abatement, and Chapter 380 Agreement with Compressed Air Systems for project located at Harris Corporation Addition, Block 1 Lot 1A2 (Linda Road)

E. Economic Development and Performance Agreement, Tax Abatement, and Chapter 380 Agreement with Compressed Air Systems for project located at Harris Corporation Addition, Block 1 Lot 1A2 (Linda Road)

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

Motion To Approve. **Action** Approve authorizing the City Manager to offer a settlement agreement to Ron Sturgeon and to execute that agreement. **Moved By** Altom. **Seconded By** Pugh. **Motion passes unanimously.**

XV. ADJOURNMENT

Motion To Adjourn. **Action** Adjourn, **Moved By** Rhodes. **Seconded By** Wandel. **Motion passes unanimously.**

Mayor Johnson adjourned the meeting at 7:58 p.m.

APPROVED:

BRIAN JOHNSON, MAYOR

ATTEST:

LESLIE E. GALLOWAY, CITY SECRETARY