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KENNEDALE CITY COUNCIL MINUTES

REGULAR MEETING | JULY 16, 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.

II. WORK SESSION

A. Review the 2019 Board and Commission appointment process and calendar

City Manager George Campbell stated that the packet included the memberships of the current boards and a proposed timeline for the appointment process. He added that there was an item on this agenda to fill vacancies now, if Council chose to do so. The consensus among the Council at this time was to not require returning applicants to interview, but to only interview new applicants.

- **Jeff Nevarez**, *338 Spring Branch Lane*, spoke on behalf of the Parks Board stating that, following the resignation of Michael Chandler, the Board respectfully recommended appointment of Kenneth Michels to that vacancy at this time, if possible.

Mayor Brian Johnson stated his preference for Councilmember Rhodes to replace former Councilmember Rockie Gilley on the TownCenter Development (TDD) Board; and for Councilmembers Pugh and Wandel to fill standing vacancies on the Tax Increment Reinvestment Zone (TIRZ) #1 Board. He added that the representatives from Tarrant County and Tarrant Council College (TCC) were no longer with those organizations. Campbell stated that staff would reach out to the three taxing units with a place on the board to request updated representatives.

B. Discuss and provide staff direction regarding the possible issuance of $2,000,000 of tax notes for capital projects

City Manager George Campbell stated that staff proposed including the issuance of $2 million in tax notes on the August 20 agenda; and provided a tax rate impact analysis from SAMCO Capital showing that in order to maintain the existing I&S tax rate in 2020, it was advisable to issue $2 million in tax notes in 2019 (of a proposed estimated $18 million over the next several years). He added that Finance Director Lakeita Sutton was available to answer any questions. There was some discussion about the current needs this debt might address including acquisition of rights-of-way for streets, economic development, and parks or open space projects; that the issuance would have no effect on the tax rate; and the repayment schedule. There was a consensus among Council to add this item to the August 20 agenda.

C. Discussion of items on the regular agenda

In response to a question from Councilmember Pugh, City Manager George Campbell stated that staff had provided the vote record of the Planning & Zoning Commission regarding two of tonight's cases; and that Director of Planning & Economic Development Melissa Dailey would present each case and be available to answer questions.

Mayor Johnson recessed to Executive Session at 5:44 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;Chris Pugh, Place 2; Linda Rhodes, Place 4; Chad Wandel, Place 5; **Absent:** Josh Altom, Place 1.

Staff: City Manager George Campbell, City Secretary & Communications Coordinator Leslie E. Galloway, City Attorney Drew Larkin, Finance Director Lakeita Sutton, Director of Planning & Economic Development Melissa Dailey, Public Works Director Larry Hoover, Library Director Amanda King, Fire Chief James Brown, Police Chief Tommy Williams, Director of Human Resources and Administrative Services Danielle Clarke, Planner Meghan Riddlespurger

V. INVOCATION

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

VI. UNITED STATES PLEDGE AND TEXAS PLEDGE

VII. VISITOR AND CITIZEN FORUM

- **Jeff Nevarez**, *338 Spring Branch Lane*, spoke on behalf of the Kennedale Rotary Club, announcing that on the last Tuesday of each month the organization would be holding an evening meeting at 6:30 p.m. at the Tipsy Turtle; that membership was growing; and that vendors and sponsors were currently being sought for the Chili Cook-Off on Saturday, November 2.
- **Sarah Johnson Cotton**, *700 Crestview Drive*, spoke on behalf of Senior Outreach – Kennedale, announcing that the organization had a meeting on July 22, at 6:00 p.m. at Blessed Hope Baptist Church; that paint was donated for the Senior Center; that there would be an Senior Aging Wellness meeting on Thursday, August 8, at 1:00 p.m. also at Blessed Hope; and discussed the partnership between the YMCA and the Senior Center for a swim class.
- **Tanya Ehler**, *2308 Dobree Street in Mansfield*, spoke on behalf of the Tejas District Day Camp, announcing the Boy Scouts' appreciation of the use of Sonora Park for the event, for staff's help in coordinating State required water testing, and the response of the Kennedale Police Department after the unfortunate overnight vandalism of the campsite.

VIII. REPORTS AND ANNOUNCEMENTS

A. Updates from the City Council
   - **Chris Pugh**, **Place 2**, had no announcements at this time.
   - **Mayor Pro Tem Lee**, **Place 3**, had no announcements at this time.
   - **Linda Rhodes**, **Place 4**, announced that she appreciated staff's response to her proposal of the City potentially hosting a Chute 2 Productions rodeo event, which would be presented for consideration at an upcoming Parks & Recreation Board Meeting.
   - **Chad Wandell**, **Place 5**, had no announcements at this time.

B. Updates from the Mayor

Mayor Brian Johnson thanked Councilmember Wandell for inviting City staff to a Texas Rangers game at his office at the ballpark; announced that he spoke at the Fort Worth Rotary regarding transportation and toured Alliance Airport; and thanked Firefighter Kristin Dumas who was among the responders when he lost consciousness during a bike ride hosted by Fort Worth Mayor Betsy Price. Mayor Brian Johnson and Mayor Pro Tem Lee then recognized all 2018–19 YAC members. YAC President Leland Murphy and Secretary Kayla Guevara were in attendance.

C. Updates from the City Manager

City Manager George Campbell introduced new Finance Director Lakeita Sutton; announced that a Community Development Block Grant (CDBG) survey was available through July 31; and announced the City's partnership with the Tarrant County HOME Program.

IX. INCIDENTAL ITEMS

X. MONITORING INFORMATION

A. Monthly Financials for June 2019

There was no discussion at this time.

B. KEDC Financial Report for May 2019

There was no discussion at this time.

XI. REQUIRED APPROVAL ITEMS (CONSENT)

A. Approval of the minutes from the June 20, 2019 Regular Meeting

B. Approval of tax collection contract with the Tarrant County Tax Office

C. Approval of an Interlocal Agreement with Tarrant County in the amount of $7,500.00 for roadside ditch line maintenance of selected streets and any other minor drainage needs that may arise during the project time period

Motion To Approve. **Action** Approve the Consent Agenda (*including the corrected version of the June 20, 2019 minutes as presented by staff this evening*). **Moved By** Pugh. **Seconded By** Mayor Pro Tem Lee. **Motion passes unanimously.**

XII. DECISION ITEMS

ITEM XIV. (ACTION PURSUANT TO EXECUTIVE SESSION) WAS TAKEN OUT OF ORDER. A MOTION WAS MADE IMMEDIATELY FOLLOWING THE MOTION TO APPROVE XI. REQUIRED APPROVAL ITEMS (CONSENT), BUT BEFORE DECISION ITEM XII.A.

A. Consider making appointments to the 2019–2020 Youth Advisory Council (YAC)

Councilmember Pugh stated his desire to increase City Council involvement with YAC.

Motion To Approve. **Action** Approve the appointment of incumbents Allen Constantino, Kayla Guevara, Quincy Martin, Allie Murphy, Riya Patel, and Ryan Roller; and new applicants Libby Beck, Ella Beene, Amaya Constantino, Amber Guo, Bri Hull, Grant McConnell, Julia McHugh, Luc Ngo, Jaiden Patel, Michelle Pham, Preston Roller, Christian Rockin, Lillian Rychlik, Luciane Williams to the 2019-20 Youth Advisory Council (YAC). **Moved By** Rhodes. **Seconded By** Mayor Pro Tem Lee. **Motion passes unanimously.**

B. Consider making appointments to various advisory boards and commissions, including the TownCenter Development District (TDD) Board, the Tax Increment Reinvestment Zone #1 (TIRZ) Board, and the Parks & Recreation Board

Motion To Approve. **Action** Approve the appointment of Kenneth Michels to the Parks and Recreation Board, Place 3. **Moved By** Pugh. **Seconded By** Mayor Pro Tem Lee. **Motion passes unanimously.**

Motion To Approve. **Action** Approve the appointment of April Coltharp to the TownCenter Development District (TDD) Board, Place 2; and Councilmember Linda Rhodes to TDD Place 5. **Moved By** Wandel. **Seconded By** Mayor Pro Tem Lee. **Motion passes unanimously.**

Motion To Approve. **Action** Approve the appointment of Councilmember Chris Pugh to the Tax Increment Reinvestment Zone (TIRZ) Board, Place 3; and Councilmember Chad Wandel to TIRZ, Place 4. **Moved By** Rhodes. **Seconded By** Mayor Pro Tem Lee. **Motion passes unanimously.**

C. Consider authorizing the City Manager to enter into a contract with ABLe Communications for improvements to the Council Chambers audiovisual equipment

City Manager George Campbell noted that the quote included the purchase and installation of

large presentation monitors for the Council and the audience, improvements to the sound system, the ability to film and upload meetings (with livestreaming in the future), and the reinstatement electronic voting. He added that the cost of the low proposal was $49,964, and that staff would recommend approval. Campbell added that the City already had the voting software, that iPads would be utilized for packets, and that unused televisions and monitors would be removed.

Motion To Approve. **Action** Approve authorizing the City Manager to enter into a contract with ABLe Communications for improvements to the Council Chambers audiovisual equipment. **Moved By** Mayor Pro Tem Lee. **Seconded By** Wandel. **Motion passes unanimously.**

In response to a question from Councilmember Pugh, Campbell stated that it was possible these improvements would be made in time for the August 20 regular meeting; and in response to a question from Mayor Johnson that Council meetings would be the first meetings to benefit from the technology, but that it was planned to be extended to other boards meeting in the chambers.

D. Hold a public hearing and consider a request by ODAAT 52, LLC for a variance at 1375 Gilman Road to sell alcoholic beverages within 300 feet of a church, public or private school, or public hospital as required by Municipal Code, Article XI, Section 11.274

There were no requests to speak at the public hearing.

Director of Planning & Economic Development Melissa Dailey stated that Adlai Pennington, owner of the property, desired to open a facility similar to Red's Roadhouse – with entertainment, food, and alcohol. She noted that, in addition to advertising and mailing notices, staff also proactively called the church to request input, but that no response (in opposition or otherwise) was received.

Motion To Approve. **Action** Approve a request by ODAAT 52, LLC for a variance at 1375 Gilman Road to sell alcoholic beverages within 300 feet of a church, public or private school, or public hospital as required by Municipal Code, Article XI, Section 11.274. **Moved By** Pugh. **Seconded By** Wandel.

In response to a question from Councilmember Wandel, Dailey stated that Pennington also owned the property and building being occupied by the church.

Motion passes unanimously.

E. **Case #PZ19-02** — Hold a public hearing and consider an ordinance and request by Spirals Gymnastics, Inc. for a rezoning from "PD-UV" Planned Development Urban Village to "UV" of approximately 2 acres at 1083 Bowman Springs Road, Block 1, Lot 19R, Woodlea Acres Addition, City of Kennedale, Texas

There were no requests to speak at the public hearing.

Director of Planning & Economic Development Melissa Dailey stated that when the applicant originally approached City staff in 2015 regarding the construction of this building – which houses Spirals Gymnastics – that the Zoning Ordinance (or Unified Development Code (UDC)) was being updated, and the Urban Village ("UV") zoning was not yet available. Therefore, the applicant was granted a PD-UV zoning, with assurance from then City Manager Bob Hart that they could rezone to UV. Dailey added that this location is across from Fellowship Academy; that the surrounding zoning was Agricultural, Residential, Commercial, and Industrial; and that the Future Land Use Plan designates the site as a commercial corridor. She noted that the Planning and Zoning Commission (P&Z) denied the request with a vote of 4-3; but that staff did recommend approval.

Discussion included compliance with current zoning, what might be required to meet stricter UV standards, a letter written by then City Manager Bob Hart, the current Council's authority over the decision at hand, features of the lot, and the surrounding uses.

Motion To Approve. **Action** Approve Ordinance 667 and a request by Spirals Gymnastics, Inc. for a rezoning from "PD-UV" Planned Development Urban Village to "UV" of approximately 2

acres at 1083 Bowman Springs Road, Block 1, Lot 19R, Woodlea Acres Addition, City of Kennedale, Texas. **Moved By** Wandel. **Seconded By** Pugh.

Councilmember Rhodes noted that including the letter in the packet would have been helpful.

Motion denied 2-3, with Pugh and Wandel voting for, Mayor Pro Tem Lee and Rhodes voting against, and Mayor Johnson breaking the tie with a vote against.

F. **Case #PZ19-03** — Hold a public hearing and consider an ordinance and request by Water Tank Services, LLC for a modification to the "PD" Planned Development, Ordinance 561, Section 2.7 related to building materials at 6901 Mansfield Cardinal Road, Lot 4, Jesse Russell Addition, City of Kennedale, Texas

Mayor Johnson opened the Public Hearing at 7:42 p.m.

- **Michael Green**, *1501 W Randol Mill in Arlington*, an attorney on behalf of the applicant, spoke in favor of Case #PZ19-03.

Mayor Johnson closed the Public Hearing at 7:44 p.m.

Director of Planning & Economic Development Melissa Dailey stated that staff recommended approval, noting that this request waives the masonry requirement for the existing building, but future structures would have to comply. Mayor Johnson noted complaints against the previous owners. Dailey added that she received calls from residents, but that none had any concerns.

Motion To Approve. **Action** Approve Ordinance 668, regarding a request by Water Tank Services, LLC for a modification to the "PD" Planned Development, Ordinance 561, Section 2.7 related to building materials at 6901 Mansfield Cardinal Road, Lot 4, Jesse Russell Addition, City of Kennedale, Texas. **Moved By** Rhodes. **Seconded By** Wandel. **Motion passes unanimously.**

G. **Case #PZ19-04** — Hold a public hearing and consider an ordinance and request by KD Hammack Creek Housing, LP for a rezoning from "AG" Agricultural to "UV" Urban Village for approximately 12 acres located at 406 Crestview Drive, Block 2, Lot 1, Hammack Creek Addition, 121 E Kennedale Parkway, Block 2, Lot 2, Hammack Creek Addition, 129 E. Kennedale Parkway, Block 2, Lot 3, Hammack Creek Addition, 220 Kennedale Sublett Rd, Block 2, Lot 4, Hammack Creek Addition, 337 Kennedale Sublett Road, Jesse B Renfro Survey, Abstract 1260, Tract 3D, and 345 Kennedale Sublett Road, Jesse B Renfro Survey, Abstract 1260, Tract 3D01, City of Kennedale, Tarrant County, Texas

Director of Planning & Economic Development Melissa Dailey stated that the current request was specifically for the lot 300 feet behind Kennedale Parkway; and that the applicant intended to request a rezoning for the remainder in the future. She noted that the current zoning was Agricultural (AG), but that the Future Land Use Plan designated this site as a commercial corridor along Kennedale Parkway and residential behind. Dailey stated that it was a straight zoning case and was approved by the Planning & Zoning (P&Z) Commission with a vote of 4-2-1.

Mayor Johnson opened the Public Hearing at 7:51 p.m.

- **Anthony Bichel**, *908 Shady Vale Drive*, spoke in opposition of Case #PZ19-04.
- **Frank Fernandez**, *911 Shady Vale Drive*, spoke in opposition of Case #PZ19-04.
- **Sara Johnson Cotton**, *700 Crestview Drive*, spoke in opposition of Case #PZ19-04.
- **Roy Stott**, *1260 Elmbrook Drive*, spoke in opposition of Case #PZ19-04.
- **Kay Seat**, *1325 Meadowview Drive*, spoke in opposition of Case #PZ19-04.

Councilmember Pugh responded that the City does have a Building Inspector and that this decision had been under consideration for three years.

- **Jonathan Beranek**, *619 Reeves Lane*, spoke in opposition of Case #PZ19-04.

Mayor Johnson responded that strict subdivision ordinances would apply to this development under the UV Zoning, that he would agree a traffic study may be needed, that water runoff engineering would be required, and that other Cities are benefitting from similar projects.

- **Sam Masner**, *100 Creekside Court*, spoke in opposition of Case #PZ19-04.
- **Eric Elam, Sr.**, **Linda Elam**, **Austen Elam**, and **Phillip Elam, Jr.**, *349 Sublett Road*, did not speak, but registered in favor of Case #PZ19-04.

Mayor Johnson closed the public hearing at 8:12 p.m.

Deepak Sulakhe, CEO of OM Housing, and Jason Lain, Director of Acquisitions for OM Housing, were both available to answer questions from Council. Sulakhe discussed items including infrastructure, traffic flow, the quality of the development and the stringent requirements of UV Zoning, erosion and runoff, the financing of ongoing maintenance and repairs, and this project serving as a catalyst to revitalize this portion of the City.

Councilmember Pugh asked about the awards won by OM Housing, including the "Best Suburban Multifamily Project of the Year" from the Dallas Business Journal, as well as Mr. Sulakhe's long history as a developer in North Texas. In response to a question from Councilmember Rhodes, Sulakhe stated that the Council tabled this three years ago because of unfamiliarity with mixed use development; and Mayor Johnson added that there was a short deadline at that time.

Councilmember Wandel stated that he did have some concerns about the concept plan itself, but felt that traffic problems were partially caused by the one-way streets in the area; noted that, on average, apartment dwellers have fewer cars and children per household; that higher density housing makes more efficient use of City staff; and closed by urging everyone to judge the project on its own merits rather than discriminating against the demographic it might serve.

Dailey addressed citizen concerns, noting that the City did have a Code Compliance Officer and a Building Inspector; that the City participates in the iSWM (Integrated Stormwater Management) Program, which has stringent requirements aimed at reducing developments' effect on drainage; that traffic should be considered by looking at the area as a whole; that the project would generate $20 million in revenue to the City and KISD over the next 20 years; and reiterated that the question at hand was whether UV was the best zoning for this site.

Councilmember Wandel noted that the Safe Routes to School Program would add sidewalks to nearby neighborhoods. Dailey added that, under UV Zoning, sidewalks would be required for this development and noted the synergistic effect this development could have on TownCenter.

Motion To Approve. **Action** Approve Ordinance 669, regarding and request by KD Hammack Creek Housing, LP for a rezoning from "AG" Agricultural to "UV" Urban Village for approximately 12 acres located at 406 Crestview Drive, Block 2, Lot 1, Hammack Creek Addition, 121 E Kennedale Parkway, Block 2, Lot 2, Hammack Creek Addition, 129 E. Kennedale Parkway, Block 2, Lot 3, Hammack Creek Addition, 220 Kennedale Sublett Rd, Block 2, Lot 4, Hammack Creek Addition, 337 Kennedale Sublett Road, Jesse B Renfro Survey, Abstract 1260, Tract 3D, and 345 Kennedale Sublett Road, Jesse B Renfro Survey, Abstract 1260, Tract 3D01, City of Kennedale, Tarrant County, Texas. **Moved By** Pugh. **Seconded By** Mayor Pro Tem Lee.

Councilmember Pugh stated that he would agree that a traffic study would be necessary; and added that the Fire and Police Chiefs had each confirmed that their departments could support the addition of this development; and that the developer would cover the infrastructure costs.

Councilmember Wandel stated that he was concerned about the angle at which Sublett Road approaches Kennedale Parkway and other sightline concerns; the drainage and erosion issues in the area; and whether or not UV was the best zoning for the residential portion.

Mayor Johnson stated that he agreed with statements made regarding the salvage yards; that he had worked closely with KISD School Board President John Hunt regarding the Village at Hammack Creek and numerous other projects; that he and City Manager Campbell were arranging a meeting with Michael Morris, Director of Transportation for NCTCOG, and representatives from TxDOT regarding the potential for straightening out the intersections on Kennedale Parkway and installing a median; that traffic and drainage studies would be needed; and noted the support of this project by the local businesses because of the added foot traffic.

Motion passes 3-1, with Councilmember Rhodes voting against.

H. Consider approval of Ordinance 665, amending Chapter 15 "Nuisances" of the Kennedale Municipal Code to add regulations regarding residential outdoor storage

Director of Planning & Economic Development Melissa Dailey stated that, for more consistent code enforcement, there was a need for a clear definition of what is "junk" – which was provided by Ordinance 665. She discussed some exceptions, particularly for those properties that had a carport rather than a garage.

Mayor Johnson opened the Public Hearing at 8:50 p.m.

- **Sara Johnson Cotton**, *700 Crestview Drive*, spoke in opposition of Ordinance 665.

Mayor Johnson closed the Public Hearing at 8:52 p.m.

Dailey noted that movable toys and furniture designed for outdoor use were not subject to screening requirements. In response to a question from Councilmember Rhodes, Dailey stated that a utility trailer would be considered a vehicle and, thus, not subject to this ordinance.

Motion To Approve. **Action** Approve Ordinance 665, amending Chapter 15 "Nuisances" of the Kennedale Municipal Code to add regulations regarding residential outdoor storage . **Moved By** Mayor Pro Tem Lee. **Seconded By** Wandel. **Motion passes unanimously.**

I. Consider approval of Ordinance 666, amending Chapter 11 "Licenses, Taxation and Miscellaneous Business Regulations" of the Kennedale Municipal Code to add regulations regarding short-term rentals

Director of Planning & Economic Development Melissa Dailey stated that, in April, staff presented options regarding the regulation of short-term rentals (rental of residential property for a term of less than 30 days), and that feedback from Council had since been incorporated into Ordinance 666. She added that an annual permit would be required; that the number of people and vehicles would be regulated; that advertising as an event venue would be prohibited; that there was a distance regulation; and that proof of liability insurance was required. There was a brief discussion about the potential uses of Hotel Occupancy Tax (HOT). Councilmember Pugh stated that he believed the Ordinance addressed all concerns and thanked staff.

Motion To Approve. **Action** Approve Ordinance 666, amending Chapter 11 "Licenses, Taxation and Miscellaneous Business Regulations" of the Kennedale Municipal Code to add regulations regarding short-term rentals. **Moved By** Mayor Pro Tem Lee. **Seconded By** Wandel. **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.

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 the City Attorney regarding an early termination and release agreement with Global Water Management, LLC

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

THIS ITEM WAS TAKEN OUT OF ORDER. THE MOTION WAS MADE IMMEDIATELY FOLLOWING THE MOTION TO APPROVE XI. REQUIRED APPROVAL ITEMS (CONSENT), BUT BEFORE DECISION ITEM XII.A.

Motion To Approve. **Action** Approve, pursuant to discussion during Executive Session, authorization of the City Manager to negotiate, finalize, and execute an early termination and release agreement with Global Water Management, LLC. **Moved By** Mayor Pro Tem Lee. **Seconded By** Wandel. **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 8:58 p.m.

APPROVED: **ATTEST:**

BRIAN JOHNSON, MAYOR

CITY OF KENNEDALE TARRANT COUNTY, TEXAS

LESLIE E. GALLOWAY, CITY SECRETARY