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KENNEDALE CITY COUNCIL MINUTES
REGULAR MEETING | AUGUST 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 Johnson called the meeting to order at 5:30 p.m.; and immediately recessed to Executive Session.

Mayor Johnson reconvened the Work Session at 6:20 p.m.

Motion To Approve. **Action** Approve authorizing the City Attorney to take action on A&A Pickup and Van. **Moved By** Altom. **Seconded By** Pugh. **Motion passes unanimously.**

II. WORK SESSION

A. Continued discussion regarding the City Manager's Proposed Fiscal Year 2019-2020 annual budget

In response to Councilmember Rhodes questions regarding the Proposed FY19-20 budget, Finance Director Lakeita Sutton offered some additional information and stated that she would research each and submit more in-depth answers to Council following the meeting.

B. Discussion of items on the regular agenda

In regards to Decision Item XII.H., City Manager George Campbell stated that the health insurance bid had increased from what was included in the Proposed Budget, noting that Director of HR and Administrative Services Danielle Clarke was available to answer questions.

In response to a question from Mayor Johnson regarding Consent Item XI.F., Police Chief Tommy Williams stated that the Kennedale Independent School District had not requested additional School Resource Officers (SROs) for other campuses (in addition to the Junior High and High School), but that it was a consideration for future years; and that there had not yet been any request for an officer to attend School Board meetings, but that it was being discussed.

In response to a question from Mayor Pro Tem Lee regarding Decision Item XII.B., City Manager George Campbell stated that, after issuance, the Council would designate projects to be funded by the proceeds of the Tax Note. There was some discussion about the potential of using impact fees and the requirement for any projects funded by those funds to be included in the Impact Fee Capital Improvement Plan (CIP).

Mayor Johnson closed the Work Session at 6:46 p.m.

III. REGULAR SESSION

Mayor Johnson called the Regular Session to order at 7:01 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, City Secretary & Communications Coordinator Leslie E.

Galloway, Finance Director Lakeita Sutton, Director of Planning & Economic Development Melissa Dailey, Director of HR and Administrative Services Danielle Clarke, Public Works Director Larry Hoover, Library Director Amanda King, Fire Chief James Brown, Police Chief Tommy Williams, Planner Meghan Riddlespurger, City Attorney Drew Larkin

V. INVOCATION

Laurie Sanders offered the invocation.

VI. UNITED STATES PLEDGE AND TEXAS PLEDGE

VII. VISITOR AND CITIZEN FORUM

- **Rockie Gilley**, *220 S Dick Price Road*, spoke in opposition of the Council having replaced him on the TIRZ Board before his term had expired.

- **Perry Clementi**, *103 Creekside Court*, stated the need for debris to be picked up that was left after Atmos Energy completed a project near the corner of Sublett Road and Hillside Drive.
  City Manager George Campbell stated that staff would follow up on this item.

- **Alex Alkhazshvill**, *206 Collett Sublett*, spoke regarding low water pressure at his home on Collet Sublett and construction traffic.
  City Manager George Campbell stated that staff would follow up on this item.

- **Jessica Spiegel**, *118 Peachtree Court #D*, stated her desire to have a requirement for a grease trap waived for her establishment.
  Mayor Johnson asked that she speak with Director of Planning & Economic Development Melissa Dailey.

- **Joe Palmer**, *4017 Sanguinet Court, Fort Worth*, spoke on behalf of the Kennedale Alliance of Business Owners (KABO), regarding bond elections and his desire for a congenial atmosphere.
  In response, Mayor Johnson noted that a bond election was being considered for May 2020.

- **Susan Lewandowski**, *212 Collett Sublett*, spoke about construction traffic on Collett Sublett.

VIII. REPORTS AND ANNOUNCEMENTS

A. Updates from the City Council

- **JOSH ALTOM, Place 1**, had no announcements at this time.
- **CHRIS PUGH, Place 2**, announced that he attended the Tarrant County Mayors' Council with City Manager George Campbell and Mayor Pro Tem Lee; and he and his wife attended the 1-year anniversary of the Iron Wheel Antiques Mall.
- **MAYOR PRO TEM SANDRA LEE, Place 3**, announced that she and Public Works Director Larry Hoover met with County Commissioner Devan Allen regarding creek erosion issues.
- **LINDA RHODES, Place 4**, announced that she attended the Parks Board meeting, where the Board recommended that the Council consider hosting a Chute 2 rodeo event.
- **CHAD WANDEL, Place 5**, announced that he attended a charity function for 'When We Love', which assists the homeless; and had been contacted by several regarding Collett Sublett.

B. Updates from the Mayor

Mayor Johnson announced that he attended a Tarrant Regional Transportation Coalition (TRTC) meeting regarding legislative issues; and attended a demonstration of the Hyperloop technology.

Mayor Johnson announced that Summer Reading Club participants read a total of 98,560 minutes; that Abby Lopez was the top reader with 8,500 minutes; Anna Shonkwiler was second with 3,750 minutes; and Anastasia Zyuskina was third with 3,520 minutes.

Mayor Johnson Proclaimed September 2019 as Senior Center Month; and the week of September

9–14, 2019 as "The Future is Bright: A Week of Suicide Prevention".

C. Updates from the City Manager

City Manager George Campbell had no updates at this time.

IX. INCIDENTAL ITEMS

X. MONITORING INFORMATION

A. Monthly Financials for July 2019

There was no discussion at this time.

B. KEDC Financial Report for June 2019

There was no discussion at this time.

C. Schedule of Investment Activity for quarter ending June 30, 2019

There was no discussion at this time.

XI. REQUIRED APPROVAL ITEMS (CONSENT)

A. Approval of the minutes from the July 16, 2019 Regular Meeting

B. Approval of the minutes from the August 8, 2019 Special Meeting

C. Consider adopting Resolution 556, amending authorized representatives of TEXPOOL local government investment pool

D. Consider adopting Resolution 557, amending authorized representatives for the Texas Short-Term Asset Reserve Program (TexSTAR) local government investment pool

E. Consider adopting Resolution 558, amending authorized representatives for the TexasTERM / TexasDAILY local government investment pool

F. Consider approval of amended interlocal agreement with Kennedale ISD for the provision of two School Resource Officers (SRO)

G. Consider appointment of Martin Young as Vice Chair of the Board of Adjustment (BOA) / Building Board of Appeals (BBA)

Motion To Approve. **Action** Approve the Consent Agenda (*including the corrected version of the July 16, 2019 minutes as presented by staff this evening*). **Moved By** Rhodes. **Seconded By** Altom. **Motion passes unanimously.**

XII. DECISION ITEMS

A. **Case #PZ19-02** — Consider an ordinance 667 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

THIS ITEM WAS TAKEN OUT OF ORDER. IT WAS CONSIDERED AFTER DECISION ITEM XII.B., BEFORE XII.C.

City Manager George Campbell noted that the Public Hearing was held during the previous regular meeting, but that staff was available to answer any questions. Director of Planning & Economic Development Melissa Dailey offered an overview of the case, including surrounding uses and zoning, noting that staff recommends approval, but that the Planning and Zoning Commission (P&Z) recommended denial of the request with a vote of 4–3. She distributed a copy

of the current PD (Planned Development) Ordinance, and added that the owner was available to answer questions. There was brief discussion regarding potential uses of the land under the requested "UV" zoning, the size of the lot, and setback requirements.

In response to a question from Councilmember Altom, Simon King, owner of Spirals Gymnastics, stated that there were no immediate plans to alter the use of the property.

Motion To Approve. **Action** Approve Ordinance 667 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. **Moved By** Mayor Pro Tem Lee. **Seconded By** Wandel. **Motion passes unanimously.**

B. Consider approval of Ordinance 670, Authorizing the Issuance of Up to $2,000,000 in Principal Amount of City of Kennedale, Texas Tax Note, Series 2019; Securing the Payment Thereof by Authorizing the Levy of an Annual Ad Valorem Tax; and Approving and Authorizing the Execution of a Paying Agent/Registrar Agreement, a Purchase Letter, and All Other Instruments and Procedures Related Thereto

THIS ITEM WAS TAKEN OUT OF ORDER. IT WAS CONSIDERED AFTER DECISION ITEM XII.H., BEFORE XII.A.

Andrew Friedman of SAMCO Capital Markets, the City's Financial Advisor, distributed a summary of the bids received, noting that the winning bid was 1.9% fixed rate.

Motion To Approve. **Action** Approve Ordinance 670, Authorizing the Issuance of Up to $ 2,000,000 in Principal Amount of City of Kennedale, Texas Tax Note, Series 2019; Securing the Payment Thereof by Authorizing the Levy of an Annual Ad Valorem Tax; and Approving and Authorizing the Execution of a Paying Agent/Registrar Agreement, a Purchase Letter, and All Other Instruments and Procedures Related Thereto. **Moved By** Mayor Pro Tem Lee. **Seconded By** Pugh.

In response to a question from Mayor Johnson, City Manager George Campbell stated that the proceeds would be used for land acquisition for various projects to be determined by the Council.

Motion passes unanimously.

C. **CASE #PZ 19-05** — Conduct a public hearing and consider Ordinance 671, regarding a request by Cannon Maki for a rezoning from "R3" Residential to "C2" Commercial for approximately 6 acres located at 5306 Kennedale Sublett Road, Abstract 792, Tract 1 Less HS, James R Hawkins Survey, City of Kennedale, Tarrant County, Texas.

THIS ITEM WAS TAKEN OUT OF ORDER. IT WAS CONSIDERED AFTER DECISION ITEM XII.A.

Director of Planning & Economic Development Melissa Dailey stated that this request would rezone the front portion of the Coker Family property for retail pad sites. Dailey gave an overview or surrounding uses and zoning, noting that staff and the Planning and Zoning Commission (P&Z) both recommended approval; and that the developer was available to answer questions.

There was a brief discussion of the expansion of Sublett Road by the City of Arlington.

Mayor Johnson opened the Public Hearing at 8:05 p.m.

- **BJ Hall**, *6312 Calendar Road*, Arlington, the agent for the property, spoke in support.
- **Devan Pharis**, *2900 Wingate Street, Fort Worth*, of Vaquero Ventures — the developer — distributed a site plan and spoke in support.
  In response, Mayor Johnson requested a copy of the road plans.
- **Jim Maibach**, *1703 North Peyco Drive, Arlington*, of Peyco Southwest Realty, spoke on behalf of the Coker Family in support.
- **Bennett Cole Carter**, *6903 Costa Del Sol Court, Arlington*, spoke in support.
- **Don Coker**, *5306 Sublett Road*, spoke in support.
- **Ron Sturgeon**, *1208 Mansfield Highway*, spoke in support.
- **Carolyn Williamson**, *3170 Joplin Road*, spoke in support.

Mayor Johnson closed the Public Hearing at 8:16 p.m.

Motion To Approve. **Action** Approve Ordinance 671, regarding a request by Cannon Maki for a rezoning from "R3" Residential to "C2" Commercial for approximately 6 acres located at 5306 Kennedale Sublett Road, Abstract 792, Tract 1 Less HS, James R Hawkins Survey, City of Kennedale, Tarrant County, Texas. **Moved By** Pugh. **Seconded By** Wandel. **Motion passes unanimously.**

D. **CASE #PZ 19-06** — Conduct a public hearing and consider Ordinance 672, regarding a request by Adlai Pennington for a rezoning from "I" Industrial to "C2" Commercial for approximately 2 acres located at 1170 E Kennedale Parkway, Abstract 378, Tract 1DD01, E C Cannon Survey, City of Kennedale, Tarrant County, Texas

Director of Planning & Economic Development Melissa Dailey stated that this property, owned by the Economic Development Corporation (EDC) and leased by Adlai Pennington for use as 'Red's Roadhouse', had been zoned Industrial for years. She outlined the surrounding uses and zoning, noting that staff recommends approval, but that the Planning and Zoning Commission (P&Z) recommended denial of the request with a vote of 5–2 (with a recommendation that the current non-conforming use continue to be permitted). Dailey stated that the lessee was present to answer questions, and wished to add a restaurant, which was not allowed in the current zoning.

Mayor Johnson opened the Public Hearing at 8:22 p.m.

- **Ron Sturgeon**, *1208 Kennedale Parkway*, spoke in opposition.
- **Joe Palmer**, *4017 Sanguinet Court, Fort Worth*, spoke on behalf of KABO in opposition.
- **Jim Eaton**, *3901 San Miguel Court, Arlington*, spoke on behalf of C&C Tire in opposition.
- **Jose Jaime**, *819 Shady Creek*, spoke in opposition.
- **Luke Beshura**, 221 W Exchange Avenue, Ste. 206 A, Fort Worth, spoke on behalf of Ron Sturgeon Real Estate in opposition and provided a handout of the lease agreement.
- **Carl Hall**, *807 Shady Bend Drive*, spoke on behalf of Speed Fab Crete in opposition.
- **Adlai Pennington**, *1375 Gilman Road*, the lessee of the property, spoke on behalf of the Pennington family in support.

The following registered in opposition, but did not speak: Ronald A. Hamm of Speed Fab-Crete Corporation, 1150 E Kennedale Parkway; Ron Sturgeon of Ron Sturgeon Real Estate, 1206 Kennedale Parkway, 1220 Kennedale Parkway, and 1208 Kennedale Parkway; Robert Ciszewski of RBL 1212 LLC, 1200 E Kennedale Parkway; Horatio Ramirez, 1111 E Kennedale Parkway; Ronald A. Hamm of JDJRC Warehouse Partners FW LP, 1201 E Kennedale Parkway; Joseph Moniz, 1113 E Kennedale Parkway; Kou L Lin, 1115 E Kennedale Parkway; Kirby Williams, 1109 E Kennedale Parkway; Craig Needham or RBL 1212 LLC, 1200 E Kennedale Parkway; and Hubert Haynie, 1109 E Mansfield Highway.

The following registered in favor, but did not speak: Charles Stokely, 1107 E Kennedale Parkway; and Jazz Automotive, 1111 E Kennedale Parkway.

Mayor Johnson closed the Public Hearing at 8:45 p.m.

Mayor Johnson recessed to Executive Session at 8:48 p.m.; and reconvened at 8:59 p.m.

Motion To Approve. **Action** Approve Ordinance 672, regarding a request by Adlai Pennington for a rezoning from "I" Industrial to "C2" Commercial for approximately 2 acres located at 1170 E Kennedale Parkway, Abstract 378, Tract 1DD01, E C Cannon Survey, City of Kennedale, Tarrant County, Texas. **Moved By** Altom. **Seconded By** Mayor Pro Tem Lee. **Motion passes unanimously.**

E. Conduct a public hearing and consider approval of Ordinance 673, amending the Unified Development Code by including additional multi-family regulations by adding a new Section 3.6 "Additional Multi-Family Regulations", amending Section 12.8 "Required Off-street Parking", and amending Table 13.6 "Buffer Area Landscape Requirement."

Director of Planning & Economic Development Melissa Dailey stated that these changes to the Multi-Family regulations would allow for higher quality development and outlined some of the highlights including increased walkability and connectivity, rear parking, fenestration requirements, minimum setbacks, and street-oriented structures. Dailey recommended that a motion approving Ordinance 673 should include the deletion of the 8,000 square-foot maximum building footprint requirement from the table on page four, as it was not necessary for these types of developments. There was a brief discussion of roadway specifications.

Mayor Johnson opened the Public Hearing at 9:13 p.m. There were no requests to speak; and the Public Hearing was closed.

Motion To Approve. **Action** Approve Ordinance 673 (amended to delete the "Max building footprint" of 8,000 sqft. in the table on page 4), amending the Unified Development Code by including additional multi-family regulations by adding a new Section 3.6 "Additional Multi-Family Regulations", amending Section 12.8 "Required Off-street Parking", and amending Table 13.6 "Buffer Area Landscape Requirement". **Moved By** Wandel. **Seconded By** Pugh. **Motion passes unanimously.**

F. Conduct a public hearing and consider approval of Ordinance 674, amending the Unified Development Code by adding a new "R-4" Single-Family District and providing for new R-4 District regulations by amending Section 3.1 "Purpose", Table 3.2 "Schedule of Uses: Agricultural and Residential Districts", Table 3.3 "Spatial Requirements: Agricultural and Residential Districts", Section 10.9.C.1 "Dwellings per Lot", Section 11.2 "Accessory Buildings", Section 11.30 "Residential Sales", Section 11.36 "Sexually Oriented Businesses", Section 11.38 "Temporary Uses", Section 12.8 "Required Off-Street Parking", Section 13.2 "General Landscaping Requirements", Table 13.6 "Buffer Area Landscape Requirements", and Section 29.5 "Board of Adjustment".

Director of Planning & Economic Development Melissa Dailey stated that, in recent years, the City had approved several Planned Developments (PDs) to accommodate the smaller residential lots demanded by the market, and recommended adding R-4, which would allow for smaller lots with reduced setbacks – reducing the need for PDs.

Mayor Johnson opened the Public Hearing at 9:18 p.m.
There were no requests to speak; and the Public Hearing was closed.

Motion To Approve. **Action** Approve Ordinance 674, amending the Unified Development Code by adding a new "R-4" Single-Family District and providing for new R-4 District regulations by amending Section 3.1 "Purpose", Table 3.2 "Schedule of Uses: Agricultural and Residential Districts", Table 3.3 "Spatial Requirements: Agricultural and Residential Districts", Section 10.9.C.1 "Dwellings per Lot", Section 11.2 "Accessory Buildings", Section 11.30 "Residential Sales", Section 11.36 "Sexually Oriented Businesses", Section 11.38 "Temporary Uses", Section 12.8 "Required Off-Street Parking", Section 13.2 "General Landscaping Requirements", Table 13.6 "Buffer Area Landscape Requirements", and Section 29.5 "Board of Adjustment". **Moved By** Mayor Pro Tem Lee. **Seconded By** Rhodes. **Motion passes unanimously.**

G. Consider Ordinance 675, vacating and abandoning a 10' utility easement on 1033 Estates Drive, Lot 9, Block 1, Brookstone Estates Addition, and authorizing the City Manager to execute a Quitclaim Deed

COUNCILMEMBER JOSH ALTOM RECUSED HIMSELF FROM THIS ITEM AS SOMEONE WITH AN EQUITABLE OR LEGAL OWNERSHIP OF THE PROPERTY CONCERNED; AND WAS NOT PRESENT IN THE COUNCIL CHAMBERS DURING EITHER THE DELIBERATION OR THE VOTE.

Director of Planning & Economic Development Melissa Dailey stated that this was a 10-foot utility easement standard to most developments, but that neither the City of Kennedale nor any of the utility companies would have any future need for this particular easement.

Motion To Approve. **Action** Approve Ordinance 675, vacating and abandoning a 10' utility easement on 1033 Estates Drive, Lot 9, Block 1, Brookstone Estates Addition, and authorizing the City Manager to execute a Quitclaim Deed. **Moved By** Pugh. **Seconded By** Wandel. **Motion passes unanimously.**

H. Consider approval of bid award for health insurance and authorize the City Manager to sign the agreement

THIS ITEM WAS TAKEN OUT OF ORDER. IT WAS CONSIDERED BEFORE DECISION ITEM XII.B.

There was no discussion at this time.

Motion To Approve. **Action** Approve the bid award for health insurance and authorize the City Manager to sign the agreement. **Moved By** Pugh. **Seconded By** Rhodes. **Motion passes unanimously.**

XIII. EXECUTIVE SESSION

AN EXECUTIVE SESSION WAS HELD IMMEDIATELY FOLLOWING THE CALL TO ORDER AT 5:30 P.M., BEFORE THE DISCUSSION OF ANY WORK SESSION ITEMS. THE RESULTING MOTION IS NOTED BEFORE WORK SESSION ITEM II.A. MAYOR JOHNSON ALSO RECESSED TO EXECUTIVE SESSION DURING CONSIDERATION OF DECISION ITEM XII.D.

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 yards, including A&A Pickup & Van, Inc., and 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

AN EXECUTIVE SESSION WAS HELD IMMEDIATELY FOLLOWING THE CALL TO ORDER AT 5:30 P.M., BEFORE THE DISCUSSION OF ANY WORK SESSION ITEMS. A MOTION RESULTING FROM EXECUTIVE SESSION IS DOCUMENTED IN THESE MINUTES BEFORE WORK SESSION ITEM II.A.

XV. ADJOURNMENT

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

Mayor Johnson adjourned the meeting at 9:22 p.m.

APPROVED:

BRIAN JOHNSON, MAYOR

CITY OF KENNEDALE TARRANT COUNTY, TEXAS SEAL

ATTEST:

LESLIE E. GALLOWAY, CITY SECRETARY