

KENNEDALE CITY COUNCIL MINUTES
REGULAR MEETING VIA VIDEOCONFERENCE
SEPTEMBER 15, 2020 AT 5:30 PM

MEMBERS OF THE PUBLIC MAY JOIN BY VISITING
WWW.CITYOFKENNEDALE.COM/JOINMEETING AND/OR BY DIALING
1-877-853-5257 (TOLL-FREE) AND USING ACCESS CODE 76060-76060

I. CALL TO ORDER

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

II. EXECUTIVE SESSION

THIS ITEM WAS TAKEN OUT OF ORDER. THE COUNCIL RECESSED TO EXECUTIVE SESSION FOLLOWING THE WORK SESSION, BUT BEFORE CALLING THE REGULAR SESSION TO ORDER.

A. PURSUANT TO §551.071 — *Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion of any item posted on the agenda, legal issues regarding the Open Meetings Act, and the following:*

1. Discussion with the City Attorney regarding salvage yards, including A&A Pickup & Van, Inc., Apache, Abs 1 Auto Parts, and special exception/special use permits
2. Discussion with City Attorney regarding budget and tax rate

B. PURSUANT TO §551.072 — *Deliberation regarding the purchase, exchange, lease, or value of real property:*

1. 1001 W Kennedale Pkwy, Fort Worth, TX 76140

C. PURSUANT TO §551.074 — *Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee; and the following:*

1. Consideration of Municipal Judge and Alternate Judge appointments

III. WORK SESSION

A. WORK SESSION REPORTS

1. Discussion, if desired, of issues relating to the Coronavirus (COVID-19) emergency
There was no discussion at this time.
2. Continued discussion, if desired, regarding the City Manager's Proposed Fiscal Year 2020-2021 Annual Budget (Program of Services)

There was brief discussion of the Tax Increment Reinvestment Zone (TIRZ) Fund, Code Compliance in Bloxom Park, the Safe Routes to School (SRTS) Program, the TxDOT bridge project on New Hope Road, fund balance, bond rating, tax rate legislation, staffing vacancies, and Police Department accreditation and staffing. City Manager George Campbell noted that the exhibit to the budget ordinance had been updated from what was included in the packet.

B. REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA

There was some discussion of potential site plans for PZ Case #20-12. Councilmember Rhodes noted that the Ordinance for PZ Case #20-11 incorrectly listed the existing maximum number of stories on principal buildings. Director of Planning and Economic Development Melissa Dailey stated that staff would correct that chart.

Following the Work Session, the Council recessed to Executive Session from 6:10 p.m. to 6:25 p.m. Mayor Johnson offered a brief recess before calling the Regular Session to order.

IV. REGULAR SESSION

Mayor Johnson called the Regular Session to order at 6:30 p.m.

A. ROLL CALL

Participating via VideoConference: Mayor Brian Johnson; Josh Altom, Place 1; Chris Pugh, Place 2; Mayor Pro Tem Lee, Place 3; Linda Rhodes, Place 4; Chad Wandel, Place 5; **Absent:** NONE. **Staff**

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

B. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

The invocation and pledges were not carried out due to the meeting being held remotely.

C. VISITOR AND CITIZEN FORUM

There were no requests to speak at this time.

D. REPORTS AND ANNOUNCEMENTS

1. Updates from the City Council

- **Linda Rhodes, Place 4**, spoke of the importance of completing the Census.
- **Chad Wandel, Place 5**, spoke of the importance of completing the Census.
- **Mayor Pro Tem Sandra Lee, Place 3**, thanked Corporal Nate Dancer and Chief Tommy Williams for the social media campaign Dancer created.
- **Chris Pugh, Place 2**, announced that he attended the 9/11 event in TownCenter and spoke of the importance of preventing exposure to West Nile Virus.
- **Josh Altom, Place 1**, announced that he attended the 9/11 event in TownCenter and spoke with developers.

2. Updates from the Mayor

Mayor Johnson had no updates at this time.

3. Updates from the City Manager

City Manager George Campbell had no updates at this time.

4. Financial Reports for the City and the EDC
There was no discussion at this time.

E. CONSENT AGENDA

1. Approval of the minutes from the August 11, 2020 special meeting
2. Approval of the minutes from the August 18, 2020 regular meeting
3. Approval of the minutes from the August 27, 2020 special meeting
4. Approval of the minutes from the September 8, 2020 special meeting
5. Appointment to the 2020-21 Youth Advisory Council (YAC)
6. Consider authorizing the City Manager to sign a one-year Interlocal Agreement (ILA) with City of Fort Worth for rabies control services and the utilization of animal impoundment and quarantine facilities
7. Consider Resolution 576, approving the Professional Services Agreement and the Commercial Electricity Service Agreement with the Texas Coalition for Affordable Power (TCAP) and authorize the City Manager to execute those agreements
8. Consider Resolution 577, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2020 rate review mechanism (RRM) filing

Motion Approve. **Action** Approve the Consent Agenda, with Resolution 576 related to item IV.E.7. being approved under the SHP (Strategic Hedging Program) pricing option, **Moved By** Rhodes, **Seconded By** Wandel. **Motion passed unanimously.**

F. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Discuss and consider Ordinance 710 of the City of Kennedale, Texas, adopting the Budget for the Fiscal Year beginning October 1, 2020, and ending September 30, 2021
Joe Palmer (representing KABO) and Linda Miller spoke in opposition to this item.

Motion Approve. **Action** Approve – pending the amendments about the be discussed – Ordinance 710 of the City of Kennedale, Texas, adopting the Budget for the Fiscal Year beginning October 1, 2020, and ending September 30, 2021, **Moved By** Wandel, **Seconded By** Pugh.

Councilmember Linda Rhodes briefly lost connection to the meeting at 6:55 p.m.

There was some discussion of staffing, hiring freezes, overtime vs. comp time, the EDC and TIRZ Funds, and the timing of the budget and tax rate approval.

Motion Amend. **Action** Amend the motion on the floor to include the removal of one police officer from the budget, **Moved By** Wandel, **Seconded By** Mayor Pro Tem Lee. **Motion fails 2-3**, with Altom, Pugh, and Mayor Pro Tem Lee, voting against.

Motion Amend. **Action** Amend the motion on the floor to cut the "Legal Services" line item in the Mayor and Council budget by \$20,000; and to reduce the number of budgeted Self Contained Breathing Apparatuses (SCBA) in the Fire Department's budget from 6 to 4, **Moved By** Wandel, **Seconded By** Pugh. **Motion passes unanimously.**

Motion Approve. **Action** Approve, including the amendments in the previous motion, Ordinance 710 of the City of Kennedale, Texas, adopting the Budget for the Fiscal Year beginning October 1, 2020, and ending September 30, 2021, **Moved By** Pugh, **Seconded By** Altom. **Motion passes unanimously (5-0)**, with Altom, Pugh, Mayor Pro Tem Lee, Rhodes, and Wandel voting in favor.

2. Discuss and consider ratification of property tax increase reflected in FY2020–2021 Adopted Budget

Joe Palmer (representing KABO) spoke in opposition to this item.

Motion Approve. **Action** Approve ratification of property tax increase reflected in FY2020–2021 Adopted Budget, **Moved By** Altom, **Seconded By** Pugh. **Motion passes 4-1**, with Altom, Pugh, Rhodes, and Wandel voting in favor; and Mayor Pro Tem Lee voting against.

3. Discuss and consider approval of Ordinance 711, fixing and levying municipal Ad Valorem Taxes for the City of Kennedale, Texas, for the Fiscal Year beginning October 1, 2020, and ending September 30, 2021

Joe Palmer (representing KABO) spoke in opposition to this item.

Motion Approve. **Action** Approve Ordinance 711, with a corrected caption indicating October 1, 2020 through September 30, 2021, fixing and levying municipal Ad Valorem Taxes for the City of Kennedale, Texas, for the Fiscal Year beginning October 1, 2020, and ending September 30, 2021, **Moved By** Altom, **Seconded By** Pugh. **Motion passes 3-2**, with Altom, Pugh, and Rhodes voting in favor; and Mayor Pro Tem Lee and Wandel voting against.

4. Consider approval of Ordinance 698, appointing a Municipal Judge and Alternate Judges; and authorizing the Mayor to sign contracts for each

Motion Approve. **Action** Approve Ordinance 698, appointing a Municipal Judge and Alternate Judges; and authorizing the Mayor to sign contracts for each, **Moved By** Wandel, **Seconded By** Mayor Pro Tem Lee. **Motion passes unanimously.**

5. As part of the Impact Fee Study, appoint a member to the Capital Improvements Advisory Committee (CIAC) who resides within the City's Extraterritorial Jurisdiction (ETJ)

City Manager George Campbell noted that the Planning & Zoning (P&Z) Commission serves as the CIAC, but that one member must also be appointed that lives within the ETJ, but that staff did not yet have a recommendation. Mayor Johnson requested that the Council provide recommendations to Campbell.

Motion Postpone. **Action** Postpone appointment of a member to the Capital Improvements Advisory Committee (CIAC) who resides within the City's Extraterritorial

Jurisdiction (ETJ), **Moved By** Mayor Pro Tem Lee, **Seconded By** Altom. **Motion passes unanimously.**

G. PUBLIC HEARINGS

1. **Case #PZ 20-08** — Conduct a public hearing and consider Ordinance 712 regarding a request by MMA, Inc. for a rezoning from “R2” Residential to “PD” Planned Development for approximately 6 acres located at 3775 Kennedale New Hope Road, Robert C Richey Survey, Abstract No 1327, Tract 2K and 2L, and 3771 Kennedale New Hope Road, Robert C Richey Survey, Abstract 1359, Tract 1D and 1E, City of Kennedale, Tarrant County, Texas

Director of Planning and Economic Development Melissa Dailey gave an overview of the surrounding uses, current use of the land, requirements of the requested zoning, and the property’s designation in the future land use plan. Dailey noted that this land was in the TIRZ and the request was for 50 garden homes with parking in the rear and the homes facing inward to a greenspace. She added that staff recommended approval and that the Planning and Zoning (P&Z) Commission also unanimously recommended approval. MMA Chief Operating Officer Jacob Sumpter spoke regarding the proposed development’s target market, price points, and lot size.

Richard Weber spoke in opposition to this item.

Motion Approve. **Action** Approve Ordinance 712 regarding a request by MMA, Inc. for a rezoning from “R2” Residential to “PD” Planned Development for approximately 6 acres located at 3775 Kennedale New Hope Road, Robert C Richey Survey, Abstract No 1327, Tract 2K and 2L, and 3771 Kennedale New Hope Road, Robert C Richey Survey, Abstract 1359, Tract 1D and 1E, City of Kennedale, Tarrant County, Texas, **Moved By** Altom, **Seconded By** Mayor Pro Tem Lee. **Motion passes unanimously.**

2. **Case #PZ 20-09** — Conduct a public hearing and consider Ordinance 713 regarding a request by Gatehouse Capital for a rezoning from “R3” Residential to “PD” Planned Development for approximately 6 acres located at 439 Mansfield Cardinal Road, Harris Hills Estate, Block 1, Lot 1R, City of Kennedale, Tarrant County, Texas

Director of Planning and Economic Development Melissa Dailey gave an overview of the surrounding uses, current use of the land, requirements of the requested zoning, and the property’s designation in the future land use plan. Dailey noted that staff recommended approval, but that the Planning and Zoning (P&Z) Commission recommended denial with a vote of 3-2 primarily due to concerns regarding the original plan to allow a portion of the homes to be on wheels, which the developer had since agreed to remove from the proposal. Shannon Arnold, a developer for the firm Kara Casa; Grant Warner of D2 Architecture/HKS; and Vice President of Ulrich Brian Seaman gave a presentation regarding the proposed development and were available to answer questions.

Jeff Nevarez spoke in opposition of this item, requesting that it be sent back to P&Z for second consideration following the plan changes. Nadia Guerra spoke in favor of the item.

There was some discussion of the ability to allow P&Z to hear the case a second time, the site plan, price point, and the responsibilities of the HOA within this development.

Motion Approve. **Action** Approve Ordinance 713 regarding a request by Gatehouse Capital for a rezoning from “R3” Residential to “PD” Planned Development for approximately 6 acres located at 439 Mansfield Cardinal Road, Harris Hills Estate, Block 1, Lot 1R, City of Kennedale, Tarrant County, Texas, **Moved By** Pugh, **Seconded By** Wandel. **Motion passes unanimously.**

Following this item, Mayor Johnson offered a brief recess from 9:10 to 9:15 p.m.

3. **Case #PZ 20-10** — Conduct a public hearing and consider Ordinance 714 amending portions of the Unified Development Code of the City of Kennedale by Modifying Section 4.3, Table 4.3 Spatial Requirements: Old Town Districts of the Unified Development Code to allow for a minimum of one story for the principle building

THIS ITEM WAS TAKEN OUT OF ORDER. IT WAS CONSIDERED IMMEDIATELY FOLLOWING ITEM IV.G.5. (CASE #PZ 20-12), BUT BEFORE ITEM IV.G.4. (CASE #PZ 20-11).

Director of Planning and Economic Development Melissa Dailey gave an overview of the proposed changes to the UDC, noting that it was unlikely that the market would meet the current requirement for two-story development in this area. She added that staff recommended approval and that the Planning and Zoning (P&Z) Commission also unanimously recommended approval.

Motion Approve. **Action** Approve Ordinance 714 amending portions of the Unified Development Code of the City of Kennedale by Modifying Section 4.3, Table 4.3 Spatial Requirements: Old Town Districts of the Unified Development Code to allow for a minimum of one story for the principle building, **Moved By** Wandel, **Seconded By** Altom. **Motion passes unanimously.**

4. **Case #PZ 20-11** — Conduct a public hearing and consider Ordinance 715 amending portions of the Unified Development Code of the City of Kennedale by Modifying Section 3.3, Table 3.3 Spatial Requirements: Agricultural and Residential Districts of the Unified Development Code to allow for a minimum of 20 foot front setback for R-3 and R-4 zoning districts

Director of Planning and Economic Development Melissa Dailey gave an overview of the proposed changes to the UDC, noting that the BOA had heard multiple cases recently regarding setbacks for backyard pools. She added that staff recommended approval and that the Planning and Zoning (P&Z) Commission also unanimously recommended approval.

BOA Chair Jeff Nevarez spoke in favor of this item.

City Attorney Drew Larkin reminded the Council that the table in the ordinance incorrectly listed the currently adopted maximum stories of primary structures, but that the intention was not to amend this requirement and that the ordinance would be corrected.

Motion Approve. **Action** Approve Ordinance 715 (with corrections to the principal building maximum stories to reflect no change from the current requirements) amending portions of the Unified Development Code of the City of Kennedale by Modifying Section 3.3, Table 3.3 Spatial Requirements: Agricultural and Residential Districts of the Unified Development Code to allow for a minimum of 20 foot front setback for R-3 and R-4 zoning

districts, **Moved By** Pugh, **Seconded By** Mayor Pro Tem Lee. **Motion passes unanimously.**

5. **Case #PZ 20-12** — Conduct a public hearing and consider Ordinance 716 regarding a request by Matthew and Tamiko Sargent for a rezoning from “AG” Agricultural to “NV” Neighborhood Village for approximately 1 acre located at 900 E. Kennedale Sublett Road, LILLY, J M SURVEY Abstract 980 Tract 4A1 & A 985 TR 1A1, City of Kennedale, Tarrant County, Texas

THIS ITEM WAS TAKEN OUT OF ORDER. IT WAS CONSIDERED IMMEDIATELY FOLLOWING ITEM IV.G.2. (CASE #PZ 20-09), BUT BEFORE ITEM IV.G.3. (CASE #PZ 20-10).

Director of Planning and Economic Development Melissa Dailey gave an overview of the surrounding uses, current use of the land, requirements of the requested zoning, and the property’s designation in the future land use plan. Dailey noted that staff recommended approval and that the Planning and Zoning (P&Z) Commission also unanimously recommended approval. There was some discussion of the intended community center for this site and parking.

Tamiko Sargent (applicant) and Jeff Nevarez spoke in favor of this item. Roy Boenig spoke in opposition to the item.

Motion Approve. **Action** Approve Ordinance 716 regarding a request by Matthew and Tamiko Sargent for a rezoning from “AG” Agricultural to “NV” Neighborhood Village for approximately 1 acre located at 900 E. Kennedale Sublett Road, LILLY, J M SURVEY Abstract 980 Tract 4A1 & A 985 TR 1A1, City of Kennedale, Tarrant County, Texas, **Moved By** Mayor Pro Tem Lee, **Seconded By** Altom. **Motion passes unanimously.**

H. TAKE ACTION NECESSARY, PURSUANT TO EXECUTIVE SESSION, IF NEEDED

1. Take any action deemed necessary as a result of the Executive Session

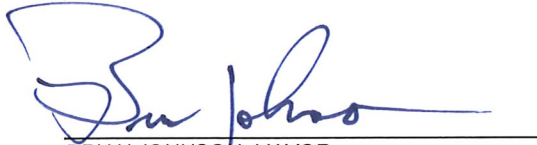
There was neither discussion nor action at this time.

V. ADJOURNMENT

Motion Adjourn. **Action** Adjourn **Moved By** Wandel, **Seconded By** Altom. **Motion passed unanimously.**

Mayor Johnson adjourned the meeting at 9:43 p.m.

APPROVED:


BRIAN JOHNSON, MAYOR

ATTEST:


LESLIE E. GALLOWAY, CITY SECRETARY

