

KENNEDALE CITY COUNCIL MINUTES

REGULAR MEETING | OCTOBER 19, 2021 AT 5:30 PM

CITY HALL COUNCIL CHAMBERS | 405 MUNICIPAL DRIVE, KENNEDALE, TX 76060

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I. CALL TO ORDER

Mayor Linda Rhodes called the meeting to order at 5:30 p.m.

A. ROLL CALL

PRESENT: Mayor Linda Rhodes; Mayor Pro Tem Jan Joplin, Place 1; Gary Mitchell (left at 7:40 p.m. following the first Executive Session), Place 2; Julie Jacobson, Place 3; Austin Degenhart, Place 4; James Connor, Place 5; **ABSENT:** NONE; **STAFF:** *Interim City Manager Leslie E. Galloway, Director of Finance and Information Technology Lakeita Sutton, Director of Human Resources and Administrative Services Caroline Green, Fire Chief James Brown, Police Chief Darrell Hull, City Attorney Drew Larkin;* **CONSULTANTS:** *Chance LeBlanc of Dunaway*

II. WORK SESSION

A. WORK SESSION REPORTS

1. Discussion of the board appointment process and calendar

The Council requested to see attendance records for current members and to have interviews for new applicants scheduled for Monday, November 15.

2. Hold a discussion and consider offering staff direction regarding potential amendments to the EDC Bylaws and/or Articles of Incorporation

Interim City Manager Leslie Galloway stated that following a discussion at the last Council meeting, that staff was now seeking direction regarding what amendments might be sought.

After some discussion, it was the consensus of the Council to have a Resolution drafted that would add two advisory (non-voting) places for those who may not live within the City but are business and/or property owners.

3. Update regarding American Rescue Plan Act (ARPA) funding received by the City
Finance Director Lakeita Sutton stated that the City is expected to receive just over \$2 million, and has already received the first half. She noted that the IRS has created a special rule regarding these funds, which are more tightly regulated than the last round of COVID-related funding; that there are four basic categories to spend the money; and that the funds must be spent within five years of receipt. There was a brief discussion of infrastructure needs including water and wastewater, the broadband category of funding, the ability to use these funds to replace lost revenues.

4. Hold a discussion and consider offering staff direction regarding Texas Water

Development Board (TWDB) Flood Infrastructure Fund (FIF) grant application and funding sources for the Valley Lane Streambank Stabilization project

Interim City Manager Leslie Galloway stated that a previous Informal Staff Report to the Council had incorrectly stated that this funding would include the repair of the roadway. However, the cost is for the stabilization of the streambank that has significantly contributed to the failure of the roadway. Following a brief discussion of the secondary costs related to roadway repair, discretionary funding available via the Tarrant County Bond Program, and the potential of partnering with the County to repair this asphalt roadway as well as Trent Street, it was the consensus among the Council to move forward with the application.

5. Hold a discussion and consider offering staff direction regarding use and project prioritization for the \$6 million CO issued in September 2021

Director of Finance and IT Lakeita Sutton stated that the City will soon receive the \$6m CO proceeds approved during the September meeting, and that there have been many different priority rankings over the past months. She added that this CO is part of a \$14m package (with another \$8m issuance available in 2024) with no impact on the I&S portion of the tax rate. Sutton stated that staff is again presenting the five-year capital needs and is seeking Council direction regarding the prioritization of the projects. There was some discussion of the four projects submitted to the Tarrant County Bond Program. The Council expressed a desire to see a dashboard of projects and progress, the funds were remaining on previous tax notes, and information regarding engineering costs. There was some discussion of critical needs, increases in construction costs since most of these projects were estimated, and the use of the 2021 CO to purchase a fire truck and ambulance.

The Council recessed to Executive at 6:13 p.m.

B. REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA

III. EXECUTIVE SESSION

- 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. Hammack Creek (337 Kennedale Sublett Road)
2. Proposed Developments by SummaTerra Ventures at 404 E Kennedale Parkway, 521 W Kennedale Parkway, and 409 W Kennedale Parkway
3. CASE #PZ 21-13

- B. **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. City Manager

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

Mayor Linda Rhodes reconvened the open meeting at 7:40 p.m., noting that the Council would return to Executive later in the meeting. Councilmember Gary Mitchell left following this first Executive Session.

V. REGULAR SESSION

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

Mayor Pro Tem Jan Joplin offered the invocation.

B. VISITOR AND CITIZEN FORUM

- Herman White, 716 W Kennedale Parkway, Lot 7, assaulted on September 3, stated that he has not received any response to emails.
- Sara Johnson, representing New Senior Outreach of Kennedale, 209 W 3rd Street, announced upcoming events and asked for volunteers.

C. REPORTS AND ANNOUNCEMENTS

1. Updates from the City Council

- **Mayor Pro Tem Jan Joplin, Place 1**, announced that early voting had begun which includes several propositions along with the Tarrant County Transportation Bond Program; that she attended the Tarrant Regional Transportation Meeting at the Arlington Board of Realtors, KPD's Bark in the Park, and Concert in the Park – thanking Jeff Nevarez and all volunteers for work on that event; and that October is Breast Cancer Awareness Month and that, as a 20-year survivor, she urged all to get checked.
- **Gary Mitchell, Place 2**, was not present at this time.
- **Julie Jacobson, Place 3**, had no announcements at this time.
- **Austin Degenhart, Place 4**, announced that he was recently appointed to City Council Place 4; that his professional background is in commercial construction representing owners, municipalities, ISDs, and higher education in large commercial projects; and that he looked forward to serving through the next election cycle and getting to know members of the community.
- **James Connor, Place 5**, announced that he had recovered from COVID-19 and was negative since October 14; that he was not able to attend recent events due to this; and asked for patience as he caught up on messages from the public.

2. Updates from the Mayor

Mayor Linda Rhodes proclaimed November 6 as Arbor Day in the City of Kennedale; announced that she attended the TML Conference, Bark in the Park, and Concert in the Park; that she and Interim City Manager Leslie Galloway met with the Chamber of Commerce and had a meeting scheduled with Kennedale ISD following the State of the City Address at the Chamber luncheon tomorrow; that former Mayor Brian Johnson's portrait

had been added to the wall, including a frame by local vendor BlueLine Framing; that early voting was taking place, and that November 2 would be Election Day; that Saturday, December 11 would be the annual Salvation Army Mayor's Red Kettle Challenge; and that in 2022 the City of Kennedale will be celebrating their 75th anniversary of incorporation – and that staff was seeking input and volunteers from the community for the celebration. Mayor Rhodes noted that she helped lead the 50th Anniversary Parade when she was a City of Kennedale employee.

At the Mayor's request, Laurie Sanders announced that the next FUMC Quarter Auction would benefit KPD.

3. Updates from the Interim City Manager

Interim City Manager Leslie Galloway announced upcoming events and Goldee's (on Dick Price Road in our ETJ) being named the best BBQ in the state by *Texas Monthly*.

4. Financial Reports for the City

Lakeita Sutton announced that the ARPA funding that was received is reported in Fund 35 (Disaster Recovery Fund); and that though September represents the end of the FY, that these numbers were preliminary, and the final numbers would not be published until the audit was complete. There was some discussion of the deficit budget and that the drawdown was less than projected. Mayor Pro Tem Joplin asked staff to provide a full year financial report.

5. Schedule of Investment Activity for quarter ending September 30, 2021

There was no discussion at this time.

6. Financial Reports and/or Minutes for the EDC

There was no discussion at this time.

D. CONSENT AGENDA

1. Approval of the minutes from the August 17, 2021 regular meeting
2. Approval of the minutes from the August 24, 2021 special meeting
3. Approval of the minutes from the August 31, 2021 special meeting
4. Approval of the minutes from the September 15, 2021 special meeting
5. Approval of the minutes from the September 21, 2021 regular meeting
6. Approval of the minutes from the September 25, 2021 special meeting
7. Approval of the minutes from the September 27, 2021 special meeting
8. Approval of the minutes from the October 4, 2021 special meeting
9. Approval of the minutes from the October 9, 2021 special meeting

10. Approval of the minutes from the October 11, 2021 special meeting

Motion Approve. **Action** Approve the Consent Agenda, **Moved By** Mayor Pro Tem Joplin, **Seconded By** Degenhart. **Motion passed unanimously.**

E. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider approval of a FY 2022 Asset Forfeiture Sharing Agreement with local task force participants of the DEA Task Force Group (Fort Worth) and a 2022 Program – Funded State and Local Task Force Agreement with the Drug Enforcement Administration (DEA), and authorize Chief of Police to execute all documents related to same

Police Chief Darrell Hull stated that staff was proposing to be a part of the DEA Taskforce out of the Fort Worth office, noting that the funding for this position would come from the City's budget (and would be existing personnel). Hull added that, in return, the City would be eligible to receive a portion of the proceeds from asset forfeiture(s), but that those funds were not guaranteed. There was some discussion of it being an honor to be invited to join the other ten participating agencies in this program, that Chief Hull had been a part of the program more than 20 years ago, and that this would help us with training.

- **Jeremy Johnston**, 299 *Jonah Road*, spoke in favor of this item.

Motion Approve. **Action** Approve a FY 2022 Asset Forfeiture Sharing Agreement with local task force participants of the DEA Task Force Group (Fort Worth) and a 2022 Program – Funded State and Local Task Force Agreement with the Drug Enforcement Administration (DEA), and authorize Chief of Police to execute all documents related to same, **Moved By** Mayor Pro Tem Joplin, **Seconded By** Degenhart. **Motion passed unanimously.**

F. PUBLIC HEARINGS

1. **CASE #PZ 21-13** — Conduct a public hearing and consider adoption of an ordinance regarding a request by Mycoskie & Associates for a rezoning from C2 General Commercial, R2 & R3 Residential to R4 Residential for approximately 108 acres located at 299 Jonah Road situated in the C.B. Teague Survey Tract 4, 3780 New Hope Road, located in the Raceway Estates Addition Lots 7A & 7B, 3830 New Hope Road is situated in the Robert C Richey Survey Tract 1B, City of Kennedale, Tarrant County, Texas

Mayor Rhodes stated that staff would present, then the applicant, then the public hearing would be opened, and then staff could respond.

Planning Consultant Chance LeBlanc of Dunaway stated that this was a request to rezone 108 acres to residential zoning. There was some discussion of current use and zoning, surrounding uses and zoning, floodway and floodplain, what is allowed under the current zoning, designations under the Future Land Use Plan, and certain details of the existing Developer Agreement from 2014. LeBlanc stated that staff recommended approval to P&Z, but that the P&Z Commissioners recommended denial with a vote 3-2. He noted that the item before the Council is not a regarding any proposed plan – but the zoning applied for.

In response to a question from Councilmember Degenhart, LeBlanc stated that P&Z

recommended denial based upon concerns about road capacity and floodplain issues.

Jacob Sumpter, President of mma, representing the applicants, gave a presentation included Developer Agreement details, the history of this proposal, the current zoning, what portion of the 108 were developable (59 acres), and addressed some concerns that his team had heard from the community. There was some discussion of the pocket parks and other amenities included, the impact fees, property tax, and TIRZ revenue, and projected population growth related to the development.

Councilmember James Connor made a statement regarding a development in Arlington that some members of this development team had been a part of, stated his concerns regarding existing roadway capacity and the nearby active racetrack, and his desire to see preservation of Post Oak trees.

City Attorney Drew Larkin noted that the Council's decision should not be based on what happened in other cities, adding that this is a straight zoning request and that the Council cannot put any restrictions on approvals.

Mayor Pro Tem Jan Joplin noted that there was no existing R-4 in Kennedale. There was some discussion of possibly amending the request to a PD, which would require separate submittals and approvals at the administrative level before appearing before the P&Z and Council.

Councilmember Austin Degenhart thanked the group for their willingness to invest in Kennedale, noting that this was a large project, but that he would be more in favor of a PD.

Mayor Linda Rhodes opened the public hearing at 8:46 p.m.

- Jeremy Johnston, Liz McDonald, Demetrie Norwood, Jeff Morris, Linda Hull, Brian Cleek, Jerry Hull, Fred McDonald, and Rockie Gilley spoke against this item.

Mayor Rhodes closed the public hearing at 9:19 p.m.

There was some discussion of the abutting land owned by Oncor, that no homes would be built within the floodplain, that a flood study would be done, the existing traffic issues on New Hope Road, the proposed extension of Little School Road, that Dave McMillan had ceased operations in 2016, and the potential property tax revenues to the City and the ISD.

Motion Deny. Action Deny CASE #PZ 21-13 regarding a request by Mycoskie & Associates for a rezoning from C2 General Commercial, R2 & R3 Residential to R4 Residential for approximately 108 acres located at 299 Jonah Road situated in the C.B. Teague Survey Tract 4, 3780 New Hope Road, located in the Raceway Estates Addition Lots 7A & 7B, 3830 New Hope Road is situated in the Robert C Richey Survey Tract 1B, City of Kennedale, Tarrant County, Texas, **Moved By Connor, Seconded By Jacobson.** Motion to deny by Connor. 2nd by Jacobson.

Councilmember Connor stated a desire to see a plan presented that included R-3 or was a PD. Councilmember Degenhart stated that R-1 or R-2 would be more conducive to fitting with what homes already exist. Mayor Pro Tem Joplin noted that this was a difficult decision due to the McMillan closure of the track in 2016, but stated that R-4 was not compatible.

Motion to deny passed unanimously (4-0), with Councilmember Mitchell being absent.

2. **CASE #PZ 21-14** — Conduct a public hearing and consider adoption of an ordinance regarding a request by H. Nemat for a rezoning from R3 Single-Family Residential to R4 Single-Family Residential for approximately 1.474 acres located at 1200, 1220 and 1224 Mansfield Cardinal Road, in the B. Jopling Survey, Abstract 880 and the J. Russell Survey, Abstract 1361, Tracts 1D, 10A and 10B, City of Kennedale, Tarrant County, Texas

Planning Consultant Chance LeBlanc of Dunaway stated that this request was to rezone three parcels from R-3 to R-4. There was some discussion of current use and zoning, surrounding uses and zoning, and designations under the Future Land Use Plan. He added that staff recommended approval to P&Z, and that the Commissioners also recommended approval unanimously (5-0).

Councilmember Connor noted that the developer had not presented any plans to the P&Z. There was some discussion of the Council's desire to see R-3 rather than R-4 on all or most of this land. The applicant was not present at this meeting.

Mayor Linda Rhodes opened the public hearing at 9:35 p.m.

- Richard Weber spoke about lot sizes.

Mayor Linda Rhodes closed the public hearing at 9:36 p.m.

Motion Deny. Action Deny CASE #PZ 21-14 regarding a request by H. Nemat for a rezoning from R3 Single-Family Residential to R4 Single-Family Residential for approximately 1.474 acres located at 1200, 1220 and 1224 Mansfield Cardinal Road, in the B. Jopling Survey, Abstract 880 and the J. Russell Survey, Abstract 1361, Tracts 1D, 10A and 10B, City of Kennedale, Tarrant County, Texas, **Moved By** Connor, **Seconded By** Jacobson. **Motion to deny passed unanimously (4-0)**, with Councilmember Mitchell being absent.

Following this item, the Council took a brief recess from 9:40 to 9:45 p.m.

3. **CASE #PZ 21-15** — Conduct a public hearing and consider adoption of an ordinance regarding a request by FC Designs for a rezoning from R3 Single-Family Residential to TH Townhome District for approximately 0.35-acre located at 6800 Oak Crest Drive W, Oak Crest Addition, Block 1, Lots 26, City of Kennedale, Tarrant County, Texas

Planning Consultant Chance LeBlanc of Dunaway stated that this was proposed as four lots with an HOA lot for the parking area. There was some discussion of current use and zoning, surrounding uses and zoning, and designations under the Future Land Use Plan. He added that staff recommended approval to P&Z, and that the Commissioners also recommended approval unanimously (5-0).

Applicant Frederico Canoura stated that this proposed development would promote higher density while keeping a residential feel. There was some discussion of garage parking versus a parking lot and existing TH zoning in Kennedale.

Motion Approve. Action Approve CASE #PZ 21-15 regarding a request by FC Designs for a rezoning from R3 Single-Family Residential to TH Townhome District for approximately 0.35-acre located at 6800 Oak Crest Drive W, Oak Crest Addition, Block 1, Lots 26, City of Kennedale, Tarrant County, Texas, **Moved By** Degenhart, **Motion died for lack of a second.**

Mayor Rhodes opened the public hearing at 10:08 p.m. There were no requests to speak at this time. The public hearing was not closed.

There was some discussion about Council's concern about the property existing between the property in this item and the next item.

Motion Postpone. **Action** Continue the public hearing and to table **CASE #PZ 21-15** until the next Regular Council meeting, **Moved By** Jacobson, **Seconded By** Connor. **Motion to postpone passed unanimously (4-0)**, with Councilmember Mitchell being absent.

4. **CASE #PZ 21-16** — Conduct a public hearing and consider adoption of an ordinance regarding a request by FC Designs for a rezoning from R3 Single-Family Residential to TH Townhome District for approximately 0.35-acre located at 6808 Oak Crest Drive W, Oak Crest Addition, Block 1, Lots 28, City of Kennedale, Tarrant County, Texas

Mayor Rhodes opened the public hearing at 10:12 p.m. There were no requests to speak at this time. The public hearing was not closed.

Motion Postpone. **Action** Continue the public hearing and to table **CASE #PZ 21-16** until the next Regular Council meeting, **Moved By** Degenhart, **Seconded By** Jacobson. **Motion to postpone passed unanimously (4-0)**, with Councilmember Mitchell being absent.

The Council recessed to Executive at 10:14 p.m., pursuant to §551.074.

Mayor Linda Rhodes reconvened the open meeting at 10:49 p.m.

VI. ADJOURNMENT

Motion Adjourn. **Action** Adjourn, **Moved By** Connor, **Seconded By** Degenhart. **Motion to adjourn passed unanimously (4-0)**, with Councilmember Mitchell being absent.

Mayor Linda Rhodes adjourned the meeting at 10:49 p.m.

APPROVED:


LINDA RHODES, MAYOR

ATTEST:


LESLIE E. GALLOWAY, CITY SECRETARY