KENNEDALE CITY COUNCIL MINUTES

REGULAR MEETING | NOVEMBER 16, 2021 AT 5:30 PM
CITY HALL COUNCIL CHAMBERS
405 MUNICIPAL DRIVE, KENNEDALE, TX 76060

I. CALL TO ORDER

Mayor Linda Rhodes called the meeting to order at 5:30 p.m., announcing that members of the public may join in person or access the live feed, but there is no option for public comment virtually; and that speakers would be allotted three minutes.

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 Human Resources and Administrative Services Caroline Green, Fire Chief James Brown, Police Chief Darrell Hull, Administrative Assistant Rosie Ericson, City Attorney Drew Larkin;* ***CONSULTANTS:*** *Chance LeBlanc of Dunaway*

II. WORK SESSION

A. WORK SESSION REPORTS

1. Texas Coalition for Affordable Power (TCAP) recognition of the City of Kennedale as a founding member

   Omar Williams, representing TCAP, recognized the City of Kennedale as a founding member.

2. Discussion of board and commission applicants and potential rosters, if desired

   Mayor Rhodes stated that the Council interviewed candidates the previous night, and that staff was contacted by Mr. Coke Leach stating he had the wrong night. There was no further discussion at this time.

3. 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 SAMCO, the City's Financial Advisors, cautioned against paying debt service via the 2021 Certificates of Obligation (CO) proceeds, and that staff was now proposing cash funding via the 2021 CO issuance rather than seeking a loan from TWDB. Public Works Director Joe Walsh stated that he would like to move forward with cash funding via the CO to take advantage of the 20% grant. There was some discussion of the cost of the project and the funding options. Galloway stated that staff would recommend the cash funding at this time. Councilmember Mitchell stated his desire to see enough remaining to address Collett Sublett. Following the discussion, it was the consensus of the Council to purpose a portion of the 2021 CO issuance to pay for the City's matching portion of the stabilization of Valley Lane.

B. REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA

There was no discussion at this time.

Mayor Rhodes noted that the Council would be recessing into Executive Session twice during the meeting. Pursuant to 551.071 and 551.074, the Council recessed to Executive Session at 5:52 p.m.

III. REGULAR SESSION

Mayor Rhodes called the Regular Session to order at 7:44 p.m.

A. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS
Councilmember Mitchell offered the invocation and Councilmember Degenhart led the pledges.

B. VISITOR AND CITIZEN FORUM

- Sara Johnson, representing Senior Outreach, thanked donors and spoke about donation opportunities; and thanked KFD for a recent emergency response.
- Rockie Gilley announced that he was was nominated for the TAD Board but was requesting that votes be cast for Gary LaSada; and asked for an update on the Safe Routes to School (SRTS) Program.
- Hansen Nemat, spoke about his zoning change request that was denied by the Council last month, noting that the incorrect acreage was given by staff.
- Austin Aghlani, spoke about his family's history in Kennedale and a recent zoning change request that was denied by the Council.
- Rasool Aghlani, spoke about a recent zoning change request that was denied by the Council.

C. REPORTS AND ANNOUNCEMENTS

1. Updates from the City Council
    - **Mayor Pro Tem Jan Joplin, Place 1**, announced that the Council interviewed several applicants for boards and encouraged people to continue applying; that she attended Bring It!, Trunk or Treat, the Chamber luncheon for the State of the City address; that the Chamber luncheon tomorrow featured speaker Betsy Price; that her son-in-law, the head coach at the University of Arizona was turning around their losing record; that she was grateful to citizens for getting involved in our community; and wished everyone a happy Thanksgiving.
    - **Councilmember Gary Mitchell, Place 2**, announced that he had been spending time at the Senior Center and wanted to thank staff for their effort there; and stated that we have wonderful staff, thanking them all.
    - **Councilmember Julie Jacobson, Place 3**, had no updates.
    - **Councilmember Austin Degenhart, Place 4**, had no updates.
    - **Councilmember James Connor, Place 4**, announced that he attended Trunk or Treat and Bring It!, where he volunteered with Laurie Sanders.
2. Updates from the Mayor
    Mayor Linda Rhodes announced that she attended Public Safety Open House, but was not able to attend Trunk or Treat, Bring It!, or the Rotary Club Chili Supper; that the FUMC quarter auction fundraiser benefitting KPD resulted in a donation of $522; and thanked all veterans for their service.

3. Updates from the Interim City Manager

   Interim City Manager Leslie Galloway noted that Finance Director Lakeita Sutton was not present tonight, but if you have questions on the financials or other items, please send those via email and we will respond. Galloway also thanked Administrative Assistant Rosie Ericson and the Library Staff for their work on the Senior Center; KPD Administrative Assistant Silvia Castro for coordinating Trunk or Treat; and Public Works Administrative Assistant Lori Stevenson for coordinating the Christmas Tree Lighting.

   a. Introduction of Director of Human Resources and Administrative Services Caroline Green and Public Works Director Joe Walsh

      Galloway announced that there were two new directors to introduce – HR Director Caroline Green and Director of Public Works Joe Walsh. She then thanked the team of directors who each volunteered their time for panel interviews for these key roles.

4. Financial Reports for the City

D. CONSENT AGENDA

1. Approval of the minutes from the October 18, 2021 special meeting
2. Approval of the minutes from the October 19, 2021 regular meeting
3. Appoint Public Works Director Joe Walsh (voting member) and Finance Director Lakeita Sutton (alternate) to the Fort Worth Wholesale Water and Wastewater Advisory Committee

   Interim City Manager Leslie Galloway noted that the minutes for October 19 were changed at the request of Mayor Rhodes to indicate the section of the Local Government Code that the Council recessed to Executive under.

   Motion Approve. **Action** Approve the Consent Agenda, **Moved By** Mitchell, **Seconded By** Jacobson. **Motion passed unanimously**.

   Following the Consent Agenda, the Council then considered the Public Hearing items (III.F.1. and III.F.2.).

E. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider authorizing the President or Executive Director of the Kennedale Economic Development Corporation to negotiate, finalize, and execute a deed of trust in favor of Valliance Bank for property within TownCenter

   City Attorney Drew Larkin stated that this item would approve a Deed of Trust Lien on lot 5, 6, and 7 of TownCenter. Craig Hughes, Hughes Commercial, minority partner of Kennedale Development Partners (KDP), owner and developer of Kennedale TownCenter, gave brief background of TownCenter and the existing developer's agreement, noting that he planned to use this refinance to finish out existing spaces and was not asking to deviate from the current deed of trust terms. There was some discussion of past deeds of trust, existing tenants and newly-signed leases, ramifications of not approving this, value of empty versus leased building, market rent rates, strategies employed to lease existing spaces, and terms of the developer's agreement.

Motion Approve. **Action** Approve authorizing the President or Executive Director of the Kennedale Economic Development Corporation to negotiate, finalize, and execute a deed of trust in favor of Valliance Bank for property within TownCenter, **Moved By** Mitchell, **Seconded By** Mayor Pro Tem Joplin. **Motion passed 3-2, with Jacobson and Connor voting against.**

2. Consider approval of an Interlocal Agreement (ILA) with the City of Arlington for the Sublett Road Project and authorize the Interim City Manager to execute the agreement

   Motion Approve. **Action** Approve an Interlocal Agreement (ILA) with the City of Arlington for the Sublett Road Project and authorize the Interim City Manager to execute the agreement, **Moved By** Connor, **Seconded By** Degenhart. **Motion passed unanimously.**

3. Discuss and consider adoption of a Resolution, affirming the casting of votes for the 2021 Tarrant Appraisal District (TAD) Board of Directors

   Motion Approve. **Action** Approve a Resolution, affirming the casting of votes for the 2021 Tarrant Appraisal District (TAD) Board of Directors, casting all available votes for Mr. Gary LaSada, **Moved By** Mitchell, **Seconded By** Jacobson. **Motion passed unanimously.**

4. Consider approval of a Resolution amending the certificate of formation and bylaws of the Kennedale Economic Development Corporation by adding two advisory non-voting members and amending requirements for the Executive Director

   Motion Approve. **Action** Approve a Resolution amending the certificate of formation and bylaws of the Kennedale Economic Development Corporation by adding two advisory non-voting members and amending requirements for the Executive Director, **Moved By** Degenhart, **Seconded By** Jacobson. **Motion passed unanimously.**

   THE COUNCIL TOOK A BRIEF RECESS FROM 9:05 TO 9:11 P.M.

5. Consider making appointments to various advisory boards and commissions including the Board of Adjustment/Building Board of Appeals (BOA/BBA), Keep Kennedale Beautiful (KKB) Commission, Kennedale Economic Development Corporation (EDC), Parks and Recreation Board, Planning and Zoning (P&Z) Commission, Library Advisory Board, Utility and Infrastructure Board (UIB), TownCenter Development District (TDD) Board, and the Tax Increment Reinvestment Zone (TIRZ) #1 Board

   Mayor Rhodes noted that the Council conducted interviews and discussed potential rosters the previous night.

   Motion Approve. **Action** Approve the following board slates:

   Board of Adjustment and Building Board of Appeals (BOA/BBA)

   1 Azam Shaikh, Chair
   2 Jeff Nevarez
   3 Kelli Rod, Vice Chair
   4 Thelma Kobeck
   5 Pat Vader

6 VACANT
7 VACANT
8 Myron Jones
9 VACANT

Keep Kennedale Beautiful (KKB) Commission

1 Wilda Turner
2 Ken Michels
3 Linda Miller
4 Laurie Sanders
5 Kimberly Courtney
6 VACANT
7 Carlos Chargoy
8 VACANT
9 VACANT

Economic Development Corporation (EDC) Board

1 Julie Jacobson
2 Marcel Terry
3 James Connor
4 Darold Tippey
5 Jerod Reeves
6 Mark Yeary
7 David Dickinson-Cuniff

Parks and Recreation Board

1 Corey Hines
2 Jeff Nevarez
3 Ken Michels
4 Gary Swan
5 Liz MacDonnell
6 Colby Cowan
7 Ann Beck
8 VACANT
9 VACANT

Planning and Zoning (P&Z) Commission

1 Andrew Malkowski
2 Derrick Rubin
3 Colby Cowan
4 Kayla Hughes, Vice Chair
5 Perry Clementi
6 Brent Jones
7 Mark Perkins, Chair
8 VACANT
9 David Dickinson-Cuniff

Library Board

1 Sara Johnson

2 Josh Virnoche
3 Robert Mundy
4 Tony Brannon
5 VACANT

Utility and Infrastructure Board (UIB)
1 Andrew Malkowski
2 Mark Perkins, Chair
3 Jeff Nevarez
4 Ken Michels, Vice Chair
5 Darold Tippey
6 Marcel Terry
7 Jeff Gregory
8 VACANT
9 VACANT

TownCenter Development District (TDD) Board
1 Mark Yeary
2 Jerod Reeves
3 Linda Rhodes
4 Gary Mitchell
5. Austin Degenhart

Tax Increment Reinvestment Zone (TIRZ) Board
1 Darold Tippey, Chair
2 Jan Joplin
3 Rockie Gilley
4 Chad Wandel
5 Devan Allen
6 Jill "J.R." Labbe
7 Dr. Eugene Giovannini (proxy: Susan Alanis)

Moved By Mayor Pro Tem Joplin, **Seconded By** Jacobson. **Motion passed unanimously.**

6. Consider appointment of a Chair and Vice Chair of the Board of Adjustment (BOA) and Building Board of Appeals (BBA), pursuant to Ordinance 529, Section 1(c)(1)

   Motion Approve. **Action** Approve the appointment of Azam Shaikh as Chair and Kelli Rod as Vice Chair of BOA/BBA, **Moved By** Connor, **Seconded By** Jacobson. **Motion passed 4-1**, with Mitchell voting against.

7. Consider appointment of a Chair and Vice Chair of the Planning and Zoning Commission (P&Z), pursuant to Section 29.3.C.1 of the Unified Development Code (UDC)

   Motion Approve. **Action** Approve the appointment of Mark Perkins as Chair and Kayla Hughes as Vice Chair of P&Z, **Moved By** Connor, **Seconded By** Jacobson. **Motion passed unanimously.**

8. Consider appointment of a Chair of the Tax Increment Reinvestment Zone Board (TIRZ) #1 Board of Directors, pursuant to Ordinance 506, Section 3

   Motion Approve. **Action** Approve the appointment of Darold Tippey as Chair of the TIRZ Board, **Moved By** Connor, **Seconded By** Jacobson. **Motion passed unanimously.**

9. Consider appointment of a Chair and Vice Chair of the Utility and Infrastructure Board (UIB), pursuant to Ordinance 684, Section 1

   Motion Approve. **Action** Approve the appointment of Mark Perkins as Chair and Ken Michels as Vice Chair of UIB, **Moved By** Mayor Pro Tem Joplin, **Seconded By** Jacobson. **Motion passed unanimously.**

F. <u>PUBLIC HEARINGS</u>

THESE PUBLIC HEARING ITEMS WERE TAKEN OUT OF ORDER. THEY WERE CONSIDERED IMMEDIATELY FOLLOWING THE CONSENT AGENDA, BUT BEFORE ITEMS FOR INDIVIDUAL CONSIDERATION.

1. **CASE #PZ 21-15** — Continue 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, Lot 26, City of Kennedale, Tarrant County, Texas

   Mayor Rhodes noted that this and the following item were a continuation of public hearings that were opened at the last regular meeting, noting that the time was 8:10 p.m.

   Planning Consultant Chance LeBlanc of Dunaway stated that the applicant had spoken to the resident who lived between these two lots since the last meeting. Applicant Frederico Canoura of FC Designs stated that the owner of the lot between these two cases was not opposed to the proposed development. Councilmember Connor stated his concerns with the requested zoning not being in line with the Comprehensive Plan. There was some discussion of utilities and parking. Mayor Rhodes closed the public hearing at 8:21 p.m.

   Motion Approve. **Action** Approve 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, Lot 26, City of Kennedale, Tarrant County, Texas, **Moved By** Degenhart, **Seconded By** Jacobson. **Motion passed 4-1**, with Connor voting against.

2. **CASE #PZ 21-16** — Continue 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, Lot 28, City of Kennedale, Tarrant County, Texas

   Mayor Rhodes announced that the public hearing was being continued at 8:21 p.m., and that this case is two lots over from the last and is basically the same proposal. With no requests to speak, the public hearing was closed at 8:22 p.m.

   Motion Approve. **Action** Approve 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, Lot 28, City of Kennedale, Tarrant County, Texas, **Moved By** Degenhart, **Seconded By** Jacobson. **Motion passed 4-1**, with Connor voting against.

IV. EXECUTIVE SESSION

The Council recessed into Executive Session for a second time, pursuant to 551.071 and 551.074 at 9:30 p.m. (The first recess into Executive was just after the Work Session, but before the Regular 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 #BOA 21-08
   4. CASES #PZ 21-13; #PZ 21-15; #PZ 21-16
   5. Estoppel and Deed of Trust related to property in TownCenter

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
   2. City Secretary

V. RECONVENE INTO OPEN SESSION AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED, INCLUDING THE FOLLOWING:

Mayor Rhodes reconvened the open meeting at 10:54 p.m.

Motion Approve. **Action** Approve authorizing the HR Director to request services through SGR for a City Manager, **Moved By** Joplin, **Seconded By** Mitchell.

Councilmember Connor stated that he was against this action.

Motion passed 3-1-1, with Connor voting against and Jacobson abstaining.

A. Consider appointment of City Manager and approving a City Manager Employment Agreement

   There was neither discussion nor action at this time.

B. Consider taking action regarding City Secretary salary

   There was neither discussion nor action at this time.

VI. ADJOURNMENT

Motion Adjourn. **Action** Adjourn, **Moved By** Connor, **Seconded By** Jacobson. **Motion passed unanimously**.

Mayor Rhodes adjourned the meeting at 10:56 p.m.

APPROVED:

LINDA RHODES, MAYOR

ATTEST:

LESLIE E. GALLOWAY, CITY SECRETARY