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KENNEDALE CITY COUNCIL MINUTES

REGULAR MEETING | JANUARY 18, 2022 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 5:31 p.m., noting that there was a virtual access option but no option for public comment for those watching remotely.

A. ROLL CALL

PRESENT: Mayor Linda Rhodes; Mayor Pro Tem Jan Joplin, Place 1; Gary Mitchell, Place 2; James Connor, Place 5; Place 3 was vacant when this meeting was called to order. Kenneth Michels was appointed by the Council to Place 3 immediately following "Roll Call". Mr. Michels then took his place on the dais and participated throughout the entirety of the Work Session and the Regular Session, **ABSENT:** Austin Degenhart, Place 4; ***STAFF:*** *Interim City Manager Leslie E. Galloway, Director of Human Resources and Administrative Services Caroline Green, Fire Chief James Brown, Police Chief Darrell Hull, Public Works Director Joe Walsh, Administrative Assistant Rosie Ericson, Interim Finance Director Debby Scott, City Attorney Drew Larkin;* ***CONSULTANTS:*** *Chance LeBlanc of Dunaway*

Following the Roll Call, but before beginning the Work Session, Mayor Rhodes noted that, during the last meeting, Council directed staff to move forward with the appointment process for Mr. Kenneth Michels to Place 3, pending a meeting with Councilmember Degenhart. Mayor Rhodes noted that Mr. Degenhart was not present but had indicated to her his support of Council's appointment of Mr. Michels. At this time, the Council considered item V.E.1. out of agenda order.

Motion Approve. **Action** Approve the appointment of Kenneth Michels to City Council Place 3, **Moved By** Mayor Pro Tem Joplin, **Seconded By** Connor. **Motion passed unanimously**.

Interim City Manager Leslie Galloway swore in Mr. Kenneth Michels to City Council Place 3, after which he took his place on the dais. Mr. Michels announced that he became involved with the City following the water rate increase and has since been appointed to the Parks Board, Keep Kennedale Beautiful (KKB), and the Utility and Infrastructure Board (UIB). He added that he felt prepared to make the best decisions for this City because he had lived in Kennedale for 45 years.

II. WORK SESSION

A. WORK SESSION REPORTS

1. Discussion of potential General Obligation (GO) Bond proposal

   Mayor Rhodes noted that this item was requested by Councilmember Connor, but that she felt it was somewhat premature to have this discussion due to the lack of key staff members.

   Interim City Manager Leslie Galloway stated that the most recent comprehensive list of identified capital projects was included in the packet, but that costs have increased since last presented in March 2020.

   Councilmember Connor stated that this list was presented originally in 2018 but since that time it had not been discussed, adding that parks and streets need attention.

There was some discussion of the proposed railroad themed park on North Road, the possibility of a General Obligation (GO) Bond proposal in May 2023, the proposed public safety facility, Council's desire to have a publicly accessible prioritized list, the departure of the KYA program, and the potential of EDC helping to fund parks and/or streets projects. Following this discussion, it was the consensus of the Council that the priority should first be on being fully staffed before more fully discussing these projects and their prioritization.

B. <u>REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA</u>

There was no discussion at this time.

III. EXECUTIVE SESSION

Mayor Rhodes announced that the Council would now recess to Executive, pursuant to 551.071 and 551.074, noting that 551.071 covers any items listed on the agenda, if so needed. The Council adjourned to Executive from 5:52 to 6:55 p.m.

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. City Manager
2. CASE #PZ 22-01

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. Interim City Manager review

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

There was neither discussion nor action at this time.

V. REGULAR SESSION

Mayor Rhodes reconvened the meeting at 6:55 p.m., noting that the Council would reconvene into a second Executive Session later in the meeting.

A. <u>INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS</u>

Councilmember Mitchell offered the invocation.

B. <u>VISITOR AND CITIZEN FORUM</u>

- <u>Derek Hall</u>, 6744 Oak Crest Drive W, stated that he had not received notices of recent P&Z cases because Tarrant Appraisal District (TAD) had his address wrong; and spoke about code enforcement concerns surrounding current and recent P&Z cases.

C. <u>REPORTS AND ANNOUNCEMENTS</u>

1. Updates from the City Council
   - James Connor, Place 5, apologized for being "out of order" during the last meeting.
   - Austin Degenhart, Place 4, was absent.
   - Mayor Pro Tem Joplin, Place 1, thanked the audience for attending; thanked board and commission members for service, noting that anyone could apply online; announced her goals including updating the Comprehensive and Master Plans, creating a plan for financing infrastructure needs, a strategic plan to work with our businesses, engaging the EDC to get help with our parks, and meeting with Arlington for an update about the water; announced that she was disappointed the Council was not able to hire Brooks Williams, that they were beginning a new search for a City Manager and that there were three director positions vacant; and thanked staff for going above and beyond daily.
   - Gary Mitchell, Place 2, thanked the audience for attending; thanked staff for all that they do; announced that the May elections ballot would include Places 2 and 4, and the Mayor.
   - Kenneth Michels, Place 3, had no announcements at this time.

2. Updates from the Mayor

   Mayor Linda Rhodes announced that she was working with staff and the Parks Board to plan a celebration of the City's 75th anniversary of incorporation this summer; and that the Council had engaged SGR for the new search for a City Manager.

3. Updates from the Interim City Manager

   Interim City Manager Leslie Galloway announced that funding was approved for the Safe Routes to School (SRTS) program, which is expected to break ground next year; that Debby Scott was serving as Interim Finance Director; that interviews for Community Development would begin next month, with the Library Director and Finance Director positions still being open for applications; and announced several upcoming community events.

4. Police Department Swearing-In Ceremony

   This item was postponed.

5. Financial Reports for the City

   There was no discussion at this time.

6. Schedule of Investment Activity for quarter ending December 31, 2021

   There was no discussion at this time.

D. <u>CONSENT AGENDA</u>

1. Approval of the minutes from the November 15, 2021 special meeting
2. Approval of the minutes from the November 16, 2021 regular meeting
3. Approval of the minutes from the November 22, 2021 special meeting
4. Approval of the minutes from the December 2, 2021 special meeting
5. Approval of the minutes from the December 7, 2021 special meeting

6. Approval of the minutes from the December 14, 2021 special meeting
7. Approval of the minutes from the January 3, 2022 special meeting
8. Approval of a Resolution calling the General Election for Saturday, May 7, 2022
9. Authorize the Mayor to sign an Interlocal Agreement with the Fort Worth Transportation Authority ("Trinity Metro") for Administrative Cost Funding for Section 5310 Program
10. Approval of an Interlocal Agreement (ILA) with the City of Everman for rabies control and the shared use of the City of Everman Animal Shelter
11. Approval of a Resolution authorizing an application requesting financial assistance from the Texas Water Development Board (TWDB) for the construction, acquisition, and equipping of City drainage improvements, and making certain findings in connection therewith

    Motion Approve. **Action** Approve the removal of items 10 and 11 from Consent, **Moved By** Connor, **Seconded By** Mitchell. **Motion passed unanimously**.

    Motion Approve. **Action** Approve the Consent Agenda items 1-9, **Moved By** Connor, **Seconded By** Mitchell. **Motion passed 3-0-1**, with Michels abstaining.

    Regarding Item 10, City Attorney Drew Larkin stated that he would propose some clarifying changes before approval by the Council. Councilmember Connor stated his desire for the removal of any allowance for euthanization of impounded animals.

    Motion Deny. **Action** Deny, pending updated language, an Interlocal Agreement (ILA) with the City of Everman for rabies control and the shared use of the City of Everman Animal Shelter, **Moved By** Connor, **Seconded By** Mayor Pro Tem Joplin. **Motion passed unanimously.**

    Regarding Item 11, there was some discussion of there no longer being a need to engage Bond Counsel on this project. Mayor Rhodes noted the need to add Kenneth Michels' name to page four.

    Motion Approve. **Action** Approve, with the removal of the reference to Bond Counsel and the addition of Mr. Michels' name, a Resolution authorizing an application requesting financial assistance from the Texas Water Development Board (TWDB) for the construction, acquisition, and equipping of City drainage improvements, and making certain findings in connection therewith, **Moved By** Mitchell, **Seconded By** Connor. **Motion passed unanimously.**

E. <u>ITEMS FOR INDIVIDUAL CONSIDERATION</u>

1. Consider making an appointment to fill the vacancy in Place 3 following the resignation of Councilmember Julie Jacobson; or, if the Council should choose to delay appointment, further direct staff regarding the desired process for identifying a candidate
   THIS ITEM WAS TAKEN OUT OF ORDER. IT WAS CONSIDERED BY COUNCIL IMMEDIATELY FOLLOWING "CALL TO ORDER" BUT BEFORE THE WORK SESSION.
2. Consider approval of an engagement letter with McCall, Parkhurst & Horton, the City's Bond Counsel, for assistance with the application for financial assistance from the Texas Water Development Board (TWDB)

Interim City Manager Leslie E. Galloway stated that this item was no longer necessary since the City was no longer seeking a loan from TWDB. No action was taken.

3. Discuss and consider a recommendation put forward by the Parks and Recreation Board to name the performance stage in TownCenter Park the "Ralph Mooney Performance Pavilion"

   Public Works Director Joe Walsh stated that he had been working with the Parks Board to recognize Mr. Mooney via this renaming of a public facility during recent months. Rockie Gilley and Jeff Nevarez spoke in favor and gave biographical information regarding Mr. Mooney. Mr. Nevarez noted that this was originally suggested by Phil Wallace, that Mr. Mooney's family was supportive, and that there were discussions of potentially rebranding Concert in the Park to be a steel guitar event.

   Motion Approve. **Action** Approve the naming of the performance stage in TownCenter Park the "Ralph Mooney Performance Pavilion", **Moved By** Connor, **Seconded By** Michels. **Motion passed unanimously.**

F. PUBLIC HEARINGS

1. **CASE #PZ 22-01** — Conduct a public hearing and consider an Ordinance amending the Unified Development Code by amending Table 4.2, "Schedule of Uses: Old Town Districts," of Article 4, "Old Town Districts" by designating "Dwelling, multi-family" as a permitted use in the OT-4 Old Town Mixed-Use District

   Interim City Manager Leslie Galloway stated that, Summa Terra Ventures has proposed plans for multi-family units on three different lots, each zoned OT-4; and that when the UDC was first adopted in September 2016, multi-family was a permitted use in this zoning category (as well as in OT-3) but was removed in both OT-3 and OT-4 via Ordinance 619, which was not yet codified. Last year, during review of their third proposed development, current staff informed Summa Terra representatives that this type of use was not allowed in the current zoning, something that was apparently overlooked by previous staff. Summa Terra is now requesting that the Council amend the UDC to allow for multi-family in the OT-4 district (with no change to OT-3). During a regular meeting on Thursday, January 13, 2022, the Planning & Zoning Commission (P&Z) voted to recommend approval 4-2, with Vice Chair Hughes and Commissioner Clementi voting against.

   Attorney Angela Hunt of Munsch Hardt, representing Summa Terra Ventures, spoke in favor of the request, noting that Summa Terra does not seek properties that are not zoned to allow multi-family development and that one of the first things her clients had done was to confirm with staff that multi-family was allowable in OT-4. She then provided a printed copy of the use table from the PDF of the Unified Development Code (UDC). Hunt added that, in late September, Summa Terra was alerted that multi-family was, in fact, no longer permitted by right on the proposed lots. She closed by stating that all three properties abutted Kennedale Parkway, with an alternative proposal for the

Council to consider that multi-family be allowed only in OT-4 lots that abut the Parkway.

Shane Child, Vice President of Summa Terra Ventures, spoke in favor of the request and gave information regarding other projects in DFW, the investment amount of the proposed developments, and information about quality control standards.

Mike Watson, CEO of Summa Terra Ventures, spoke in favor of the request, gave information about other local developments and the company's standards.

In response to a question from Councilmember Mitchell, Watson noted that the properties had not yet been purchased but that dollars and staff hours had been expended, nonetheless.

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

Rockie Gilley, KISD Superintendent Chad Gee (on behalf of the district), and John Clark, spoke in opposition to the request.

Mayor Rhodes asked if there were any other requests to speak. Hearing none, the public hearing was closed at 7:49 p.m.

Motion Deny. **Action** Deny an Ordinance amending the Unified Development Code by amending Table 4.2, "Schedule of Uses: Old Town Districts," of Article 4, "Old Town Districts" by designating "Dwelling, multi-family" as a permitted use in the OT-4 Old Town Mixed-Use District, **Moved By** Mayor Pro Tem Jopin, **Seconded By** Mitchell.

There was some discussion of the need to leave space on Kennedale Parkway for businesses, the non-compatibility of MF with existing uses, and the unfortunate circumstances.

Motion to deny passed unanimously.

2. **CASE #PZ 22-02** — Conduct a public hearing and consider an Ordinance regarding a request by FC Designs for a rezoning from R3 Single-Family Residential to TH Townhome District for approximately 0.46 acres located at 6817 Oak Crest Drive W, Oak Crest Addition, Block 8, Lot 11, City of Kennedale, Tarrant County, Texas

   Mayor Rhodes noted that this case was similar to the next so staff would combine both cases into a single presentation.

   Planning Consultant Chance LeBlanc of Dunaway gave an overview of the request including existing zoning and use, requested zoning, surrounding zoning and uses, designation in the Future Land Use Plan (FLUP), and adherence to the Comprehensive Plan. LeBlanc also noted that each townhome would be on its own platted lot. He stated that this change to TH was a deviation from the Comprehensive Plan, but that staff found the request to be compatible with surrounding uses and met all other requirements and would recommend approval of the request.

   There was a brief discussion of parking, maximum densities (units per acre), and safety concerns regarding the blind curve of the roadway.

Applicant Frederico Canoura spoke in favor and gave details of the project including parking and the lack of existing sewer service.

Matthew Sanchez, property owner, spoke in favor and noted his desire to add a stop sign and/or speed hump as well as to offer these units at more affordable rates than the current average market price.

Mayor Pro Tem Joplin stated that her primary concern was her new understanding that there was a lack of density limits in this zoning category and that she sought to address that before approving additional TH zoning.

Mayor Rhodes opened the Public Hearing at 8:12 p.m.

Derek Hall and John Hivale spoke against; Ragan Clark, Robert Hardee, Amber Hardee, Randy Slayton, and Lauran Hall registered against but did not wish to speak.

Mayor Rhodes asked if there were any other requests to speak. Hearing none, the public hearing was closed at 8:20 p.m.

Motion Deny. **Action** Deny an Ordinance regarding a request by FC Designs for a rezoning from R3 Single-Family Residential to TH Townhome District for approximately 0.46 acres located at 6817 Oak Crest Drive W, Oak Crest Addition, Block 8, Lot 11, City of Kennedale, Tarrant County, Texas, **Moved By** Connor, **Seconded By** Mayor Pro Tem Jopin. **Motion to deny passed unanimously.**

3. **CASE #PZ 22-03** — Conduct a public hearing and consider an Ordinance regarding a request by FC Designs for a rezoning from R3 Single-Family Residential to TH Townhome District for approximately 0.53 acres located at 6821 Oak Crest Drive W, Oak Crest Addition, Block 8, Lot 10, City of Kennedale, Tarrant County, Texas

   Mayor Rhodes noted that this was a similar case on an adjacent lot. Applicant Frederico Canoura spoke in favor and gave details of the project including setbacks, sidewalks, and pedestrian concerns.

   Mayor Rhodes opened the Public Hearing at 8:23 p.m.

   Hearing no requests to speak, the public hearing was closed at 8:23 p.m.

   Motion Deny. **Action** Deny an Ordinance regarding a request by FC Designs for a rezoning from R3 Single-Family Residential to TH Townhome District for approximately 0.53 acres located at 6821 Oak Crest Drive W, Oak Crest Addition, Block 8, Lot 10, City of Kennedale, Tarrant County, Texas, **Moved By** Connor, **Seconded By** Mayor Pro Tem Jopin.

   Mayor Pro Tem Joplin noted that her decision was based on there not being current regulations on maximum density in TownHome (TH) Zoning.

   Motion to deny passed unanimously.

   The Council took a brief recess from 8:24 to 8:34 p.m.

4. **CASE #PZ 22-04** — Conduct a public hearing and consider an Ordinance regarding a request by See Eng for a rezoning from C2 General Commercial to R3 Residential for approximately 0.33-acre tract located at 104 Meadowview

Drive in the Boaz's Subdivision Addition Lot 3R, Block 13, City of Kennedale, Tarrant County, Texas

Planning Consultant Chance LeBlanc of Dunaway gave an overview of the request including existing zoning and use, requested zoning, surrounding zoning and uses, designation in the Future Land Use Plan (FLUP), and adherence to the Comprehensive Plan. LeBlanc also noted that each townhome would be on its own platted lot. He stated that staff found the request to meet all requirements and would recommend approval of the request, noting that the applicant also owned the adjacent warehouse.

Mayor Rhodes opened the Public Hearing at 8:37 p.m.

Hearing no requests to speak, the public hearing was closed at 8:37 p.m.

Motion Approve. **Action** Approve an Ordinance regarding a request by See Eng for a rezoning from C2 General Commercial to R3 Residential for approximately 0.33-acre tract located at 104 Meadowview Drive in the Boaz's Subdivision Addition Lot 3R, Block 13, City of Kennedale, Tarrant County, Texas, **Moved By** Connor, **Seconded By** Mitchell. **Motion passed unanimously.**

5. **CASE #PZ 22-05** — Conduct a public hearing and consider an Ordinance regarding a request by See Eng for a rezoning from C2 General Commercial to R3 Residential for approximately 0.47-acre tract located at 700 Mansfield Cardinal Road in the Boaz's Subdivision Addition Lots 1 & 2, Block 13, City of Kennedale, Tarrant County, Texas

   Mayor Rhodes noted that this case was similar to the previous case before opening the Public Hearing at 8:39 p.m.

   Hearing no requests to speak, the public hearing was closed at 8:39 p.m.

   Motion Approve. **Action** Approve an Ordinance regarding a request by See Eng for a rezoning from C2 General Commercial to R3 Residential for approximately 0.47-acre tract located at 700 Mansfield Cardinal Road in the Boaz's Subdivision Addition Lots 1 & 2, Block 13, City of Kennedale, Tarrant County, Texas, **Moved By** Connor, **Seconded By** Mitchell. **Motion passed unanimously.**

6. **CASE #PZ 22-06** — Conduct a public hearing and consider an Ordinance regarding a request by Citipoint Properties & Investments, LLC for a rezoning from "OT-2" Old Town-2 to "OT-3" Old Town-3 for approximately 3.44 acres located at 509 Corry A Edwards Drive, Woodlea Acres Addition, Block 2 Lot 1, City of Kennedale, Tarrant County, Texas

   Planning Consultant Chance LeBlanc of Dunaway gave an overview of the request including existing zoning and use, requested zoning, surrounding zoning and uses, designation in the Future Land Use Plan (FLUP), and adherence to the Comprehensive Plan. LeBlanc also noted that each townhome would be on its own platted lot. He stated that staff found the request to meet all requirements and would recommend approval of the request.

   Applicants Adebayo Olatunji, Olakunle Oni, and Dr. Olusegun Asekun spoke in favor and gave details of proposal.

There was some discussion of the density of the preliminary site plan proposal and the lack of an existing regulation for maximum densities in the Townhome (TH) zoning category.

Mayor Rhodes opened the Public Hearing at 8:46 p.m.

Kae Lewis, Angela Goff, Bobbie Brown, James Brown, John Hivale, Sara Johnson, and Lori Boyd spoke against.

Hearing no additional requests to speak, the public hearing was closed at 9:10 p.m.

Councilmember Connor stated that he did not believe that the request was compatible with existing uses, but that he did appreciate the willingness to invest in Kennedale.

Motion Deny. **Action** Deny an Ordinance regarding a request by Citipoint Properties & Investments, LLC for a rezoning from "OT-2" Old Town-2 to "OT-3" Old Town-3 for approximately 3.44 acres located at 509 Corry A Edwards Drive, Woodlea Acres Addition, Block 2 Lot 1, City of Kennedale, Tarrant County, Texas, **Moved By** Connor, **Seconded By** Mayor Pro Tem Jopin.

Mayor Pro Tem Joplin reiterated that her decision was based on there not being current regulations on maximum density in TownHome (TH) Zoning.

Motion to deny passed unanimously.

Mayor Rhodes recessed to Executive, pursuant to 551.071 and 551.074, at 9:14 p.m.

VI. ADJOURNMENT

Mayor Rhodes reconvened the open meeting at 10:03 p.m.

Motion Approve. **Action** Approve the contract with SGR for the purposes of conducting a search for a new City Manager, **Moved By** Mayor Pro Tem Joplin, **Seconded By** Mitchell. **Motion passed 3-2**, with Mayor Pro Tem Joplin and Mitchell voting in favor, Connor and Michels voting against, and Mayor Rhodes breaking the tie with a vote in favor.

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

Mayor Rhodes adjourned the meeting at 10:04 p.m.

APPROVED:

Linda Rhodes

LINDA RHODES, MAYOR

ATTEST:

Leslie E. Galloway

LESLIE E. GALLOWAY, CITY SECRETARY

CITY OF KENNEDALE ★ TARRANT COUNTY, TEXAS ★ SEAL

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