



KENNEDALE CITY COUNCIL MINUTES

REGULAR MEETING | SEPTEMBER 17, 2024 AT 5:30 PM
CITY HALL COUNCIL CHAMBERS | 405 MUNICIPAL DRIVE, KENNEDALE, TX 76060

I. CALL TO ORDER

Mayor Brad Horton called the meeting to order at 5:31 p.m.

A. ROLL CALL

Mayor Horton, Mayor Pro Tem Michels, Place 1 Glover, Place 2 Kobeck Place 4 Gary, and Place 5 Nevarez were in attendance, thus constituting a quorum.

The City Manager, department directors and various other staff were also present.

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

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State under God; One and Indivisible."

Place 5 Nevarez led the invocation followed by the Pledges to the American and Texas Flags led by Mayor Pro Tem Michels.

II. PUBLIC COMMENT

The Kennedale City Council welcomes comments from the public. Those wishing to speak must sign in prior to the start of the meeting. Speakers may speak on any topic, whether on the agenda or not. The Kennedale City Council cannot act upon, discuss issues raised or make any decisions at this time. Speakers under citizens' comments shall observe a three-minute time limit. Inquiries regarding matters not listed on this agenda may be referred to staff for research and/or possible future action by the board.

Ira Chamberlain, 1324 Tucker Lane, Opposition of the Enclave

Joe Palmer, 4017 Sanguine Court, Fort Worth, Opposition of the Comprehensive Plan

Sayed Syed, 6705 Sapphire Circle, Colleyville, TAD Board Election requesting Kennedale's Vote

Sara Johnson, 221 Village St, Complaint regarding Mayor Horton

Daniel Bennett, 408 Prembrook, White Settlement, TAD Board Election requesting Kennedale's Vote

III. PRESENTATIONS

A. Presentation of The Jet Teague Community Leadership Award to Recipient Joe Taylor

Mayor Brad Horton presented Mr. Joe Taylor with the Jet Teague Community Leadership Award.

B. Library Card Sign Up Proclamation

Mayor Horton presented a Proclamation regarding Library Card Sign Up Month.

C. Senior Center Month Proclamation

Mayor Horton presented a Proclamation Celebrating Senior Center Month.

D. National Association of Town Watch Proclamation

Mayor Horton Presented a Proclamation Celebrating the National Association of Town Watch.

IV. PUBLIC HEARINGS WITH NECESSARY ACTION

- A. Conduct a Public Hearing and consider a Planning and Zoning Case #24-08 a proposed Conditional Use Permit as required by Section 24.2 (C) of the Unified Development Code for "Battery Energy Storage Systems," a new land use, located at 509 S New Hope Rd, Tract 1EE & A1327 TRS 2B01 & 2B04, Abstract 378, situated in the Cannon E C Survey, and 501 S NEW HOPE RD, Block 1, Lot 1, of the Kim Addition, and City of Kennedale, Tarrant County, Texas

Mayor Brad Horton opened the Public Hearing at 6:06 p.m.

Chad Gee, Kennedale ISD, In Favor of the Zoning Case

Dave McMillian, 3830 Kennedale New Hope Rd., In opposition of the Zoning Case

Mayor Brad Horton closed the Public Hearing at 6:09 p.m.

- B. Take action on an Ordinance of the City of Kennedale to amend the Unified Development Code as described in Zoning Case #24-08 a proposed Conditional Use Permit as required by Section 24.2 (C) of the Unified Development Code for "Battery Energy Storage Systems," a new land use, located at 509 S New Hope Rd, Tract 1EE & A1327 TRS 2B01 & 2B04, Abstract 378, situated in the Cannon E C Survey, and 501 S NEW HOPE RD, Block 1, Lot 1, of the Kim Addition, and City of Kennedale, Tarrant County, Texas.

Community Development Director Nathan Gonzales provided a status report to the City Council stating that the property would need a Conditional Use Permit. Mr. Gonzales advised that the property is surrounded by industrial and residential uses with floodways existing within the property. Mr. Gonzales further stated that the City Staff met with the team of Cypress Creek Renewables regarding the site and the use that is being considered. Mr. Gonzales advised that due to existing and ongoing development, in addition to safety concerns, the staff was unable to recommend approval at this time.

Representatives from Cypress Creek Renewables were present and advised the City Council of the project. Representatives advised of a 20+ year anticipated project life, usage is to be battery storage, installed on large racks in battery containers, interconnected lithium-ion batteries, limited local hiring, no impacts on local roads or traffic, no anticipated water needs and other information pertinent to the project.

The City Council discussed concerns relating to the site, which included fire safety concerns with the applicant as well as Interim Chief Brian King. Chief King was not

in favor of the project.

Place 5 Nevarez motioned to approve an Ordinance of the City of Kennedale to amend the Unified Development Code as described in Zoning Case #24-08 a proposed Conditional Use Permit as required by Section 24.2 (C) of the Unified Development Code for "Battery Energy Storage Systems," a new land use, located at 509 S New Hope Rd, Tract 1EE & A1327 TRS 2B01 & 2B04, Abstract 378, situated in the Cannon E C Survey, and 501 S NEW HOPE RD, Block 1, Lot 1, of the Kim Addition, and City of Kennedale, Tarrant County, Texas.

Place 2 Kobeck seconded the motion

Mayor Pro Tem Michels, Place 1 Glover, Place 4 Gary Opposed, No abstentions

Vote: The motion failed 2-3

- C. Conduct a Public Hearing on a Planning and Zoning Case #24-11 a proposed zoning change from "AG-Agricultural District" TO A "PD-Planned Development" For Lot 7A, Lot 6B1, Lot 6A1, Lot 6C1 of Estes, JM Home Tracts Addition, Located at 1102, 1106, 1108, 1110 Kennedale Sublett Rd, and Approximately 3.06 Acres of Block, Lot 11A & 11B of The Oliver Acres Subdivision, located at 305 Collett Sublett Rd, Kennedale, Tarrant County, Texas, 76060.

Mayor Horton opened the Public Hearing at 7:39 p.m.

Leland Verheyen, 1305 Collette Sublett Rd., Opposed to Zoning Case #24-11

Wendy Danner, 1341 Tucker Lane, Opposed to Zoning Case #24-11

Roy Boenig, 1020 Kennedale Sublett Rd., Opposed to Zoning Case #24-11

James Conner, 501 W. 3rd. St., Opposed to Zoning Case #24-11

Betty Usry, 1340 Tucker Lane, Opposed to Zoning Case #24-11

Mayor Horton closed the Public Hearing at 7:55 p.m.

Mayor Horton re-opened the Public Hearing at 7:56 p.m.

Reid Mullins, 1317 Tucker Lane., Opposed to Zoning Case #24-11

Christina Fowler, 1356 Collett Sublett Rd., Opposed to Zoning Case #24-11

Angelica Baza, 1304 Tucker Lane, Opposed to Zoning Case #24-11

Robert Shepard, 2310 W. I-20 Arlington, Opposed to Zoning Case #24-11

Joe Palmer, 4017 Sanguine Court, Fort Worth, Opposed to Zoning Case #24-11

Mayor Horton closed the Public Hearing at 8:09 p.m.

- D. Take action on an Ordinance to amend the Unified Development Code as described in Zoning Case #24-11 to change the current zoning from "AG-Agricultural District" to a "PD-Planned Development" For Lot 7A, Lot 6B1, Lot 6A1, Lot 6C1 of Estes, JM Home Tracts Addition, Located at 1102, 1106, 1108, 1110 Kennedale Sublett Rd, and Approximately 3.06 Acres of Block, Lot 11A & 11B of The Oliver Acres Subdivision, located at 305 Collett Sublett Rd, Kennedale, Tarrant County, Texas, 76060, described as "The Enclave".

Community Development Director Nathan Gonzales presented Planning and Zoning Case #24-11 to the City Council. Mr. Gonzales advised that the properties are currently residential home sites, zoned "AG-Agricultural District," in which the landowners have attempted to sell in the past but have been unsuccessful due to previous unfavorable developments. Mr. Gonzales noted that a major issue for residents and previous City Councils was that the previous proposal did not include a second egress outlet onto Kennedale Sublett Rd. Mr. Gonzales continued to advise that the proposed zoning change and concept plan will now include a secondary egress outlet onto Kennedale Sublett Rd as well as a tie into Sterling Dr, an existing stubbed-out street located south within The Vineyards Subdivision.

Another concern addressed by Mr. Gonzales was narrow design of the street in the adjacent neighborhood of Magnolia Hills. Mr. Gonzales noted that the streets in the proposed Enclave Development are wider, having a minimum width of 31 FT, measured from back-of-curb to back-of-curb. Other updates addressed included sidewalks, parks, drainage requirements, and engineering submittals.

Mr. Gonzales advised that staff has reviewed the development against existing zoning requirements and has found the proposed development to best suited for a Planned Development. Staff confirmed that the proposed development was compatible with adjacent uses, the 2012 Comprehensive Plan and the Future Land Use Plan.

Mr. Gonzales confirmed that he had received protests from the adjacent landowners in excess of the 20% required to trigger a supermajority vote of the City Council to approve the development.

The City Council held discussions with the potential development which included confirming that the engineering studies would be provided in the platting and developmental stage including drainage studies. Traffic Concerns were also discussed with the Chief of Police Mike Holguin.

Place 1 Glover motioned to approve Ordinance to amend the Unified Development Code as described in Zoning Case #24-11 to change the current zoning from "AG-Agricultural District" to a "PD-Planned Development" For Lot 7A, Lot 6B1, Lot 6A1, Lot 6C1 of Estes, JM Home Tracts Addition, Located at 1102, 1106, 1108, 1110 Kennedale Sublett Rd, and Approximately 3.06 Acres of Block, Lot 11A & 11B of The Oliver Acres Subdivision, located at 305 Collett Sublett Rd, Kennedale, Tarrant County, Texas, 76060, described as "The Enclave".

Mayor Pro Tem Michels seconded the motion.

Place 2 Kobeck opposed the motion, Place 4 Gary abstained

Vote: 3-1-1 Motion failed due to lack of supermajority

City Attorney Carvan Atkins asked for clarification on Mr. Gary's vote regarding Case #24-11 asking if Mr. Gary abstained or had a conflict of interest. Mr. Gary confirmed that he had abstained from the motion.

Mayor Pro Tem Michels made a motion to adjourn into Executive Session pursuant to Section 551.074 (consultation with city attorney) of the Government Code

Place 5 Nevarez seconded the motion.

No opposition, no abstentions

Vote: The motion carried unanimously 5-0

Mayor Horton adjourned into executive session at 9:17 p.m.

Mayor Horton reconvened into open session at 9:31 p.m.

No action as a result of the executive session.

V. REGULAR SESSION

Mayor Horton moved Item #6 to take place first on the Regular Session Agenda.

6. Discuss and take action on an Ordinance to adopt the Comprehensive Plan for the City of Kennedale as recommended by the Planning and Zoning Commission.

Community Development Director Nathan Gonzales as well as Steven Cook with Dunaway and Associates updated the Council on changes that have been made since the previous Council meeting.

Place 5 Nevarez made a motion to approve an Ordinance to adopt the Comprehensive Plan for the City of Kennedale as recommended by the Planning and Zoning Commission.

Place 1 Glover seconded the motion.

No opposition, No abstentions

Vote: Motion passed unanimously

Mayor Horton moved back to the Reports and Announcements Section of the Agenda.

A. REPORTS AND ANNOUNCEMENTS

In addition to any items below, the Kennedale City Council, the presiding officer, and/or staff may give or receive reports regarding items of community interest, including, but not limited to, recognition of officials, citizens, staff, or departments; information regarding holiday schedules; and upcoming or attended events.

1. Updates from the City of Kennedale Mayor and City Council

The City Council and Mayor gave updates on items of public interest, including the Butterfly Party hosted by KKB, 9/11 Memorial, Concert in the Park, and Chamber of Commerce Luncheon.

2. Updates from the City of Kennedale City Manager

City Manager Hull gave an update on Capital Improvements.

3. Financial Reports for the City and/or the EDC

Finance Director Jonathan Horton reviewed the City financials with the Council.

B. CONSENT AGENDA

These matters have appeared on previous agendas, require little or no deliberation, or are considered routine or ministerial tasks. If discussion is desired, items may be removed for separate consideration.

1. August 20, 2024, City Council Minutes
2. Interlocal Agreement for Administrative Costs Funding for Section 5310 Program Between The Fort Worth Transportation Authority and The City of Kennedale.
3. PZ Case#24-13 a replat of Block 1, Lot 1R1, of The Soto Addition, Block 1, Lot 1R, of the Sather Addition, and Track 8 of the Prickett, Jacob Survey Abstract 1225, to create lots 1R1 and 2, Block A, of the Sather Addition, Totaling Approximately 3.097 Acres, Located in the City of Kennedale.

Mayor Pro Tem Michels made a motion to approve items 1 and item 3 of the consent agenda.

Place 2 Kobeck seconded the motion.

No opposition, No abstentions

Vote: Motion passed unanimously

Place 5 Nevarez motioned to approve item 2 with the updated change in the date to 2025.

Place 1 Glover seconded the motion

No opposition, No abstentions

Vote: Motion passed unanimously

C. ITEMS FOR INDIVIDUAL CONSIDERATION, DISCUSSION OR ACTION

1. Discuss the Kennedale Youth Advisory Council. - Discussion Item Only

The City Council and the City Manager discussed the former Kennedale Youth Advisory Council. The consensus of the Council was to have the City Secretary research and submit a plan to the Manager and Council to potentially have the program revisited.

2. Discussion on a proposed Lighting Ordinance for the City of Kennedale. - Discussion Item Only

City Council Member Glover presented a proposed Lighting Ordinance to the City Council for discussion. The Council held discussions regarding the bright lights and traffic concerns that arose due to the large display last holiday season. The Council had concerns regarding other properties, including industrial and commercial property, that could be affected by the implementation of a lighting ordinance. The City Manager requested that the Council send him suggestions for the Ordinance that could be added to best fit Kennedale.

3. Discuss and take action on the 2024/2025 Interlocal Agreement (ILA) renewal with the City of Ft. Worth for rabies control and use of the City of Ft. Worth Animal Shelter.

Place 5 Nevarez made a motion to approve the 2024/2025 Interlocal Agreement (ILA) renewal with the City of Ft. Worth for rabies control and use of the City of Ft. Worth Animal Shelter.

Place 2 Kobeck seconded the motion.

No opposition, No abstentions

Vote: The motion passed unanimously

4. Discuss and take action to cast the City of Kennedale's Official Ballot for the Election of the Region 8 Director of the TML Board of Directors.

Place 5 Nevarez motioned to cast an Official Ballot for Mr. John McKenzie to serve as the Region 8 Director of TML.

Mayor Pro Tem Michels seconded the motion.

No opposition, No abstentions

Vote: The motion passed unanimously

5. Discuss and take action to consider a Resolution of the City of Kennedale to make five (5) nominations to the Tarrant Appraisal District Board of Directors.

Place 5 Nevarez motioned to make the following nominations to the Tarrant Appraisal District.

1 Vote Fred Campos

1 Vote Gloria Pena

1 Vote Darrell Davis

1 Vote Sayeda Syed plus 4 additional votes to Sayeda Syed

Place 2 Kobeck seconded the motion.

No opposition, No abstention

Vote: Motion passed unanimously

VI. EXECUTIVE SESSION

IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOVERNMENT CODE. If, during the course of the meeting and discussion of any items covered by this notice, the Kennedale City Council determines that a Closed or Executive session of the Board is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 consultation with counsel on legal matters; Section 551.074 personnel matters (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or (2) to hear a complaint or charge against an officer or employee. (b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing. Section 551.072 - deliberation regarding purchase, exchange, lease or value of real property; Section 551.073 - deliberation regarding a prospective gift; Section 551.087 - deliberation regarding economic development negotiation; Section 551.089 - deliberation regarding security devices or security audits, and/or other matters as authorized under the Texas Government Code. If a Closed or Executive Session is held in accordance with the Texas Government Code as set out above, the Kennedale City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

**VII. RECONVENE INTO OPEN SESSION, AND TAKE ANY ACTION NECESSARY
PURSUANT TO EXECUTIVE SESSION**

VIII. ADJOURNMENT

Mayor Pro Tem Michels motioned to adjourn the meeting.

Place 5 Nevarez seconded the motion.

There being no further business the Mayor adjourned the meeting at 10:34 p.m.

APPROVED:


MAYOR BRAD HORTON

ATTEST:


CITY SECRETARY BOBBIE JO TAYLOR

