

KENNEDALE CITY COUNCIL
AGENDA
REGULAR MEETING
May 8, 2014
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION - 5:30 PM
REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

II. WORK SESSION

***NOTE: Pursuant to Section 551.071, Texas Government Code, the City Council reserves the right to adjourn into Executive Session at any time during the work session or the regular session to discuss posted executive session items or to seek legal advice from the City Attorney on any item posted on the agenda.**

A. Presentation of the Water/Sewer Master Plan by Freese and Nichols Engineers.

B. At this time the City Council will move to the Conference Room to conduct a Board/Commission applicant interview.

III. REGULAR SESSION

IV. ROLL CALL

V. INVOCATION

VI. UNITED STATES PLEDGE

VII. TEXAS PLEDGE

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

VIII. VISITOR/CITIZENS FORUM

At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

IX. REPORTS/ANNOUNCEMENTS

In addition to any specific matters listed below, the city council may receive a report about items of community interest, including but not limited to recognition of individual officials, citizens or departments, information regarding holiday schedules, upcoming or attended events, etc.

A. Updates from the Mayor.

- Certificates of appreciation to the 2013-2014 Youth Advisory Council
- Application and appointment process for City Council Place 3 vacancy

B. Updates from City Council.

C. Updates from the City Manager.

X. CONSENT ITEMS

All matters listed under consent agenda have been previously discussed, require little or no deliberation, or are considered to be routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately.

A. Consider authorizing City Manager to execute a contract with Tarrant County Tax Office for the assessment and collection of ad valorem taxes levied by the City of Kennedale for the 2014 tax year.

B. Discuss and consider approval of Resolution 425, denying the rate increase requested by Atmos Energy Corporation, Mid-Tex Division.

C. Consider approval of minutes from April 10, 2014 regular meeting.

XI. REGULAR ITEMS

A. Consider appointment of Ashley Luu, Nadeya Patel, Emily Beck, Morgan Biscoe, Samantha Randolph, Nicholas Johnson, Danielle Quaye, Shelby Flowers, Alison Villaire, and Jillian Melbourne to the 2014-2015 Youth Advisory Council.

B. Discuss and consider appointing Glenn Shark to Place 5 of the Parks and Recreation Board.

C. **Case # PZ 14-04** Public hearing and consideration of Ordinance 546 and Ordinance 547 regarding a request by Oscar and Wanda Rountree and Patricia Beatty and Johnny Byrd for a zoning change from "C-2" General commercial district to "PD" Planned development district (residential) for approximately 6 acres located at 6559 Hudson Village Creek Rd and 4079 Kennedale New Hope Rd, Joel Snyder Survey A-1448 1B and 1 C, being a portion of a tract as described in a deed to Oscar and Wanda Rountree, Instrument no. D190172874 and being a tract of land as described in a deed to Patricia Beatty, Instrument no. D198096319, Kennedale, Tarrant County.

1. Staff presentation
2. Applicant presentation
3. Public hearing
4. Applicant response
5. Staff response and summary
6. Action by the City Council on Ordinance 546 -- Snyder PD-1, Rountree property, Hudson Village Creek Rd
7. Action by the City Council on Ordinance 547 -- Snyder PD-2, Beatty/Byrd property, New Hope Rd

D. Discuss and approve calendar for FY2014-2015 budget preparations.

E. Consider acceptance of the Water/Wastewater Master Plan from Freese and Nichols Engineers.

XII. EXECUTIVE SESSION

A. The City Council will meet in closed session pursuant to Section 551.071 of the Texas Government Code for 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 nonconforming uses, discussion of zoning issues in the city, and legal issues regarding the preparation of developer's agreements.

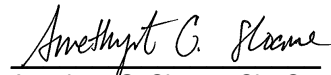
XIII. RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED

XIV. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Kennedale will provide for reasonable accommodations for persons attending City Council meetings. This building is wheelchair accessible, and parking spaces for disabled citizens are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meetings. Please contact Amethyst Cirno, City Secretary, at 817.985.2104 or (TDD) 1.800.735.2989

CERTIFICATION

I certify that a copy of the May 8, 2014, agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.



Amethyst G. Sloane, City Secretary

Date: May 8, 2014

Agenda Item No: WORK SESSION - A.

I. Subject:

Presentation of the Water/Sewer Master Plan by Freese and Nichols Engineers.

II. Originated by:

III. Summary:

Representatives from Freese and Nichols will present the updated Water and Wastewater Master Plan. A copy of the presentation is attached, and a copy of the full plan will be available before and during the meeting.

Later on the regular agenda there is an item to accept this Plan.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

1.	Presentation	04.2014 CC - Water Master Plan PPT.pdf
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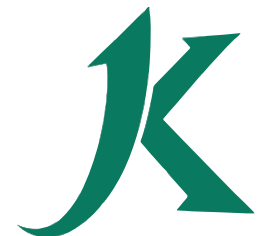


**FREESE
AND
NICHOLS**

City of Kennedale

WATER AND WASTEWATER MASTER PLAN

April 10, 2014



KENNEDALE
You're Here. Your Home

Project Team



City

- Bob Hart
- Larry Ledbetter
- Mary Goza
- Larry Hoover

Freese and Nichols, Inc.

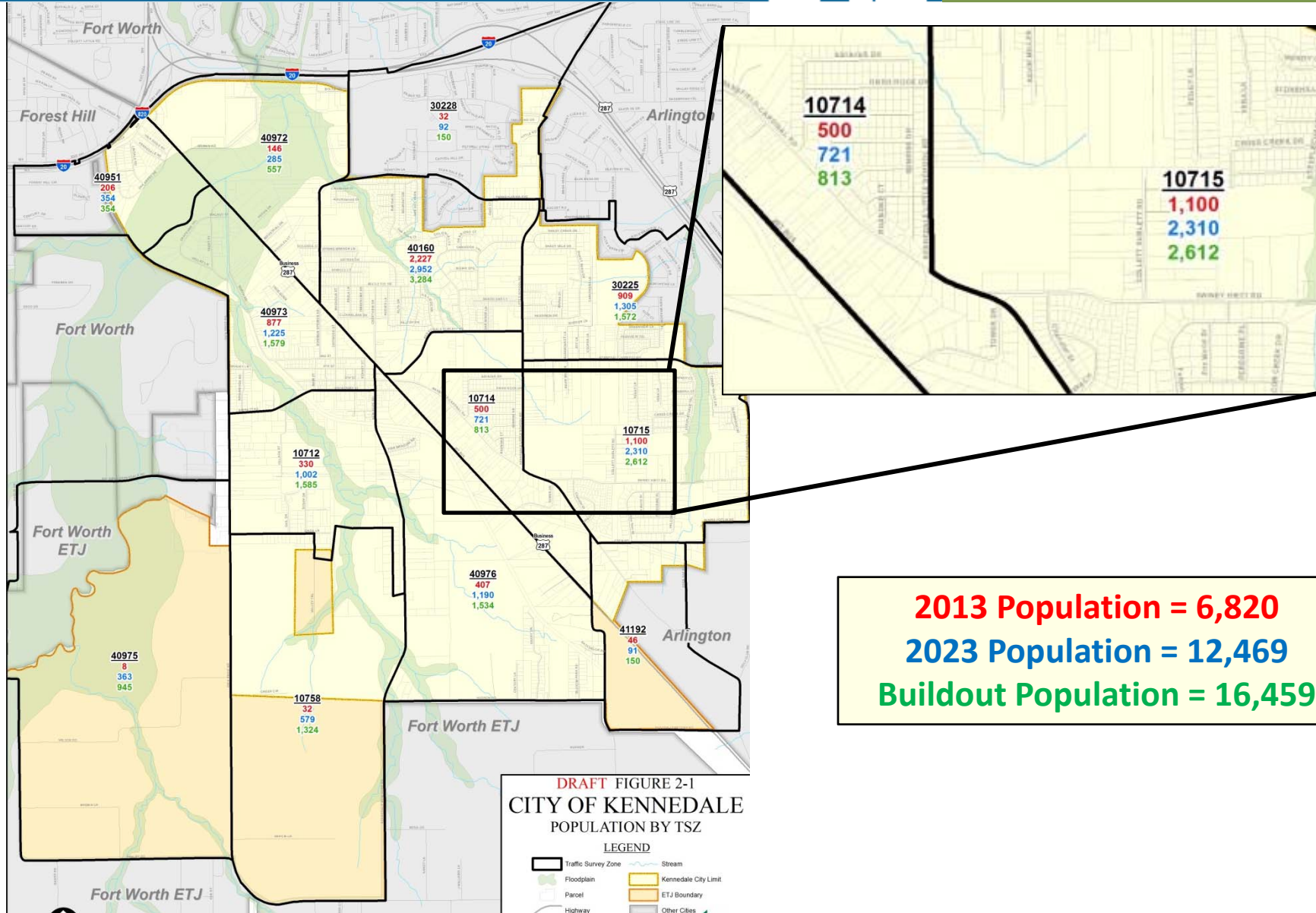
- Brian Coltharp
- Jessica Brown
- Jessica Vassar

Scope of Work



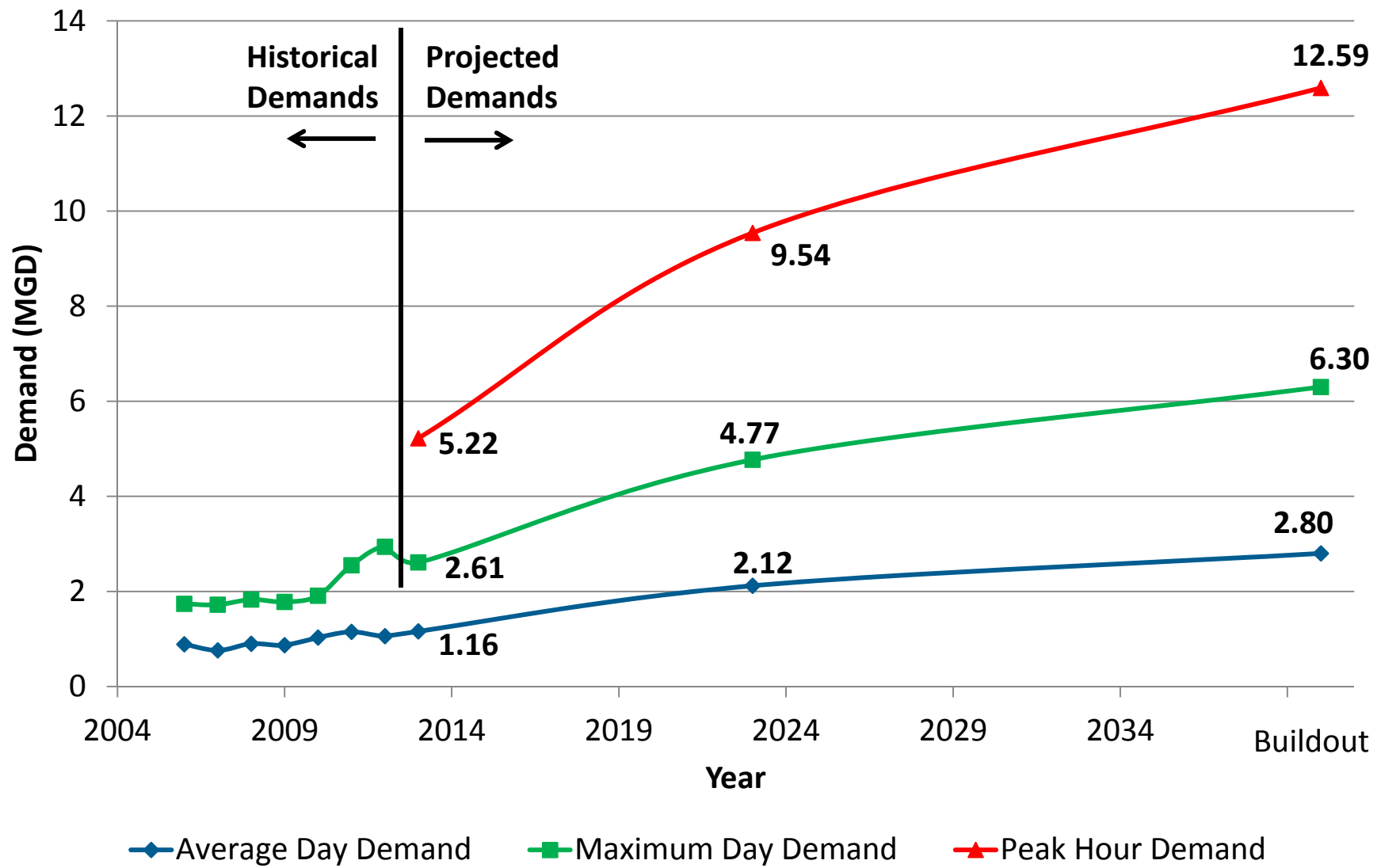
- Develop water and wastewater hydraulic models
- Conduct field testing for water and wastewater
- Develop water and wastewater load projections
- Hydraulic evaluation and modeling of water and wastewater systems
- Identify system improvements through buildout
- Develop a phased Capital Improvements Plan
- Prepare a Water and Wastewater Master Plan Report

Projected Population by Planning Area (TSZ)



2013 Population = 6,820
2023 Population = 12,469
Buildout Population = 16,459

Historical and Projected Water Demands

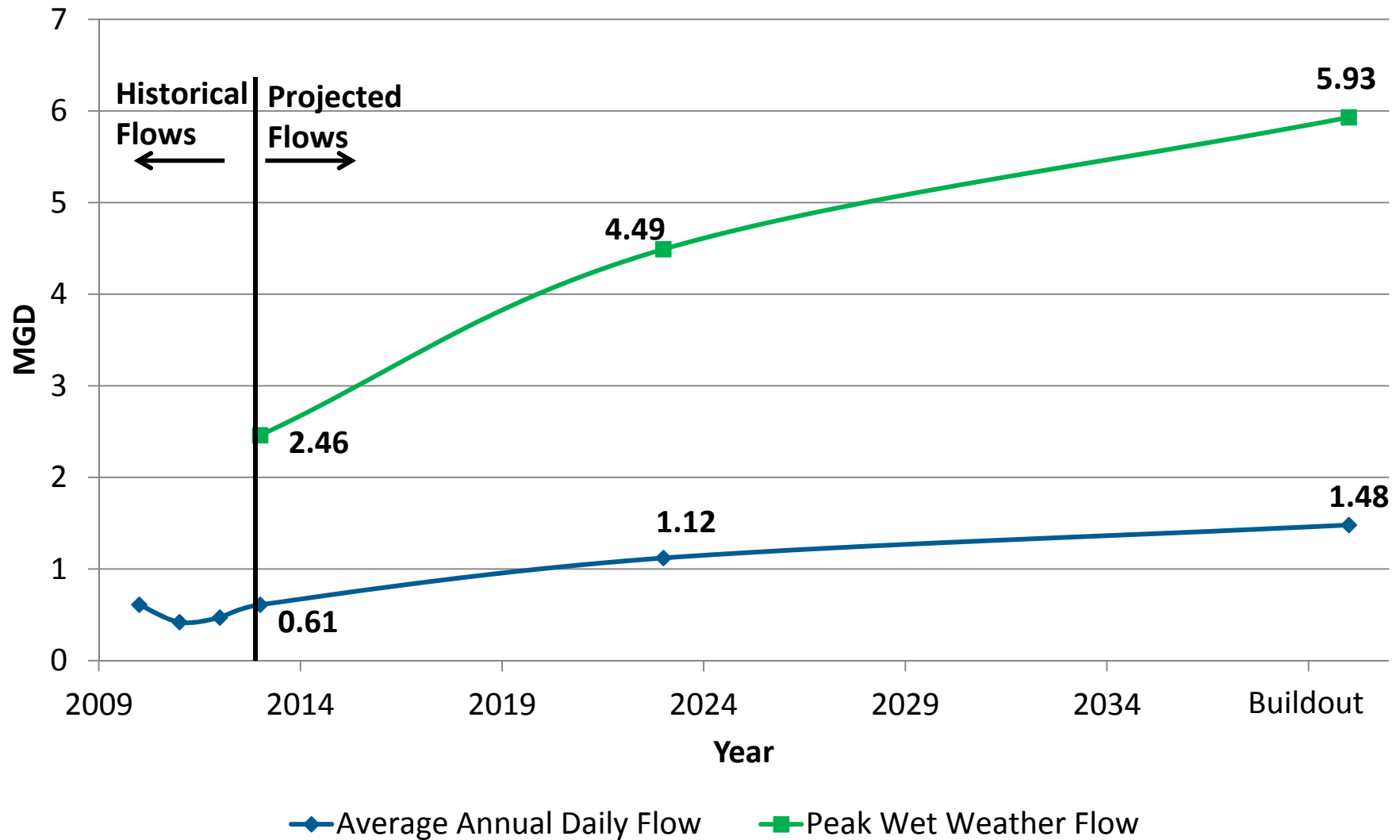


Water Demand Conditions



- **Average Day Demand**: Evaluate water supply
- **Maximum Day Demand**: Size ground storage tanks and pump stations, evaluate fire flows
- **Peak Hour Demand**: Evaluate system pressures and size elevated storage

Historical and Projected Wastewater Flows



Wastewater Flow Conditions

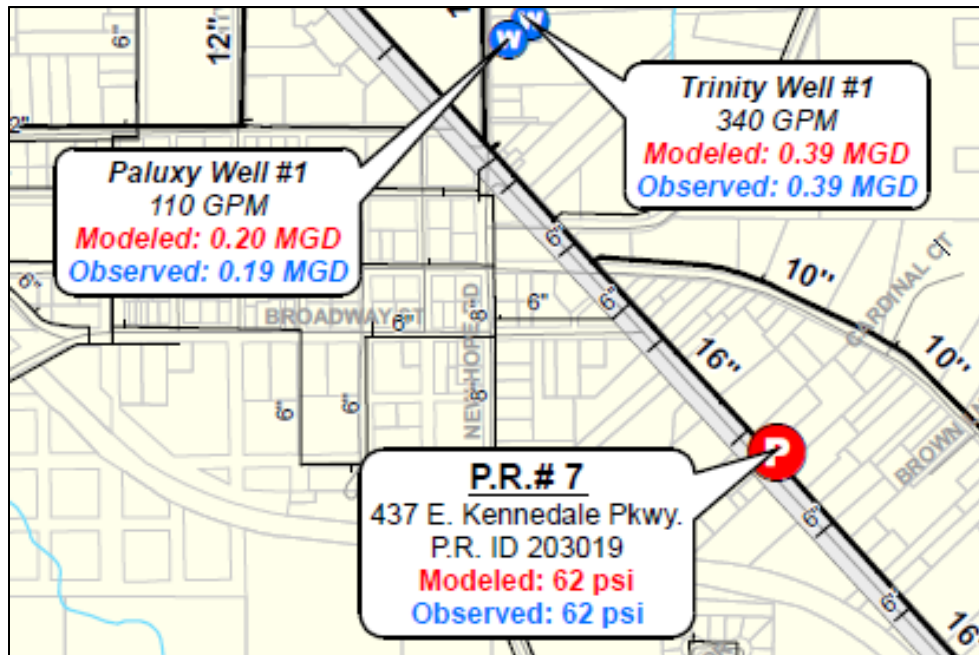


- **Average Annual Daily Flow**: Size treatment facilities
- **Peak Wet Weather Flow**: Size gravity lines, lift stations and force mains

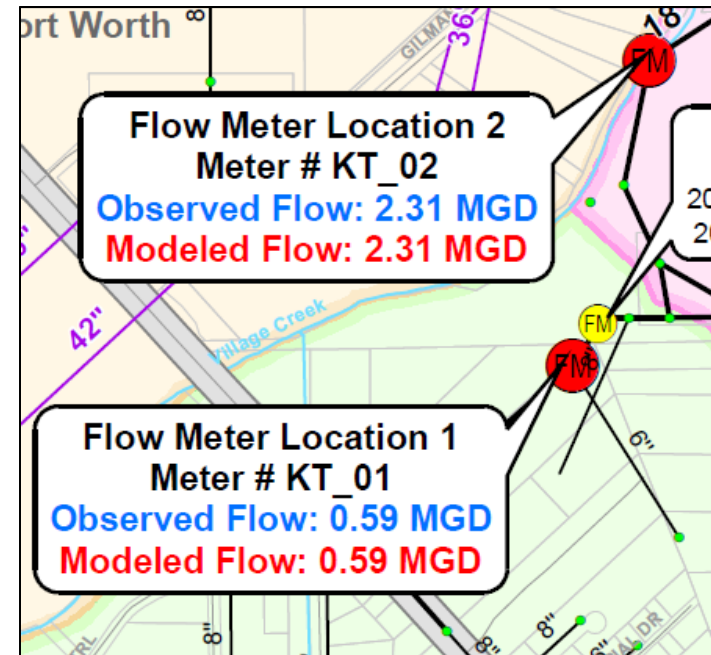
Water and Wastewater Model Development



- City's AutoCAD system data converted to GIS
- Models constructed using GIS
- Water & wastewater model calibration results matched closely

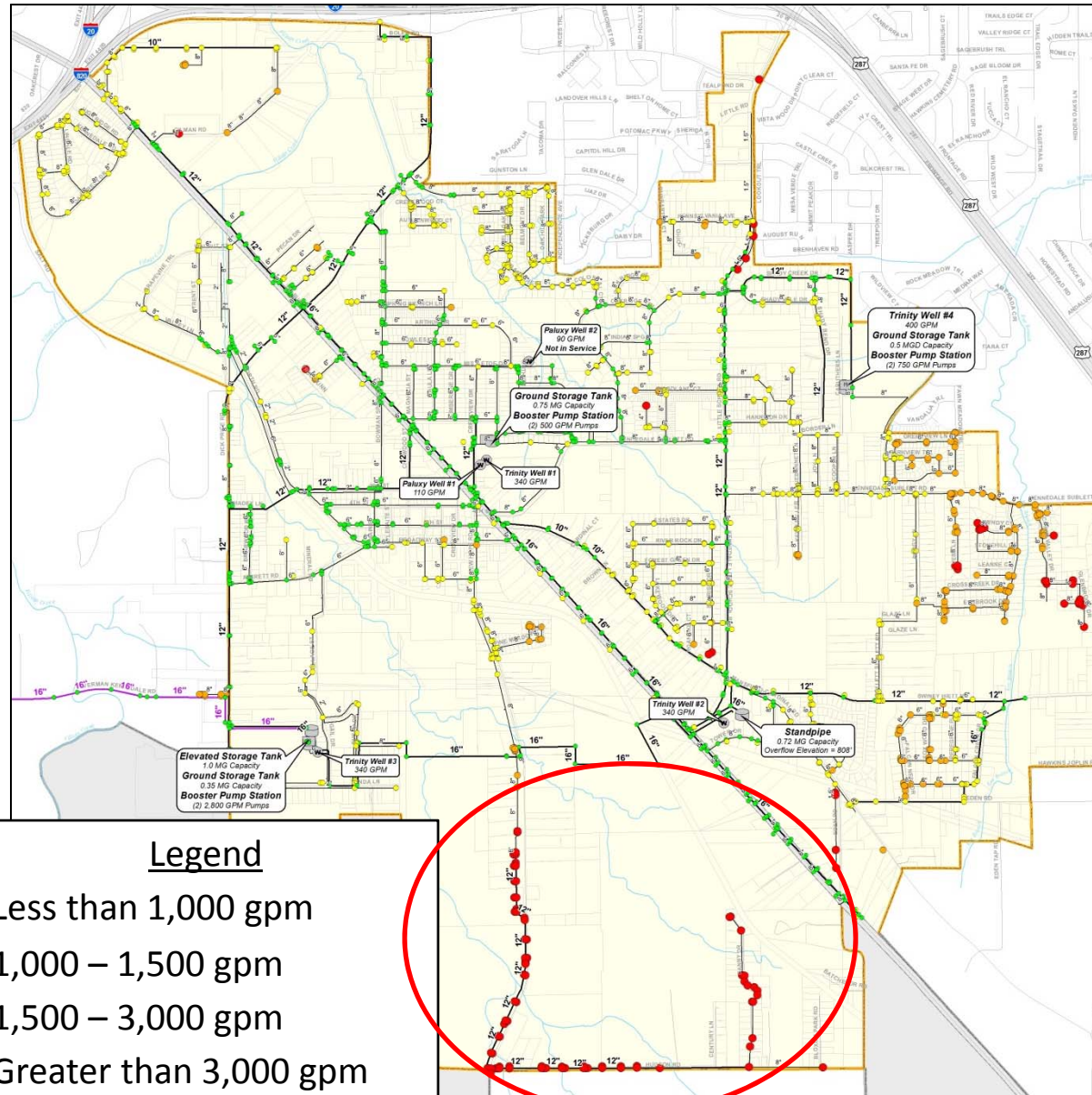


Water Model Calibration Results



Wastewater Model Calibration Results

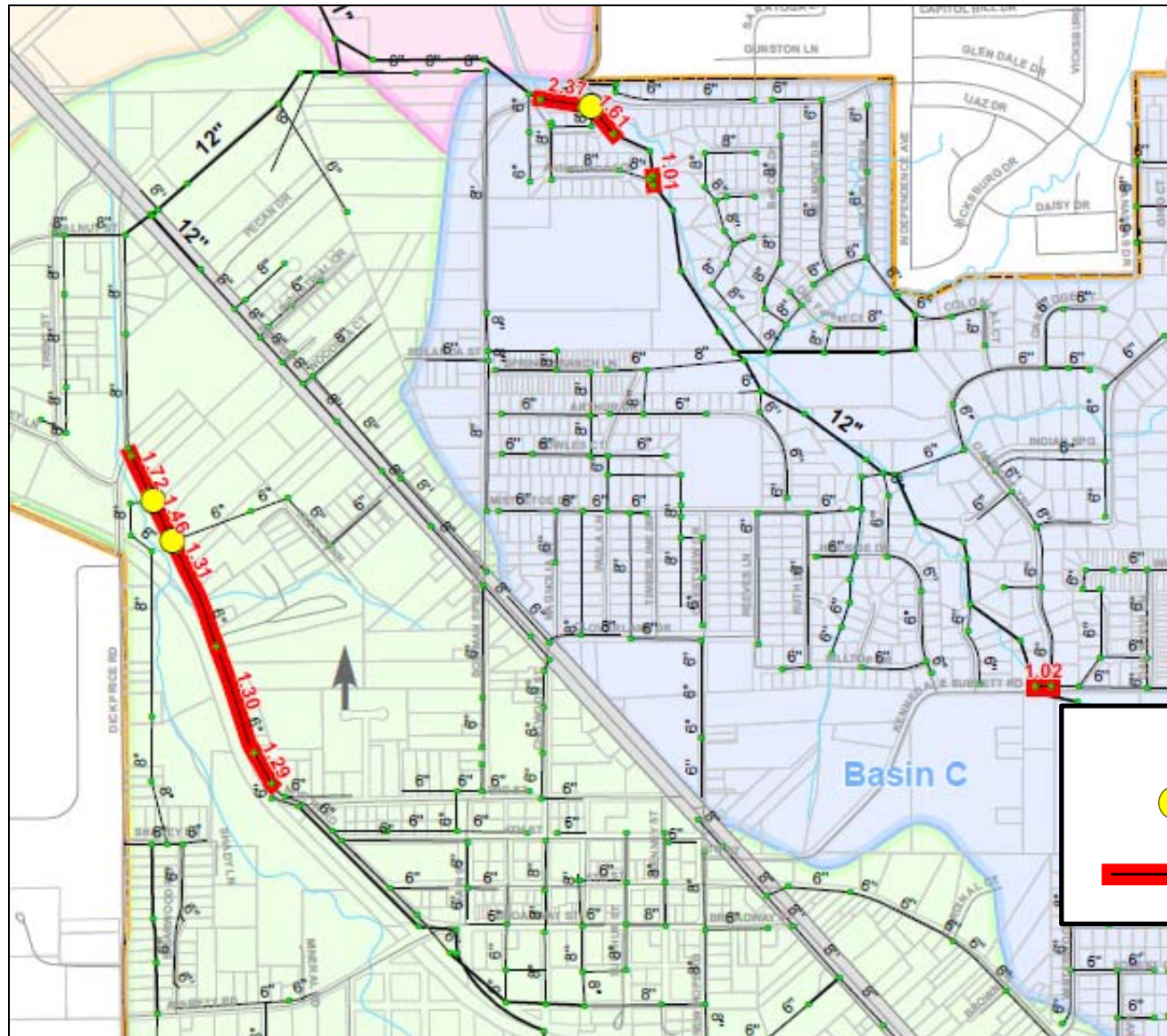
Existing System Available Fire Flow under Maximum Day Demands



Legend

- Less than 1,000 gpm
- 1,000 – 1,500 gpm
- 1,500 – 3,000 gpm
- Greater than 3,000 gpm

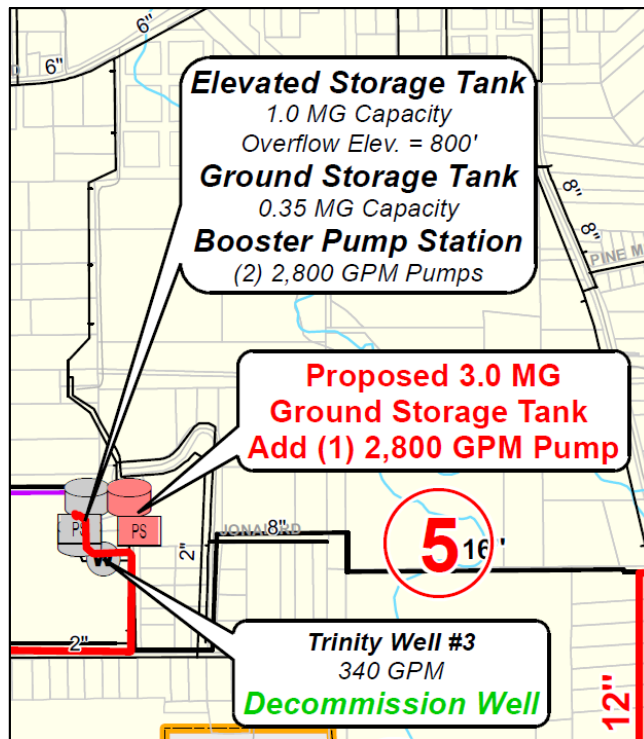
Wastewater System Analysis under Peak Wet Weather Flows



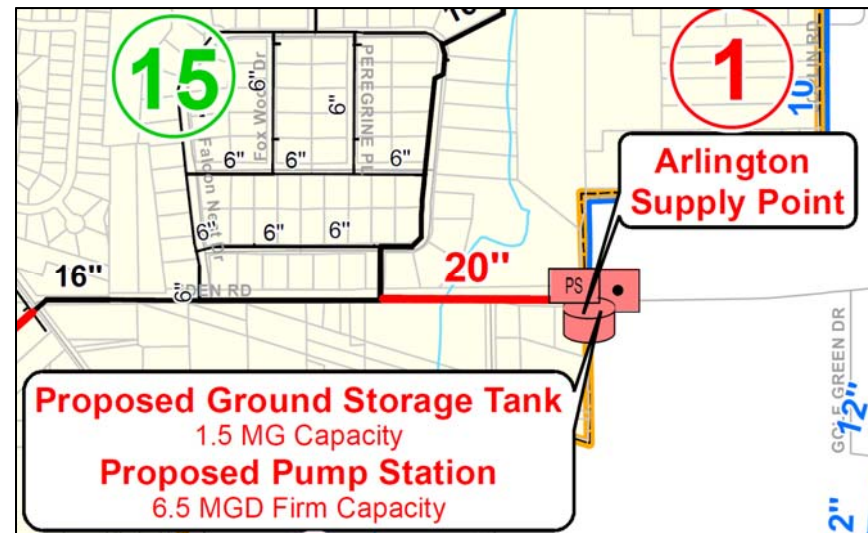
Water Supply Options

- **Option 1**: Service from Fort Worth and Arlington
- **Option 2**: Expanded Service from Fort Worth

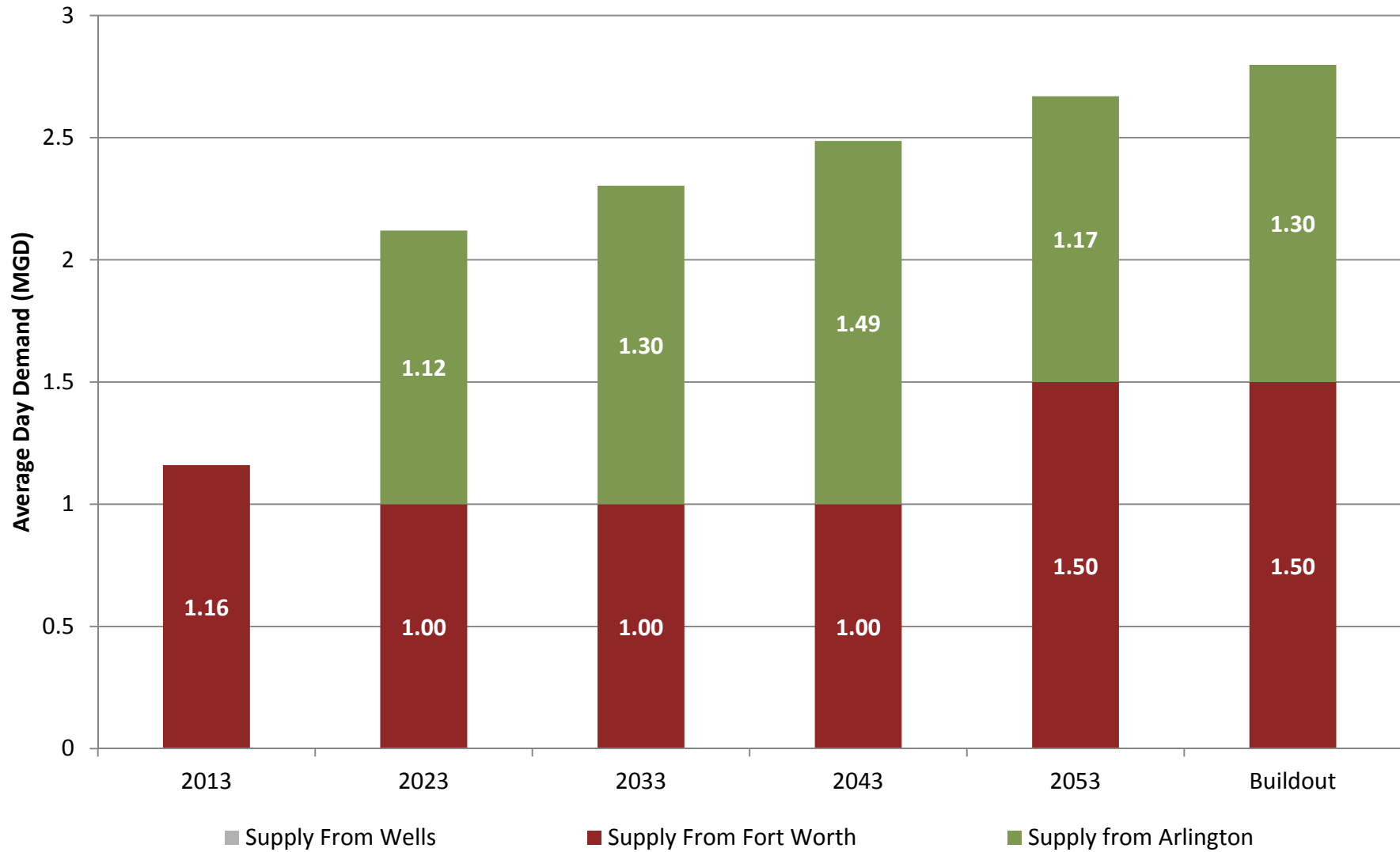
Option 1 & 2: Fort Worth Delivery Point



Option 1: New Arlington Delivery Point

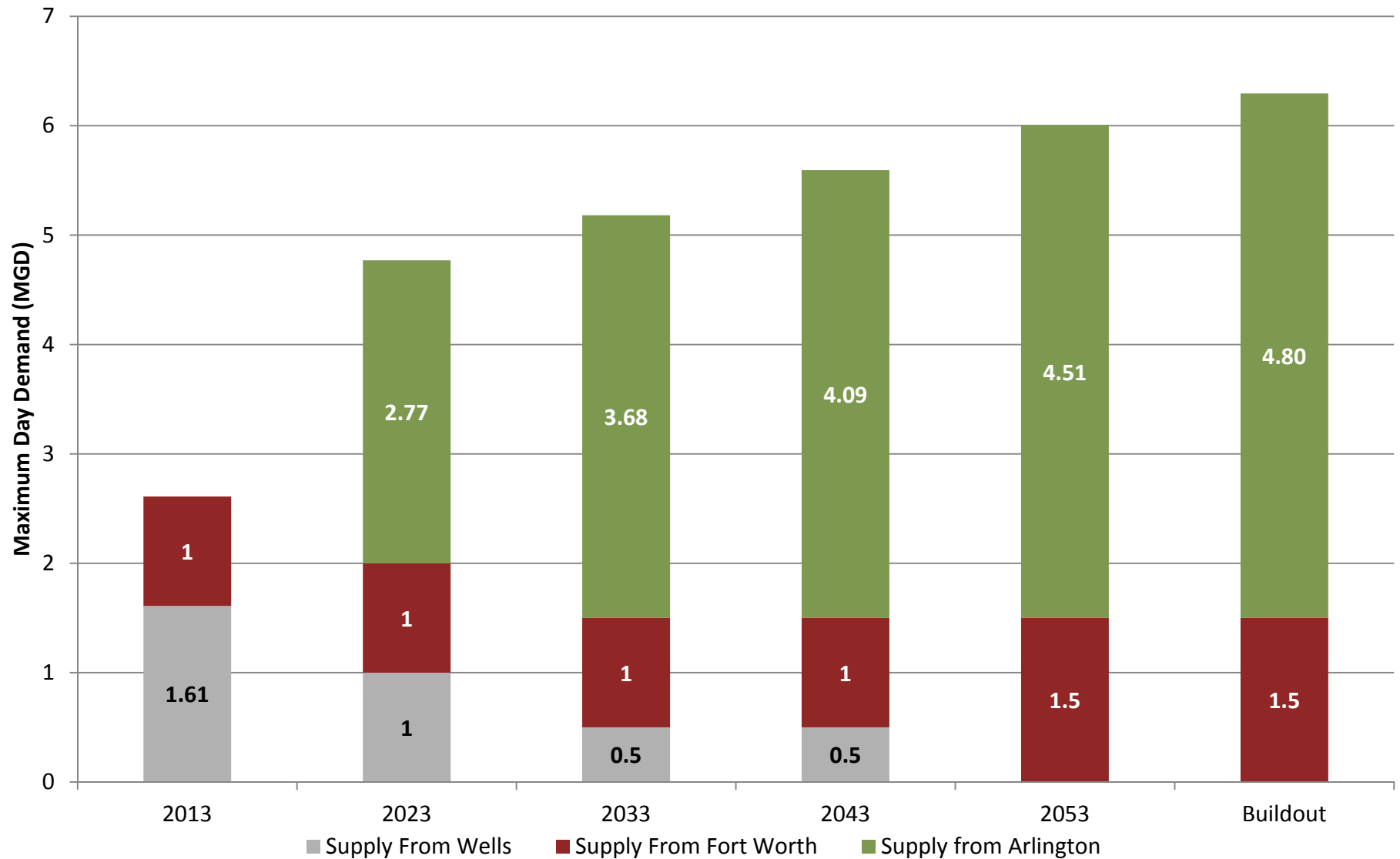


Option 1 Average Day Water Supply (Service from Arlington & Fort Worth)



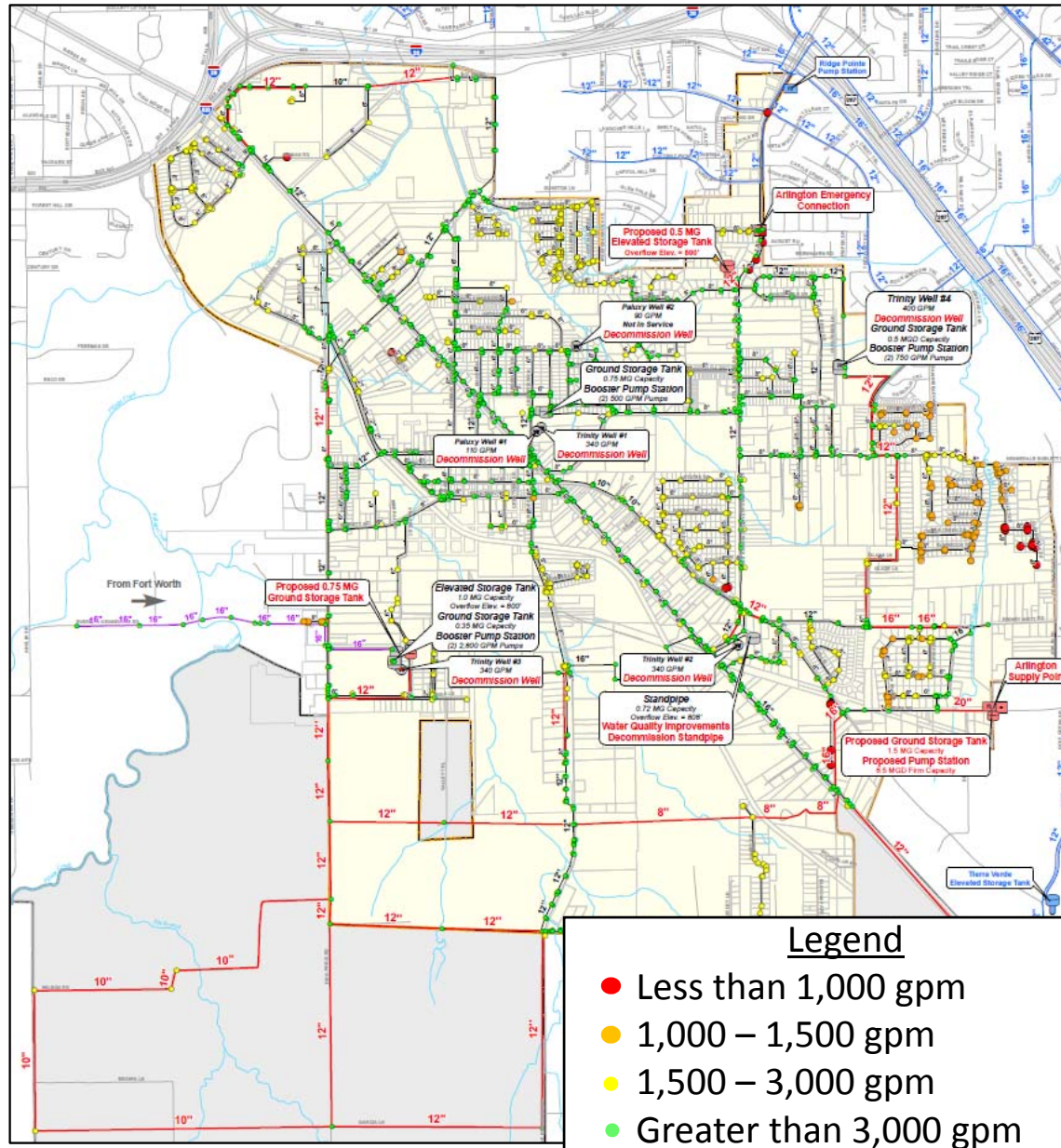
Option 1 Maximum Day Water Supply

(Service from Arlington & Fort Worth)

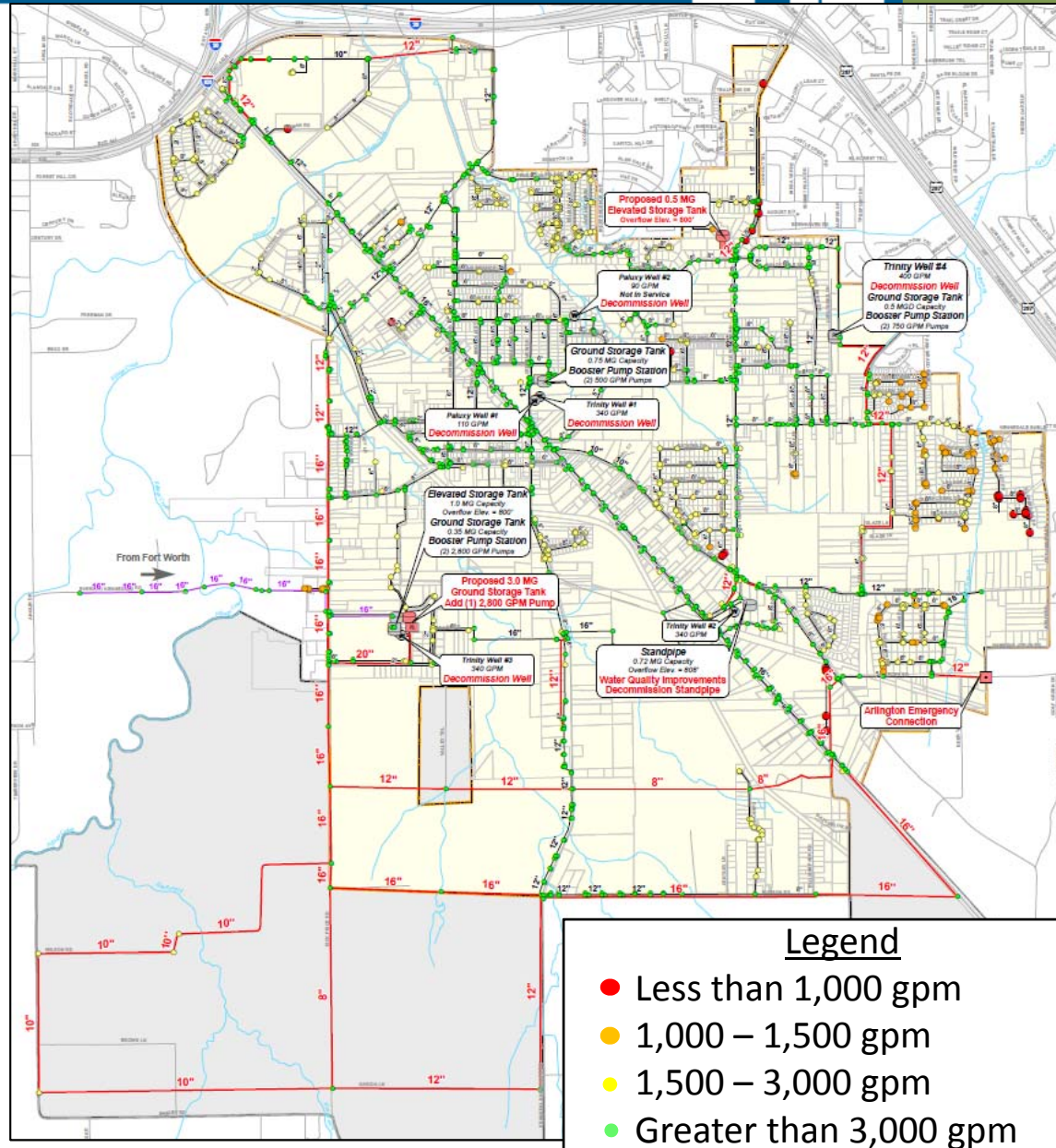


Available Fire Flow, Option 1 CIP

(Service from Arlington & Fort Worth)



Available Fire Flow, Option 2 CIP (Service from Fort Worth only)

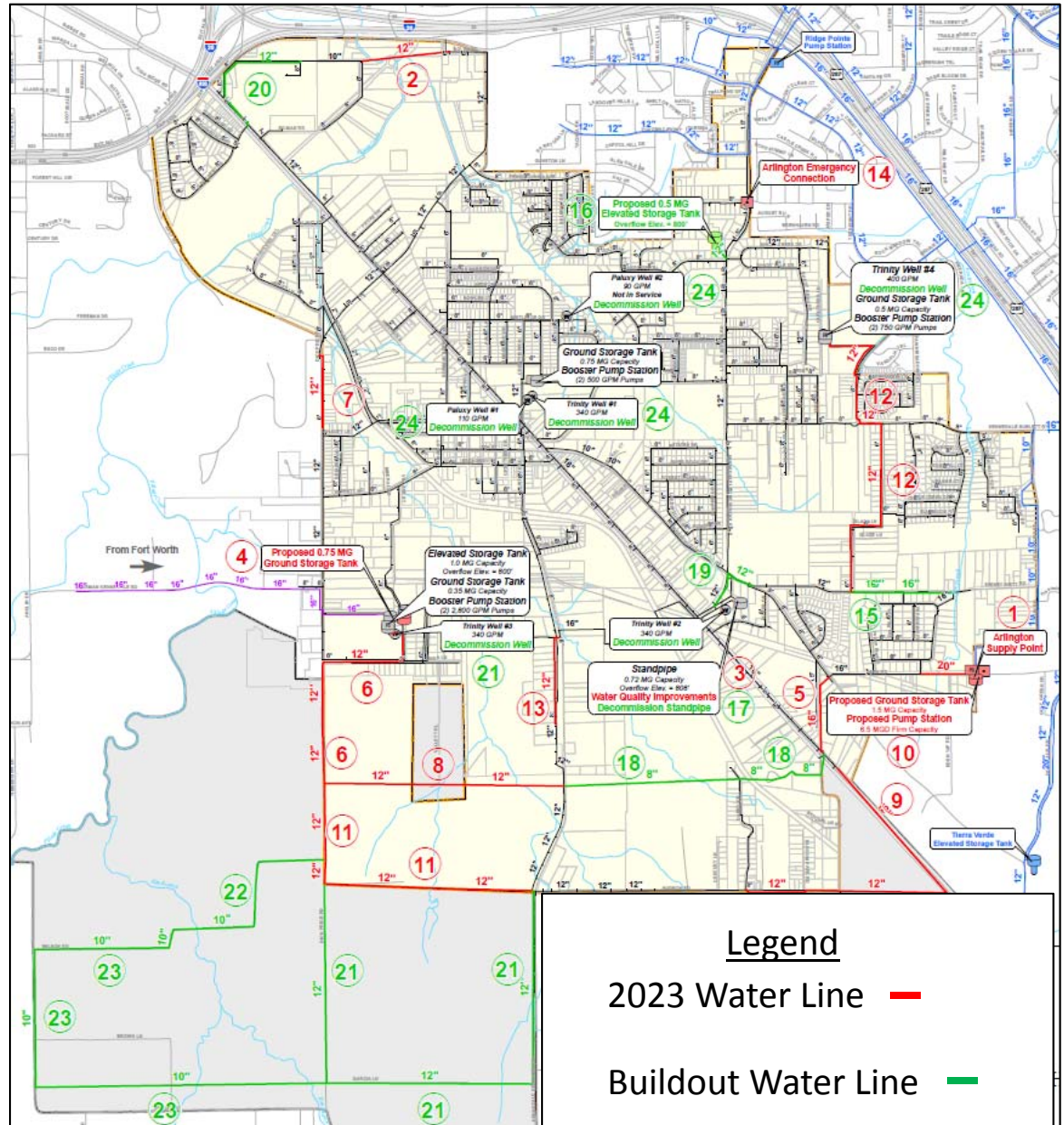


Option 1 Water CIP

(Service from Arlington and Fort Worth)



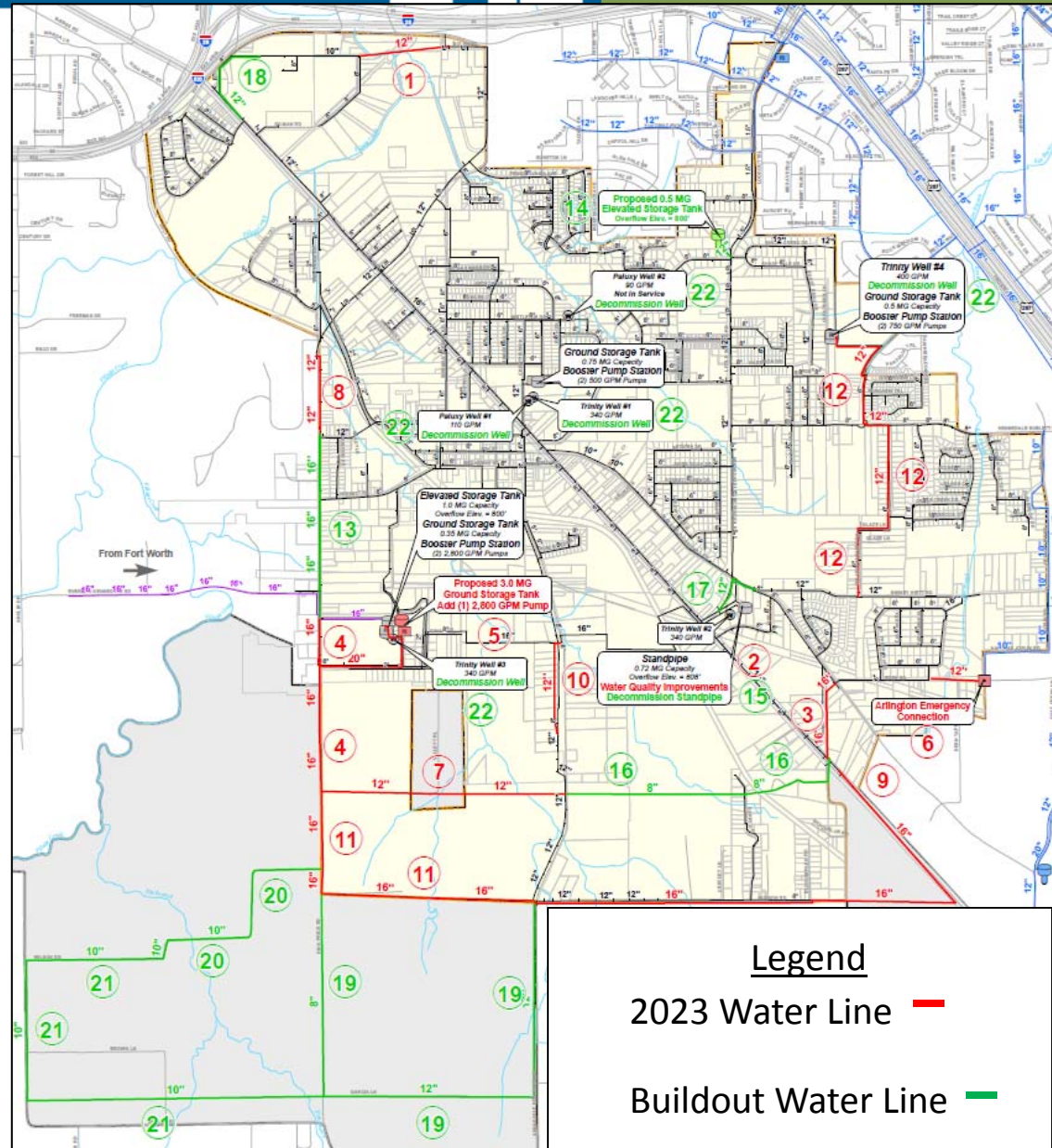
Planning Period	Water CIP Costs, Option 1
2013-2023	\$13,245,950
2024-Buildout	\$8,412,520
Total	\$21,658,470



Option 2 Water CIP

(Service from Fort Worth)

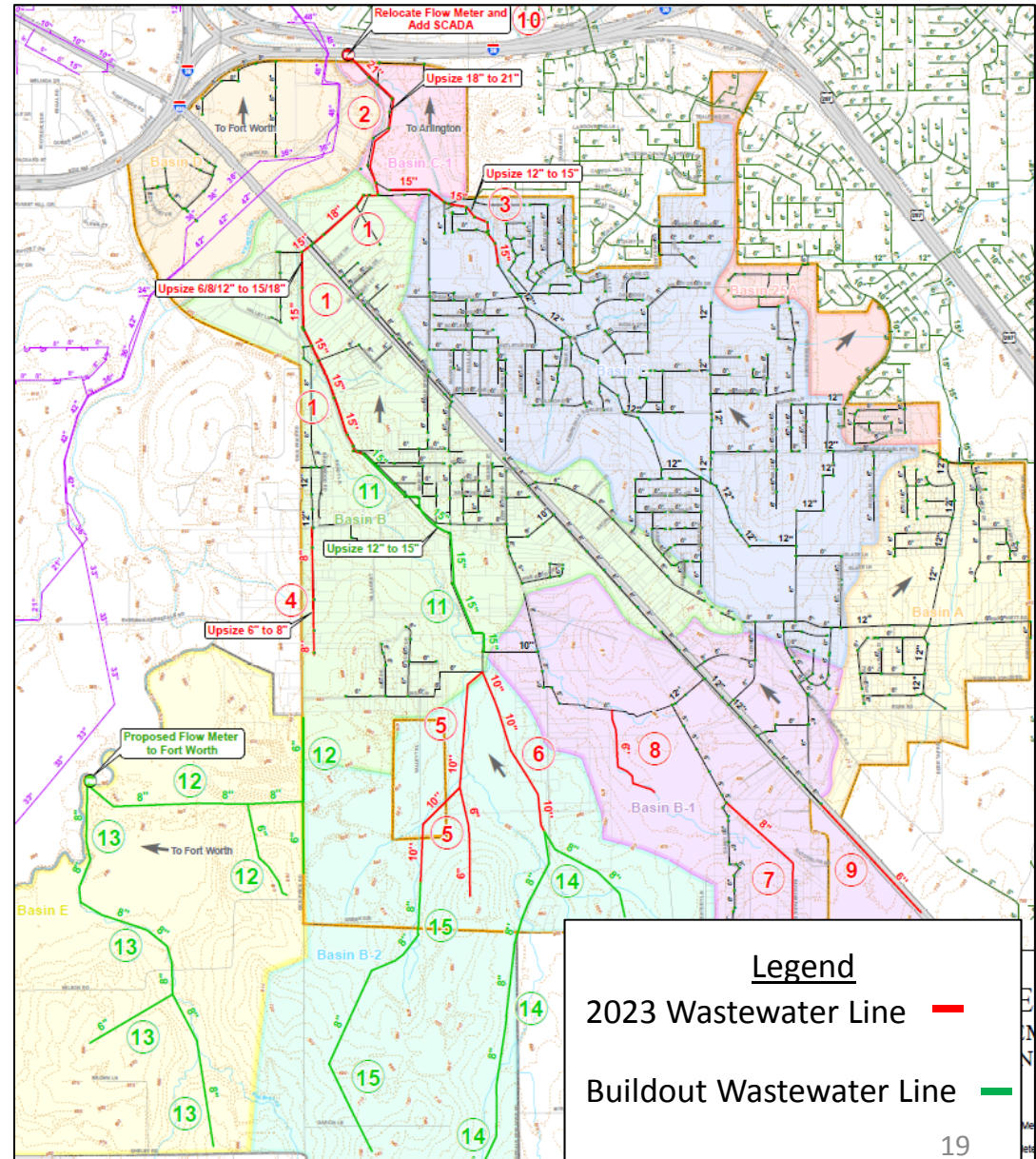
Planning Period	Water CIP Costs, Option 2
2013-2023	\$12,626,650
2024-Buildout	\$8,689,880
Total	\$21,316,530



Wastewater CIP



Planning Period	Wastewater CIP Costs
2013-2023	\$6,139,750
2024-Buildout	\$5,680,180
Total	\$11,819,930



Summary of CIP Costs



Planning Period	Water, Option 1 (Fort Worth & Arlington)	Water, Option 2 (Fort Worth only)	Wastewater
2013-2023	\$13,245,950	\$12,626,650	\$6,139,750
2024-Buildout	\$8,412,520	\$8,689,880	\$5,680,180
Total	\$21,658,470	\$21,316,530	\$11,819,930



**FREESE
AND
NICHOLS**

Questions?

Jessica Brown

JLB@freeze.com

817-735-7406

Date: May 8, 2014

Agenda Item No: WORK SESSION - B.

I. Subject:

At this time the City Council will move to the Conference Room to conduct a Board/Commission applicant interview.

II. Originated by:

III. Summary:

Please see the attached application from Glenn (Mickey) Shark, who has applied for a seat on the Parks and Recreation Board.

Places 5, 8, and 9 are currently vacant. Staff recommends that Place 5 be considered.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	application (confidential)	04.20.2014 Application.pdf
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Date: May 8, 2014

Agenda Item No: REPORTS/ANNOUNCEMENTS - A.

I. Subject:

Updates from the Mayor.

- Certificates of appreciation to the 2013-2014 Youth Advisory Council
- Application and appointment process for City Council Place 3 vacancy

II. Originated by:

City Council, City Council

III. Summary:

The application process for Council Place 3 is as follows:

May 1 - June 4: Online applications available at www.cityofkennedale.com

June 4: Applications DUE by 5:00PM

June 9, 10, 11: Interview with City Council (evenings, times TBA)

June 11: Candidates notified of Council's recommendation (late evening or 1st thing in the morning on the 12th)

June 12: New member appointed at regular Council meeting (7:00PM)

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Date: May 8, 2014

Agenda Item No: REPORTS/ANNOUNCEMENTS - B.

I. Subject:

Updates from City Council.

II. Originated by:

City Council, City Council

III. Summary:

Updates and information, if any.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Date: May 8, 2014

Agenda Item No: REPORTS/ANNOUNCEMENTS - C.

I. Subject:

Updates from the City Manager.

II. Originated by:

Bob Hart

III. Summary:

Updates and information, if any.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Date: May 8, 2014

Agenda Item No: CONSENT ITEMS - A.

I. Subject:

Consider authorizing City Manager to execute a contract with Tarrant County Tax Office for the assessment and collection of ad valorem taxes levied by the City of Kennedale for the 2014 tax year.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:

This is an annual agreement under which Tarrant County serves as the tax assessor and collector for the City of Kennedale, Texas. This agreement is substantially the same in form as it has been for several years. The main factor which generally changes from year to year is the cost that we are charged by Tarrant County to mail out tax statements.

For the 2014 Tax Year (FY2013-2014), the fee will be \$1.10 cents per parcel. The prior year fee was \$1.10. This represents no change.

The City of Kennedale will be invoiced for all accounts based on the October billing roll certified to the Tarrant County Tax Assessor/Collector by January 15 and payment must be received by February 15.

This contract must be executed and returned to the Tarrant County Tax Office no later than July 31, 2014.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	FY14-15 Tarrant County Tax Collection Contract	20140417150713279.pdf
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TARRANT COUNTY TAX OFFICE

100 E. Weatherford, Room 105 • Fort Worth, Texas 76196-0301 • 817-884-1100
taxoffice@tarrantcounty.com

RON WRIGHT
Tax Assessor-Collector

April 11, 2014

Ms Sakura Moten-Dedrick
Director of Finance and IT
405 Municipal Dr
Kennedale, TX 76060

Dear Ms. Moten-Dedrick,

I am pleased to enclose our tax collection contract for the coming year. Our collection fee for the coming year is \$1.10 per property tax account, the lowest collection fee of any urban county in Texas. The fee for out of county accounts will be \$2.60 per account

State law requires that I charge taxing entities my actual costs for tax collection.

Enclosed are two original renewal contracts for the assessment and collection of your ad valorem taxes by Tarrant County for the tax year 2014. After the contracts have been signed, please return **BOTH** copies to my office to the attention of Sheila Moore, Entity Liaison. I will mail a fully executed contract to you after the Commissioner's Court has made formal approval of the contract. This will be at the end of September, so the contract will be returned in October. If you require more than one original, please make a copy of the contract and mail all three back to my office. In order to have your contract in place prior to the upcoming tax season, I would ask that you have the properly executed contract returned to me no later than **July 31, 2014**.

In addition to your 2014 contract, I am enclosing an attorney confirmation form. Please fill out the requested information, sign and return to my office along with the collection contracts.

You will be invoiced for your collection commission by January 31, 2015 with payment due no later than February 28, 2015.

The time for rate calculations is rapidly approaching and many of you are already in budget preparations. Please remember the importance of getting the rate and exemption information to us prior to the **September 12th** rate submission deadline. My office will provide more information on this requirement in the near future.

If you have questions, please contact my Entity Liaison, Sheila Moore, at 817-884-1526, or you may contact me at 817-884-1106 or by e-mail rjwright@tarrantcounty.com.

Sincerely,

A handwritten signature in cursive script that reads "Ron Wright".

Ron Wright,
Tax Assessor Collector
Tarrant County

COUNTY OF TARRANT

§
§

Agreement For the Collection of Taxes

Agreement made this 8 day of May, 2014, by and between the Tarrant County Tax Assessor/Collector, hereinafter referred to as **ASSESSOR/COLLECTOR**, and Tarrant County, hereinafter referred to as the **COUNTY**, both of whom are addressed at 100 E. Weatherford Street, Fort Worth, Texas 76196-0301, and the City of Kennedale hereinafter referred to as **City**, whose address is 405 Municipal Dr, Kennedale, TX 76060.

PURPOSE OF AGREEMENT

The purpose of this Agreement is to state the terms and conditions under which the ASSESSOR/COLLECTOR will provide assessment and collection services of Ad Valorem taxes levied by the City.

NOW THEREFORE, in consideration of the mutual promises herein contained, the parties hereto agree as follows:

I.

SERVICES TO BE PERFORMED

The ASSESSOR/COLLECTOR agrees to bill and collect the taxes due and owing on taxable property upon which the City has imposed said taxes. The ASSESSOR/COLLECTOR shall perform the said services in the same manner and fashion as Tarrant County collects its own taxes due and owing on taxable property. The services performed are as follows: receiving the Certified Appraisal Roll from the appropriate Appraisal District and monthly changes thereto; providing mortgage companies, property owners and tax representatives, tax roll and payment data; providing all necessary assessments of taxes and Truth in Taxation calculations as required; the transmittal of tax statements via the U.S. Mail or electronic transfer of data; and payment processing. All City disbursements, made by check or by electronic transfer (ACH), for collected tax accounts will be made to the City on the day the COUNTY Depository Bank indicates the mandatory assigned "float" period has elapsed and the funds are posted to the collected balance. If any daily collection total is less than one hundred dollars (\$100.00), the disbursement may be withheld until the cumulative total of taxes collected for the City equals at least one hundred dollars (\$100.00), or at the close of the month.

II.

REPORTS

The ASSESSOR/COLLECTOR will provide the City the following reports, if requested:

Daily:	General Ledger Distribution Report
Weekly:	Detail Collection Report (Summary)
Monthly:	Tax Roll Summary (Totals Only)
	Year-to-Date Summary Report
	Detail Collection Report (Summary)
	Distribution Report (Summary)
	Delinquent Tax Attorney Tape
Annual:	Paid Tax Roll
	Delinquent Tax Roll
	Current Tax Roll

A selection of the above listed Reports will only be available by internet access. The ASSESSOR/COLLECTOR will provide the City the General Ledger Revenue & Expense Report monthly as required by Sec. 31.10 of the Texas Property Tax Code.

III.

COMPENSATION

In consideration of the services to be performed by the ASSESSOR/COLLECTOR, compensation for the services rendered is a rate of one-dollar and ten cents (\$1.10) per account located within Tarrant County, and two-dollars and sixty cents (\$2.60) per account located outside Tarrant County. The number of accounts billed will be based on the October billing roll certified to the ASSESSOR/COLLECTOR, net of subsequent account additions and deletions made by the Appraisal District. The ASSESSOR/COLLECTOR will invoice for these accounts by **January 31, 2015** with payment to be received from the City by **February 28, 2015**.

The scope of services identified in this contract does not include the administration of a rollback election. In the event of a successful rollback election, these costs incurred by the Tarrant County Tax Office will be separately identified, billed,

and paid by the entity.

**IV.
AUDITS**

The ASSESSOR/COLLECTOR will provide to the City auditor necessary explanations of all reports and access to ASSESSOR/COLLECTOR in-house tax system computer terminals to assist the City auditor in verifying audit samples of the financial data previously provided by the ASSESSOR/COLLECTOR during the past audit period.

**V.
TAX RATE REQUIREMENT**

The City will provide the ASSESSOR/COLLECTOR, in writing, the City's newly adopted tax rate and exemption schedule to be applied for assessing purposes by Friday, September 12, 2014. Under authority of Section 31.01 (h) of the Property Tax Code, any additional cost of printing and mailing tax statements because of late reporting of the tax rate or the exemption schedule will be charged to and must be paid by the City.

The tax rate and the exemption schedule for each of the last five (5) years in which an ad valorem tax was levied, or all prior years where there remains delinquent tax, must be furnished in writing to the ASSESSOR/COLLECTOR at the time of the initial contract.

**VI.
COMPLIANCE WITH APPLICABLE
STATUTES, ORDINANCES, AND REGULATIONS**

In performing the services required under this Agreement, the ASSESSOR/COLLECTOR shall comply with all applicable federal and state statutes, final Court orders and Comptroller regulations. If such compliance is impossible for reasons beyond its control, the ASSESSOR/COLLECTOR shall immediately notify the City of that fact and the reasons therefore.

**VII.
DEPOSIT OF FUNDS**

All funds collected by the ASSESSOR/COLLECTOR in the performance of the services stated herein for the City shall be promptly transferred to the account of the City at the City's depository bank. All payments to entities will be made electronically by the automated clearing house (ACH). The ASSESSOR/COLLECTOR has no liability for the funds after initiation of the ACH transfer of the City's funds from the COUNTY Depository to the City's designated depository.

**VIII.
INVESTMENT OF FUNDS**

The City hereby agrees that the COUNTY, acting through the COUNTY Auditor, may invest collected ad valorem tax funds of the City during the period between collection and payment. The COUNTY agrees that it will invest such funds in compliance with the Public Funds Investment Act. The COUNTY further agrees that it will pay to the City all interest or other earnings attributable to taxes owed to the City. All parties agree that this Agreement will not be construed to lengthen the time period during which the COUNTY or the ASSESSOR/COLLECTOR may hold such funds before payment to the City.

**IX.
REFUNDS**

Refunds will be made by the ASSESSOR/COLLECTOR except as set forth herein. The ASSESSOR/COLLECTOR will advise the City of changes in the tax roll which were mandated by the appropriate Appraisal District.

The ASSESSOR/COLLECTOR will not make refunds on prior year paid accounts unless the prior year paid accounts for the past five (5) years are provided to the ASSESSOR/COLLECTOR.

All refunds of overpayments or erroneous payments due, but not requested, and as described in Section 31.11 of the Texas Property Tax Code, will after three years from the date of payment, be proportionately disbursed to those entities

contracting with the ASSESSOR/COLLECTOR. The contract must have been in force, actual assessment and collection functions begun and the tax account was at the time of the over or erroneous payment within the City's jurisdiction. The proportional share is based upon the City's percent of the tax account's total levy assessed at the time of receipt of the over or erroneous payment.

In the event any lawsuit regarding the collection of taxes provided for in this agreement to which the City is a party, is settled or a final judgment rendered, and which final judgment is not appealed, and the terms of such settlement agreement or final judgment require that a refund be issued by the City to the taxpayer, such refund shall be made by ASSESSOR/COLLECTOR by debiting funds collected by ASSESSOR/COLLECTOR on behalf of the City and remitting such refund to the taxpayer in conformity with the terms of the settlement agreement or final judgment.

X.

DELINQUENT COLLECTIONS

The ASSESSOR/COLLECTOR will assess and collect the collection fee pursuant to Sections, 33.07, 33.08, 33.11 (changed order) and 33.48 of the Property Tax Code, when allowed. The ASSESSOR/COLLECTOR will collect attorney fees that are specified by the City through written agreement with a delinquent collection Attorney. The ASSESSOR/COLLECTOR will disburse the amount directly to the City for compensation to a Firm under contract to the City.

If the delinquent collection Attorney contracted by the City requires attendance of ASSESSOR/COLLECTOR personnel at a court other than the District Courts in downtown Fort Worth, and the COUNTY is not a party, the employee's expenses and proportionate salary will be the responsibility of the City and will be added to the collection expenses and charged to the City.

The ASSESSOR/COLLECTOR will not be responsible for the collection of prior year delinquent accounts unless all delinquent accounts information is provided to the ASSESSOR/COLLECTOR.

XI.

TERM OF AGREEMENT

This Agreement shall become effective as of the date hereinabove set out, and shall continue in effect during the 2014 tax year, unless sooner terminated by providing sixty (60) day written notice, as outlined in paragraph XII.

XII.

NOTICES

Any notices to be given hereunder by either party to the other may be effected, in writing, either by personal delivery or by mail, registered or certified, postage prepaid with return receipt requested. Mailed notices shall be addressed to the address of the parties as they appear in the introductory paragraph of this Agreement, but each party may change this address by written notice in accordance with this paragraph.

XIII.

MISCELLANEOUS PROVISIONS

This instrument hereto contains the entire Agreement between the parties relating to the rights herein granted and obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force or effect.

This Agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Tarrant County, Texas.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective legal representatives and successors.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or enforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provisions had never been contained.

This Agreement and the attachments hereto constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting the within subject matter.

Executed on the day and year first above written, Tarrant County, Texas.

BY: _____
RON WRIGHT,
TAX ASSESSOR/COLLECTOR
TARRANT COUNTY
DATE

FOR City of Kennedale

BY: _____
05/08/14
DATE
TITLE: City Manager

FOR TARRANT COUNTY:

BY: _____
B. GLEN WHITLEY
TARRANT COUNTY JUDGE
DATE

APPROVED AS TO FORM * AND CONTENT

BY: _____
DISTRICT ATTORNEY'S OFFICE
DATE

*By law, the District Attorney's Office may only approve contracts for its clients. We reviewed this document from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.



**DELINQUENT ATTORNEY CONFIRMATION
2014 TAX YEAR**

**Please complete the form below, have notarized and return with your entity
contract**

The Delinquent Attorney Firm for City of Kennedale is
Name of Taxing Entity

Linebarger Goggan Blair & Sampson, LLP
Name of Firm

Collection penalty % by ordinance, resolution or amendment authorizing attorney collection fees in
accordance to Sections 33.07 and 33.08 Texas Property Tax Code is

15%
Percent

Collection penalty % by ordinance, resolution or amendment authorizing early turn over of this unit's
business personal property in accordance to Section 33.11 Texas Property Tax Code is

15%
Percent

The effective date of the ordinance, resolution or amendment authorizing early turn over of this unit's
business personal property in accordance to Section 33.11 Texas Property Tax Code is

December 8 2005
Month Day Year

If you change law firms you must notify Tarrant County Tax Office in writing

By signature below, the information contained in this form is deemed true and correct.

Authorized Signature Bob Hart Date 05/08/14
Printed Name Title

Sworn and Subscribed to before me on this the 8 day of May, 2014,
to certify which witness my hand and seal of office.

Notary Public in and for the
State of Texas
My commission Expires: _____

Date: May 8, 2014

Agenda Item No: CONSENT ITEMS - B.

I. Subject:

Discuss and consider approval of Resolution 425, denying the rate increase requested by Atmos Energy Corporation, Mid-Tex Division.

II. Originated by:

Bob Hart

III. Summary:

The City, along with approximately 164 other cities served by Atmos Energy Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). On or about February 28, 2014, Atmos Mid-Tex filed with the City an application to increase natural gas rates pursuant to the Rate Review Mechanism ("RRM") tariff renewed by the City in 2013 as a continuation and refinement of the previous RRM rate review process. This is the second annual RRM filing under the renewed RRM tariff.

The Atmos Mid-Tex RRM filing sought a \$45.7 million rate increase system-wide based on an alleged test-year cost of service revenue deficiency of \$49 million. Of the total amount requested, almost \$37 million is attributable to the affected cities. The City worked with ACSC to analyze the schedules and evidence offered by Atmos Mid-Tex to support its request to increase rates. Although a good faith attempt was made by ACSC to reach a compromise with Atmos Mid-Tex, an agreement was not reached. In the absence of an agreement, the ACSC Executive Committee and ACSC's legal counsel have recommended that ACSC members adopt the attached Resolution denying the rate increase request.

The RRM tariff was adopted by the City as an alternative to the Gas Reliability Infrastructure Program ("GRIP"), the statutory provision that allows Atmos to bypass the City's rate regulatory authority to increase its rates annually to recover capital investments. In past years, cities have been able to reach a compromise with Atmos to reduce the rate impact from the requested RRM increases, and these compromises have also been lower than the rates that Atmos would have been entitled to under the GRIP filing. In this case, the Company would have been entitled to an increase from GRIP of no more than \$31.5 million. The magnitude of the requested increase under the 2014 RRM filing, and the wide differences between it and the ACSC consultants' recommendations made a compromise much more difficult and ultimately impossible. The Company demanded more than it would be entitled to if it had filed a GRIP case. For this reason, the ACSC Executive Committee and ACSC legal counsel recommend that all ACSC Cities adopt the Resolution denying the requested rate change.

RRM Background:

The RRM tariff was originally approved by ACSC Cities as part of the settlement agreement to resolve the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. In early 2013, the City adopted a renewed RRM tariff for an additional five years. This is the second RRM filing under the renewed tariff. This filing was made by agreement less than one year after the first filing in order for the RRM rate-setting process to hereafter use a calendar year as the test period.

The RRM tariff and the process implementing that tariff were created collaboratively by ACSC and Atmos Mid-Tex as an alternative to the legislatively-authorized GRIP surcharge process. ACSC has opposed GRIP because it constitutes piecemeal ratemaking, does not allow any review of the reasonableness of Atmos' expenditures, and does not allow participation by cities or recovery of cities' rate case expenses. In contrast, the RRM process has allowed for a more comprehensive rate review and annual adjustment as a substitute for GRIP filings. ACSC's consultants have calculated that had Atmos filed under the GRIP provisions, it would have received additional revenues from ratepayers of approximately \$31.5 million.

Purpose of the Resolution:

Rates cannot change without the adoption of rate ordinances by cities. No related matter is pending at the Railroad Commission. The purpose of the Resolution is to deny the rate increase requested by Atmos. Under the RRM tariff, Atmos may appeal the rate decision of the cities to the Railroad Commission; such appeal must be filed within thirty (30) days of the City action.

The RRM tariff also allows Atmos to implement its requested rates effective June 1 while any appeal at the Commission is pending, subject to refunds based upon the outcome of the appeal. This would represent a monthly increase of approximately \$2.02 for the average residential customer, subject to any refund if the Commission reduces the rates implemented by Atmos. The actual impact will be slightly less than \$2.02 for most residential customers because the Company has indicated it will not appeal and thus concedes several of the issues raised by Cities. The Resolution also authorizes the City to participate as a party to the appeal in conjunction with the ACSC, and requires the Company to reimburse the City for its rate case expenses associated with the City's review of the RRM filing, and with the appeal of the City's denial of the rate increase.

Rate Impact of Appeal by Atmos Effective June 1:

The RRM tariff constrains the annual increase in the residential customer charge to no more than \$0.50. The current \$17.70 customer charge will be increased to \$18.22 per month with the addition of an energy conservation program surcharge of \$0.02. The current \$17.70 customer charge for unincorporated area customers will become \$20.32 per month because all of the increase associated with a GRIP filing, which is applicable to all customers not covered by a RRM tariff, is placed on the customer charge. However, the commodity charge for unincorporated residential service will be less than one-half of the commodity charge for residents of incorporated areas—\$0.04172 per Ccf vs. \$0.08998 per Ccf. A comparison of rates and rate impact of what Atmos initially proposed in its RRM filing is reflected in the following chart:

Customer Class	Current Bill	New Bill	Difference	New Customer Charge	New Commodity Charge	Base Rate Increase
Residential	48.09	50.11	2.02	\$ 18.22	\$0.08998 Ccf	9.41%
Commercial	254.85	260.91	6.06	\$ 38.85	\$0.07678 Ccf	9.59%
Industrial	4,680.30	4,837.10	156.80	\$675.00	declining block	9.70%
Transportation	2,836.84	2,993.64	156.80	\$675.00	declining block	9.70%

However, Atmos has indicated that it will not appeal all issues raised by Cities and thus the impact should be slightly less than what is reflected in the above chart. A precise impact statement cannot be presented until after the Company's appeal is filed.

Reasons Justifying Approval of the Resolution:

Consultants working on behalf of ACSC Cities have investigated the Company's requested rate increase. While the evidence does not support the \$45.7 million increase requested by the Company, ACSC's consultants agree that the Company can justify an increase in revenues of a much lesser amount—namely, an increase of only \$19 million. The Executive Committee authorized a settlement

value considerably above the consultants' recommendation but it was insufficient to meet the Company's expectation. The Company and ACSC Cities were too far apart in their positions to reach a compromise, and rather than granting a partial increase that the Company will not accept, the option remaining is to deny the rate increase request in its entirety, and participate in the Company's appeal of this decision at the Railroad Commission.

Explanation of "Be It Resolved" Paragraphs:

1. This paragraph approves all findings in the Resolution.
2. This section denies the requested rate increase, finds the proposed rates to be unreasonable and not in the public interest, and finds the existing rates to be just and reasonable.
3. This section requires the Company to reimburse ACSC Cities for reasonable ratemaking costs associated with reviewing and processing the RRM application.
4. This section authorizes participation by the City in conjunction with ACSC in any appeal filed by the Company at the Railroad Commission, and authorizes ACSC and its counsel to act on behalf of the City. This section also requires the Company to reimburse ACSC Cities for reasonable ratemaking costs associated with any appeal filed by the Company to the City's resolution.
5. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
6. This section is a savings clause, which provides that if any section(s) is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Resolution. This section further directs that the remaining provisions of the Resolution are to be interpreted as if the offending section or clause never existed.
7. This paragraph directs that a copy of the signed Resolution be sent to a representative of the Company and legal counsel for ACSC.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	R425	R425 - Atmos, denying rate increase.doc
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RESOLUTION NO. 425

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, DENYING THE RATE INCREASE REQUESTED BY ATMOS ENERGY CORP., MID-TEX DIVISION UNDER THE COMPANY'S 2014 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES PERTAINING TO REVIEW OF THE RRM; AUTHORIZING THE CITY'S PARTICIPATION WITH ATMOS CITIES STEERING COMMITTEE IN ANY APPEAL FILED AT THE RAILROAD COMMISSION OF TEXAS BY THE COMPANY; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES IN ANY SUCH APPEAL TO THE RAILROAD COMMISSION; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

WHEREAS, the City of Kennedale, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of approximately 164 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC Cities and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review

process controlled in a three-year experiment by ACSC Cities as a substitute to the current Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature; and

WHEREAS, the City took action in 2008 to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company’s 2007 rate case and authorizing the RRM tariff; and

WHEREAS, in 2013, ACSC and the Company negotiated a renewal of the RRM tariff process for an additional five years; and

WHEREAS, the City passed an ordinance renewing the RRM tariff process for the City for an additional five years; and

WHEREAS, the RRM renewal tariff contemplates reimbursement of ACSC Cities’ reasonable expenses associated with RRM applications; and

WHEREAS, on or about February 28, 2014, the Company filed with the City its second annual RRM filing under the renewed RRM tariff, requesting to increase natural gas base rates by \$45.7 million; and

WHEREAS, ACSC coordinated its review of Atmos Mid-Tex’s RRM filing through its Executive Committee, assisted by ACSC attorneys and consultants, to investigate issues identified by ACSC in the Company’s RRM filing; and

WHEREAS, ACSC attorneys and consultants have concluded that the Company is unable to justify a rate increase of the magnitude requested in the RRM filing; and

WHEREAS, ACSC’s consultants determined the Company is only entitled to a \$19 million increase, approximately 42% of the Company’s request under the 2014 RRM filing; and

WHEREAS, the Company would only be entitled to approximately \$31 million if it had a GRIP case; and

WHEREAS, the Company's levels of operating and maintenance expense have dramatically risen without sufficient justification; and

WHEREAS, the Company has awarded its executives and upper management increasing and unreasonable levels of incentives and bonuses, expenses which should be borne by shareholders who received a 23% total return on investment in 2013; and

WHEREAS, the Company requested a drastically high level of medical expense that is unreasonable and speculatively based upon estimates; and

WHEREAS, ACSC and the Company were unable to reach a compromise on the amount of additional revenues that the Company should recover under the 2014 RRM filing; and

WHEREAS, the ACSC Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities deny the requested rate increase; and

WHEREAS, the Company's current rates are determined to be just, reasonable, and in the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS:

Section 1. That the findings set forth in this Resolution are hereby in all things approved.

Section 2. That the City Council finds that Atmos Mid-Tex was unable to justify the appropriateness or the need for the increased revenues requested in the 2014 RRM filing, and that existing rates for natural gas service provided by Atmos Mid-Tex are just and reasonable.

Section 3. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC Cities in processing the Company's RRM application.

Section 4. That in the event the Company files an appeal of this denial of rate increase to the Railroad Commission of Texas, the City is hereby authorized to intervene in such appeal, and

shall participate in such appeal in conjunction with the ACSC membership. Further, in such event Atmos Mid-Tex shall reimburse the reasonable expenses of the ACSC Cities in participating in the appeal of this and other ACSC City rate actions resulting from the 2014 RRM filing.

Section 5. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 7. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Manager of Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

RESOLVED this 8th day of May, 2014.

Mayor John Clark

ATTEST:

APPROVED AS TO FORM:

City Secretary, Amethyst G. Sloane

City Attorney, Wayne K. Olson

Date: May 8, 2014

Agenda Item No: CONSENT ITEMS - C.

I. Subject:

Consider approval of minutes from April 10, 2014 regular meeting.

II. Originated by:

Amethyst G. Sloane, City Secretary and Communications Coordinator

III. Summary:

Please see the attached minutes.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	draft minutes	04.10.2014 CC Minutes.doc
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KENNEDALE CITY COUNCIL
MINUTES
REGULAR MEETING
April 10, 2014
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER

Mayor Clark called the meeting to order at 5:30PM.

II. WORK SESSION

A. Update from Senior Citizen Services of Greater Tarrant County.

Marcus Rockwell from Senior Citizen Services of Greater Tarrant County introduced himself to Council and provided an update on the status of the Senior Center's programming and outreach initiatives, noting that 89 unique customers were served in Kennedale last year.

B. Report from the Keep Kennedale Beautiful Commission regarding the Adopt-A-Spot program.

Michael Chandler, Chair of the Keep Kennedale Beautiful Commission approached the Council and described the proposed program, which would be managed by the Commission and the Parks and Recreation Board.

III. EXECUTIVE SESSION (1) 6:00PM

A. The City Council will meet in closed session pursuant to Section 551.074 of the Texas Government Code to interview candidates for the 2014-2015 Youth Advisory Council.

Council interviewed applications for the Youth Advisory Council. NOTE: This item was held in open session and not in executive session.

IV. REGULAR SESSION

V. ROLL CALL

VI. INVOCATION

VII. UNITED STATES PLEDGE

VIII. TEXAS PLEDGE

IX. VISITOR/CITIZENS FORUM

One individual signed up to speak.

1. Jeremiah Wunneburger, Executive Director of the Chamber of Commerce, approached the Council to announce the next Chamber luncheon, which will be held on April 16, 2014.

X. REPORTS/ANNOUNCEMENTS

In addition to any specific matters listed below, the city council may receive a report about items of community interest, including but not limited to recognition of individual officials, citizens or departments, information regarding holiday schedules, upcoming or attended events, etc.

A. Updates and information from the Mayor

- City Marshal and Municipal Court results from the annual "Great Texas Warrant Round-Up."

Sakura Moten-Dedrick, Tiffany Pennhallegon, and City Marshal Clarence Bullocks approached the Council. Ms. Moten-Dedrick noted that the City Marshal's office has been highly successful and that the City plans on maintaining this office.

Mayor Clark relayed information from the recent Mayor's Council meeting, noting that discussions were held related to sustainable city infrastructure, solar power, and renewable energies.

B. Updates and information from Councilmembers.

- Councilmember Johnson noted that on November 4, 2014 a state constitutional amendment dealing with transportation funding in Texas would be on the ballot. He encouraged the community to get out and vote.
- Councilmember Turner asked that Councilmembers look into personally reaching out to the community for volunteers for various events.
- Councilmember Overstreet noted that Art in the Park went very well, and commended city staff and volunteers on a job well done.

C. Updates and information from the City Manager.

Bob Hart presented updated information on potential FEMA Hazard Mitigation Grants, noting that due to flooding in the Austin area last year new grants would soon become available. He also noted that a voluntary buyout program was now offered by FEMA, and that the city has contacted homeowners in the village creek area regarding this program.

XI. CONSENT ITEMS

A. Consider approval of minutes from the March 13, 2014 regular meeting.

B. Consider action regarding a notice from the Public Utility Commission (PUC) of Texas for a Consumer Price Index (CPI) adjustment to municipal telecommunications right-of-way access line rates.

Motion To approve the consent agenda as presented. **Action** Approve, **Moved By** Brian Johnson, **Seconded By** Charles Overstreet.
Motion Passed Unanimously

XII. REGULAR ITEMS

A. **CASE # PZ 14-02** Consider approval of a request by Terry Jobe for a Final Plat for approximately 20.5 acres out of an approximately 45-acre parcel located at 925 Mansfield Cardinal Rd, legal description of J M Lilly Survey A 980 Tr 2 and A 985 Tr 3, Kennedale, Tarrant County, to create The Vineyard Phase I.

Rachel Roberts approached the Council, noting that this area includes 57 residential lots and 5 common area lots and is in line with both the comprehensive land use plan and all city regulations.

Motion To approve **CASE # PZ 14-02** as presented. **Action** Approve, **Moved By** Brian Johnson, **Seconded By** Charles Overstreet.
Motion Passed Unanimously

B. Consider approval of a city-developer agreement for The Vineyard Phase I.

Rachel Roberts approached the Council, noting that as the final plat had been approved, the developers agreement would complete this portion of the process. This is the standard agreement with the developer and the property owner.

Motion To approve a city-developer agreement for The Vineyard Phase I as presented. **Action** Approve, **Moved By** Liz Carrington, **Seconded By** Kelly Turner.
Motion Passed Unanimously

C. Discuss and consider approval of the Adopt-A-Spot Program as proposed by the Keep Kennedale Beautiful Commission.

Kelly Cooper reiterated the information that Michael Chandler explained during the work session, noting that the program would be managed by the Commission and would give interested residents an opportunity to be involved in the beautification and upkeep of their community.

Motion To approve the Adopt-A-Spot Program as presented. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Liz Carrington.
Motion Passed Unanimously

D. Consider approving Resolution 425 in support of a Constitutional amendment for increased state funding for transportation.

City Attorney Wayne Olson noted that due to certain potential issues with the Election Code, Council should consider pursuing support for this amendment through other methods.

This item was removed from the agenda. No action was taken.

E. Consider setting a date for newly elected Councilmembers to take oaths of office.

Motion To hold a special meeting to issue oaths of office to elected Councilmembers on May 13th and 5:30PM. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Liz Carrington.
Motion Passed Unanimously

XIII. EXECUTIVE SESSION

No executive session was held.

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

No executive session was held.

XV. ADJOURNMENT

Motion To adjourn. **Action** Adjourn, **Moved By** Brian Johnson, **Seconded By** Liz Carrington.
Motion Passed Unanimously

The meeting was adjourned at 7:49PM.

APPROVED:

ATTEST:

Mayor John Clark

City Secretary Amethyst G. Sloane

Date: May 8, 2014

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

Consider appointment of Ashley Luu, Nadeya Patel, Emily Beck, Morgan Biscoe, Samantha Randolph, Nicholas Johnson, Danielle Quaye, Shelby Flowers, Alison Villaire, and Jillian Melbourne to the 2014-2015 Youth Advisory Council.

II. Originated by:

III. Summary:

Council interviewed all applicants during the April 10, 2014 work session.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

Date: May 8, 2014

Agenda Item No: REGULAR ITEMS - B.

I. Subject:

Discuss and consider appointing Glenn Shark to Place 5 of the Parks and Recreation Board.

II. Originated by:

III. Summary:

Based upon the interview, Council will consider appointment of the applicant to the associated board.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

Table or deny.

VIII. Attachments:



Date: May 8, 2014

Agenda Item No: XI. REGULAR ITEMS - B

I. Subject:

Case # PZ 14-04 Public hearing and consideration of Ordinance approval regarding a request by Oscar and Wanda Rountree and Patricia Beatty and Johnny Byrd for a zoning change from "C-2" General commercial district to "PD" Planned development district (residential) for approximately 6 acres located at 6559 Hudson Village Creek Rd and 4079 Kennedale New Hope Rd, Joel Snyder Survey A-1448 1B and 1 C, being a portion of a tract as described in a deed to Oscar and Wanda Rountree, Instrument no. D190172874 and being a tract of land as described in a deed to Patricia Beatty, Instrument no. D198096319, Kennedale, Tarrant County.

- (1) Staff Presentation
- (2) Applicant Presentation
- (3) Public Hearing
- (4) Applicant Response
- (5) Staff Response and Summary
- (6) Action by the City Council

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Request: Rezone from "C-2" to PD (for residential use)

Location: New Hope Rd and Hudson Village Creek, near the southern city limits

Applicant: Oscar Rountree, Wanda Rountree, Patricia Beatty, and Johnny Byrd

Background.

The subject properties were annexed by the City of Kennedale in 2003. Before annexation, the Rountree property (Tract 1B) was used for residential purposes and has continued to be used as a residence, with two mobile homes (one for the Rountrees, and one for their daughter and her husband) and several storage buildings. The Beatty property (Tract 1C) is vacant and has been for as long as Ms. Beatty and Mr. Byrd have owned it.

The Rountrees would like to subdivide their property into two lots and build a new single family home on one of the newly created lots. The single family home would be built and occupied by the Rountree's son and his family. Mr. Byrd and Ms. Beatty want to subdivide the Beatty property into three lots and

build single family homes. The property owners in both cases are prohibited from building residences on their respective properties due to the commercial zoning designation. The owners therefore request to rezone the properties for residential use. In addition, the Rountrees would like to build a home in the Victorian style or similar, which would require deviating from the city's masonry requirements. The rezoning request is therefore for a residential Planned Development district.

City staff asked the property owners of both tracts to apply together, so their requests are considered under a single agenda item, but please note that you are considering two separate ordinances under this same item. The ordinance for Snyder PD-1 would control the Rountree property, and the ordinance for Snyder PD-2 would control the Beatty property.

Land uses on the properties surrounding the subject sites within the Kennedale city limits, as classified by the Tarrant Appraisal District, are residential (single family and mobile home), commercial (race tracks), vacant residential, and ranch land/acreage. Surrounding land is zoned R-1 Single Family Residential (across New Hope Rd) and C-2 General Commercial (adjacent properties). The properties across Hudson Village Creek are not within the city limits.

Application Requirements.

The city code requires applicants for a planned development district of less than five acres in size to submit a concept plan for the proposed district. The applicants for both properties have submitted concept plans, attached to the draft ordinances as exhibits. The concept plan requirements for a PD of this size are not nearly as detailed as for properties five acres or larger, so you will not see some of the level of detail you've seen for other PD developments. Due to the proposed uses and the size of these properties, and combined with the level of control provided through the draft PD ordinances, staff are comfortable with the information provided in the concept plans and consider the concept plans to be in keeping with city code requirements.

Staff Review.

Brief outline of proposed development standards.

The draft ordinances draw from existing regulations for large lot residential districts but also have some different regulations, as is usual for planned development districts.

The proposed ordinances would:

- Have the same minimum lot width and depth requirements as AG districts;
- Require properties in PD-1 to have a similar (slightly smaller) minimum lot size as R-2;
- Require properties in PD-2 to have the same minimum lot size as AG;
- Require the same minimum livable area for primary structures as AG, R-1, and R-2 zoning districts;
- Have the same building height limit for primary structures as AG and R-1 districts, while allowing for some decorative features such as cupolas to exceed the height maximum;
- Allow the use of Hardie-Plank or equivalent materials (no masonry requirement for PD-1; Hardie-Plank allowed for 20% non-masonry materials in PD-2);

- Allow guest houses (with a size restriction); and
- Allow for circular drive ways to facilitate access onto adjacent roads, since these lots are not large enough to provide driveway access from an interior street system,

Compliance with the comprehensive land use plan.

The comprehensive land use plan identifies this area as Neighborhood, with an overlay for Park and Open Space along the branches of the creek. Neighborhood character districts are intended to be primarily residential in nature, and a rezoning to a residential zoning classification would be in keeping with this character. Park and Open Space character areas are intended to create or preserve spaces that could be used for recreation as well as for transportation, in the form of trails that connect neighborhoods and link Kennedale with surrounding communities. As you can see on the attached exhibits, the creek touches only the southern edge of the Beatty property and only one corner of the Rountree property, so it is unlikely these properties would be the site of future trails. In addition, the concept plans indicate no structures will be built along creek banks, so if trails were added in the future, the development permitted through the proposed PDs should allow ample space. Staff therefore considers the requested residential rezoning to be in keeping with the Future Land Use Plan.

The only goal in the comprehensive plan that ties directly to this request is “Promote access to housing” under Principle # 2 -- Economic Prosperity. This goal encourages providing housing options for people of varying residential preferences. The Rountree proposal in particular offers a different housing option than what can be found in Kennedale now. Staff considers the requested rezoning to be in compliance with the comprehensive land use plan.

Compliance with the strategic plan.

The strategic plan’s goals do not relate directly to this request. The plan calls for exploring the idea of residential development for properties in this area, but the focus is on property to the west of New Hope Rd.

Compliance with City Council priorities.

The city council priority “Enhance the Business Climate” relates to this rezoning request, albeit indirectly. Increasing the number of residents, particularly the residents on this side of Kennedale, could help Kennedale businesses, and rezoning property from commercial to residential increases the potential for more residential development (and thus more residents) in this part of Kennedale.

Staff Recommendation.

The request is in compliance with the comprehensive plan and with council priorities and does not conflict with the strategic plan. Staff recommends approval of the request for rezoning (both PD ordinances).

Planning & Zoning Commission Review and Recommendation.

The Planning & Zoning Commission considered this case at its meeting on April 17th. The Commission noted that although the ordinances specify setback requirements for main structures, they do not include

setbacks for accessory buildings, and the Commission preferred these regulations to be included, too. The Commission voted to recommend approval of Case PZ 14-04 with the addition of a requirement that accessory buildings be a minimum of eight feet from rear and side lots lines and eight feet from the main structure (this is similar to the standard requirement for accessory buildings in Kennedale's existing residential zoning districts).

City Council Action on Case PZ 14-04.

For your reference, sample motions are provided below. The motions are for your reference only, and you are not required to use any of the motions listed.

APPROVE

I find the request to be in compliance with the comprehensive land use plan and make a motion to approve Case PZ 14-04.

APPROVE WITH CHANGES

I find the request to be in compliance with the comprehensive land use plan and make a motion to approve Case PZ 14-04, subject to the following changes to the ordinance [*or changes to the concept plan*] [*state the changes*].

DENY (YOU MAY SPECIFY WITH OR WITHOUT PREJUDICE)

I make a motion to deny Case PZ 14-04. [if desired, you may state that the denial is with prejudice or without prejudice.]

APPROVE REZONING TO A DIFFERENT ZONING DISTRICT

Note: Council may change the zoning designation on a portion of the property in question, instead of the full property requested. Council may also consider and approve any zoning classification set forth in the city's adopted zoning ordinance having a lesser intensity and being more restrictive than the zoning designation requested by the applicant.

Site of Rezoning Request (PZ 14-04)



Tract 1B



Tract 1C



ORDINANCE

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED; REZONING CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF KENNEDALE FROM "C-2" GENERAL COMMERCIAL DISTRICT TO "PD" PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Kennedale Texas is a Home Rule municipality acting under its charter adopted by the electorate pursuant to Article XI, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential, or other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, Oscar Rountree and Wanda Rountree, which have a proprietary interest in said property being an approximately two acre tract in the Joel Snyder Survey A-1448, more particularly described as Joel Snyder Survey A-1448 1B, being a portion of a tract as described in a deed to Oscar and Wanda Rountree, Instrument no. D190172874 Kennedale, Tarrant County, Texas, have filed an application to rezone the property from its present classification of "C-2" General Commercial District to a "PD" Planned Development District; and

WHEREAS, the comprehensive land use plan classifies said property as "Neighborhood," which calls for residential use; and

WHEREAS, the City of Kennedale believes the request as proposed would help achieve the vision set forth in the comprehensive land use plan; and

WHEREAS, the City Council has determined that a planned development zoning district is the most appropriate zoning district to facilitate the development of the property; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 17th day of April 2014 and by the City Council of the

City of Kennedale on the 8th day of May 2014 with respect to the zoning changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Local Government Code; and

WHEREAS, the City Council does hereby deem it advisable and in the public interest to amend the City's Zoning Ordinance as described herein.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS:

SECTION 1:

The Comprehensive Zoning Ordinance is hereby amended so that the zoning classification and the uses in the hereinafter described area shall be changed and or restricted as shown and described below:

An approximately six acre tract in the Joel Snyder Survey, more particularly described as Joel Snyder Survey A-1448 1B, being a portion of a tract as described in a deed to Oscar and Wanda Rountree, Instrument no. D190172874 Kennedale, Tarrant County, Texas ("the Property"), as more particularly described on Exhibit "A" attached hereto and incorporated herein, from "C-2" General Commercial District to Snyder Survey Planned Development District No. – 1 ("Snyder PD 1") for residential use with modified restrictions, as more fully described on the Concept Plan, attached hereto as Exhibit "C" and incorporated herein.

SECTION 2.

The use of the Property shall be subject to the restrictions, terms and conditions set forth below. The use of the Property shall further conform to the standards and regulations of the "R-1" Single Family Residential district and to Chapter 17, Division 10 Subdivision Design Criteria of the City of Kennedale City Code, to the extent not modified in this Ordinance and shall be subject to all other applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, where not otherwise controlled by the regulations set forth below. The Property shall conform to the following supplemental standards and regulations, which shall supersede any other requirements to the extent of a conflict:

1. *Permitted Uses.* The only permitted uses in the Snyder PD 1 shall be:
 - a. *single family detached residential*;
 - b. *park, playground, or open space, including detention or retention facilities*;
 - c. *accessory building* (other than a *guest house*), when such use does not exceed fifteen (15) feet in height, is a subordinate building incidental to that of the main building on the same lot, has a maximum area of 1,200 square feet, and is constructed of masonry (as defined in Kennedale city code), stone, 3-coat/3-step stucco, or Hardie-Plank or material equivalent to Hardie-Plank in quality and durability, with city staff to determine whether alternative materials are equivalent to Hardie-Plank;
 - d. *guest house*, when such use does not exceed fifteen (15) feet in height and is a subordinate building incidental to that of the main building on the same lot, has a maximum living space of fifteen (15) percent of the living space of the primary structure, is constructed of masonry (as defined in Kennedale city code), stone, 3-coat/3-step stucco, or Hardie-Plank or material equivalent to Hardie-Plank in quality and durability, with city staff to determine whether alternative materials are equivalent to Hardie-Plank, and is not used as a rental residence or permanent living facility;
 - e. *Home occupation*, subject to the regulations under Section 17-421 and 17-423 of the Kennedale city code and any other applicable City of Kennedale regulation regarding home occupations;
 - f. *Orchard*, as defined in Section 17-431 of the Kennedale city code, when such use is not for commercial purposes;
 - g. *Any use permitted by right under the category Utility/Solid Waste Uses* in Section 17-421 Schedule of Uses of the Kennedale city code;
 - h. *Bed and breakfast* shall be permitted only with a special exception authorized by the board of adjustment.

2. *Density.* The number of lots shall not exceed two (2).

3. *Lot size.* Lot size requirements shall be as follows.

Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Lot Coverage (percent)
21,000	80	125	60%

4. *Lot coverage* means the percentage of the total area of a lot occupied by the first story or ground floor of all buildings located on the lot.

5. *Minimum livable area.* The minimum livable area for all primary residential structures is 1,500 square feet.

6. *Setbacks.* The PD herein approved shall require the following minimum setbacks:

Lot Type	Front Setback Minimum (ft.)	Rear Setback Minimum (ft.)	Side Setback Minimum – R-o-W Adjacent (ft.)	Side Setback Minimum – Interior (ft.)
Residential	50	35	20	10
Any accessory building or guest house shall be a minimum of eight (8) feet from the primary structure, a minimum of eight (8) feet from any side property lines, and a minimum of eight (8) feet from the rear property line.				

7. *Building height.* Primary structures shall not exceed a height of two and one half (2 ½) stories, at a maximum of fifty (50) feet in height. Decorative elements such as cupolas and domes not intended for human occupancy, chimneys, and antennas shall not be required to meet the height maximum of fifty feet, provided such elements do not exceed the height limit by ten (10) feet.

8. *Building materials.* The following materials are permitted to be used for structures within the district. Vinyl is prohibited for use on building exteriors.

- a. Masonry as defined by Kennedale city code;
- b. Hardie-Plank or material equivalent to Hardie-Plank in quality and durability, with city staff to determine whether alternative materials are equivalent to Hardie-Plank;
- c. 3-coat/3-step stucco.

9. *Architectural style.* All homes shall be consistent with architectural styles such as Victorian/Queen Anne, Craftsman, and Prairie Bungalow. Examples of the permitted architectural styles are shown in Exhibit "D," attached hereto and incorporated herein.

10. *Front porches.* All homes shall have a usable front porch of a minimum size of sixty (60) square feet.

11. *Parking.* Parking spaces for at least two (2) motor vehicles shall be provided in an enclosed garage for any single family dwelling constructed within the district. Front entry garages are prohibited, except that a front entry garage shall be permitted provided all of the following requirements are met:

- a. The garage entry is screened by a porte-cochere; *and*
- b. The vehicle entryway of the garage is located a minimum of eighty (80) feet

from the front property line; *and*

- c. the vehicle entryway of the garage is set back from the front façade of the primary structure by a minimum of fifteen (15) feet.
- d. Regardless of the orientation of the garage required by this section, any gate or door to a porte-cochere must be of wrought iron construction and must not screen more than twenty-five (25) percent of its entryway.

12. *Frontage onto streets classified as collector streets or larger.* Notwithstanding the requirements of Section 17-303 of the Kennedale city code, lots may have frontage onto or derive access directly from an existing or proposed street considered to be a collector street or larger but only when said public street is accessed from the lot by a circular driveway that allows vehicles to enter the public street facing forward. A *circular driveway* is a private driveway on private property having one or more points of access to one public street and providing an area in the front yard for turning around or parking a vehicle. A circular driveway shall only be approved under the following conditions:

- a. No circular driveway shall be installed unless the location and spacing of the driveway and drive approaches have been approved, in writing, by the Director of Public Works;
- b. The circular driveway must connect to or provide access to the required off-street parking;
- c. No lot shall have more than two (2) circular driveway connections to the public street;
- d. A circular driveway may not take up more than thirty percent (30%) of the required front yard area. Even if the front yard area is larger than the minimum required, a circular driveway shall not take up more than thirty percent of the required front yard area;
- e. A circular driveway shall be at least ten (10) feet in width and not more than twelve (12) feet in width.

13. *Landscaping.* Landscaping shall be regulated by the Kennedale City Code except as otherwise controlled by this ordinance.

- a. *Lawns.* All lawns shall have permanent ground cover, as described in Kennedale city code. Use of native or adaptive xeriscape landscaping materials is encouraged.
- b. *Plants.* Use of native or adaptive xeriscape plants is encouraged. Landscaping shall be maintained in good condition.
- c. *Street trees.* A minimum of one (1) tree of three (3) inch caliper or greater shall be required for each residential lot, to be planted centered between the sidewalk and the curb and shall be installed at such time as sidewalks are installed. The developer shall be responsible for installation of all street

trees and shall ensure tree selection and installation are sufficient to ensure a long tree life. The developer shall be responsible for maintenance and replacement of trees, as needed, for a period of two (2) years after the development's public improvements have been accepted by the city. Use of native or adaptive trees is required.

- d. *Irrigation.* If sprinkler systems are installed, such systems shall be controlled by an automatically controlled timer, unless the use of the property would otherwise prohibit use of a timer. Irrigation systems shall be installed with a rain shut off sensor. The irrigation system shall be designed so that overspray onto structures, streets, sidewalks, windows, walls, and fences is minimized.
 - i. High-efficiency irrigation systems, such as (but not limited to) drip or soaker hose systems, are required for non-turf areas.
 - ii. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required as close as possible to the point of connection of the water supply to minimize water loss in case of an emergency (such as a main line break) or routine repair.
 - iii. The use of rain cisterns is permitted.
 - iv. Cisterns must be located in the rear yard or side yard and must be screened so as not to be seen from the public street. Screening must meet the screening materials regulations of the Kennedale City Code.
 - 1. Cisterns may not exceed ten (10) percent coverage in any required yard.
 - 2. A cistern of less than three (3) feet in diameter may be placed anywhere in the rear yard. A cistern with diameter of three (3) feet or more shall be a minimum of eight (8) feet from any side lot line and eight (8) feet from any rear lot line.
 - 3. A cistern may not be greater than six (6) feet in height.
- e. *Protection of quality trees.* The Zoning Administrator may approve a deviation from the required front, rear, or side setback of up to ten percent (10%) in order to retain and protect an existing quality tree, as defined in the Chapter 16, Article VI of the Kennedale City Code. Permission to deviate from the required setback must be requested, in writing, by the developer.

14. *Driveways and Access.* All entry and exit points shall conform to the standards of the City of Kennedale public works design manual and the City of Kennedale subdivision design criteria of Chapter 17, Division 10 of the City of Kennedale Code of Ordinances, unless otherwise regulated by this ordinance.

15. *Sidewalks.* Sidewalks are required within the district and are the responsibility of the developer to install. Installation of sidewalks shall be required when a curb and gutter or approved alternative storm water conveyance system is installed, and

shall be constructed according to the requirements of the City of Kennedale Code of Ordinances, the City of Kennedale Public Works Design Manual, and any other applicable regulations, where not otherwise controlled by this ordinance. Sidewalks may be constructed of permeable materials and may be designed and constructed using low-impact development standards if approved, in writing, by the Director of Public Works. Review and approval of low-impact infrastructure or public facilities shall follow the process for review and approval of standard infrastructure or public facilities as set forth in the codes, regulations, and design manuals of the City of Kennedale. Low-impact development standards shall not be approved unless the Director of Public Works is satisfied the materials and construction methods used will meet the same standards for safety and durability as used in standard sidewalk construction within the City of Kennedale.

16. *Drainage.* The developer(s) shall adequately address storm water run-off resulting from developing property within the district. If required by the Director of Public Works, construction plans submitted to the city shall include detailed drainage plans. If storm water detention facilities are constructed, the facilities shall be designed to include natural features, such as plants or grasses, so that the detention facility also serves as a neighborhood amenity.

17. *Non-conforming uses.* Non-conforming uses shall be regulated by Section 17-428 of the Kennedale city code where not otherwise controlled by this ordinance.

SECTION 3.

The zoning districts and boundaries as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

SECTION 4.

The City Secretary is hereby directed to amend the official zoning map to reflect the changes in classifications approved herein.

SECTION 5.

The use of the properties hereinabove described shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, Texas.

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Kennedale, Texas (1991), as amended, including but not limited to all Ordinances of the City of Kennedale affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights or remedies of the City of Kennedale Texas are expressly saved as to any and all violations of any ordinances governing zoning or of any amendments thereto that have accrued at the time of the effective date of this Ordinance and as to such accrued violations and all pending litigation both civil and criminal same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

SECTION 9.

It is hereby declared to be the intention of the City Council that the phrases clauses sentences paragraphs and sections of this ordinance are severable and if any phrase clause sentence paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction such unconstitutionality shall not affect any of the remaining phrases clauses sentences paragraphs and sections of this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase clause sentence paragraph or section.

SECTION 10.

The City Secretary of the City of Kennedale is hereby directed to publish the

caption penalty clause publication clause and effective date clause of this ordinance in every issue of the official newspaper of the City of Kennedale for two days or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

SECTION 11.

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

PASSED AND APPROVED ON THIS 8TH DAY OF MAY 2014.

APPROVED:

Mayor John Clark

ATTEST:

City Secretary, Amethyst Sloane

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne K. Olson

Exhibit "A"
Legal Description

EXHIBIT "A"

Being a tract of land out of the JOEL SNIDER SURVEY, Abstract No. 1448, in Tarrant County, Texas, said tract being a portion of a tract described in a deed to L. V. Jordon and wife Mary O. Jordon, recorded in Volume 3889, Page 512, Deed Records, Tarrant County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a 60-D nail set in County Road No. 2038, also known as Hudson Village Creek Road, said nail being West, 1331.56 feet from the Southeast corner of the said Snider Survey and said Jordon tract;

THENCE West, 220.0 feet along said County Road to a 60-D nail found in asphalt;

THENCE N. 00 deg. 14 min. 30 sec. E., 5.96 feet to a "X" cut in a concrete headwall;

THENCE N. 33 deg. 03 min. 45 sec. E., 80.35 feet to a 1/2" rebar rod set;

THENCE N. 14 deg. 47 min. 02 sec. E., 59.39 feet to a 1/2" rebar rod found;

THENCE N. 25 deg. 17 min. 42 sec. E., 365.56 feet to a 1/2" rebar rod set;

THENCE East, 181.19 feet to a 1/2" rebar rod set;

THENCE S. 25 deg. 17 min. 42 sec. W., 281.07 feet to a 1/2" rebar rod set;

THENCE S. 15 deg. 12 min. 30 sec. W., 214.63 feet to the POINT OF BEGINNING and containing 2.00 acres of land, more or less.

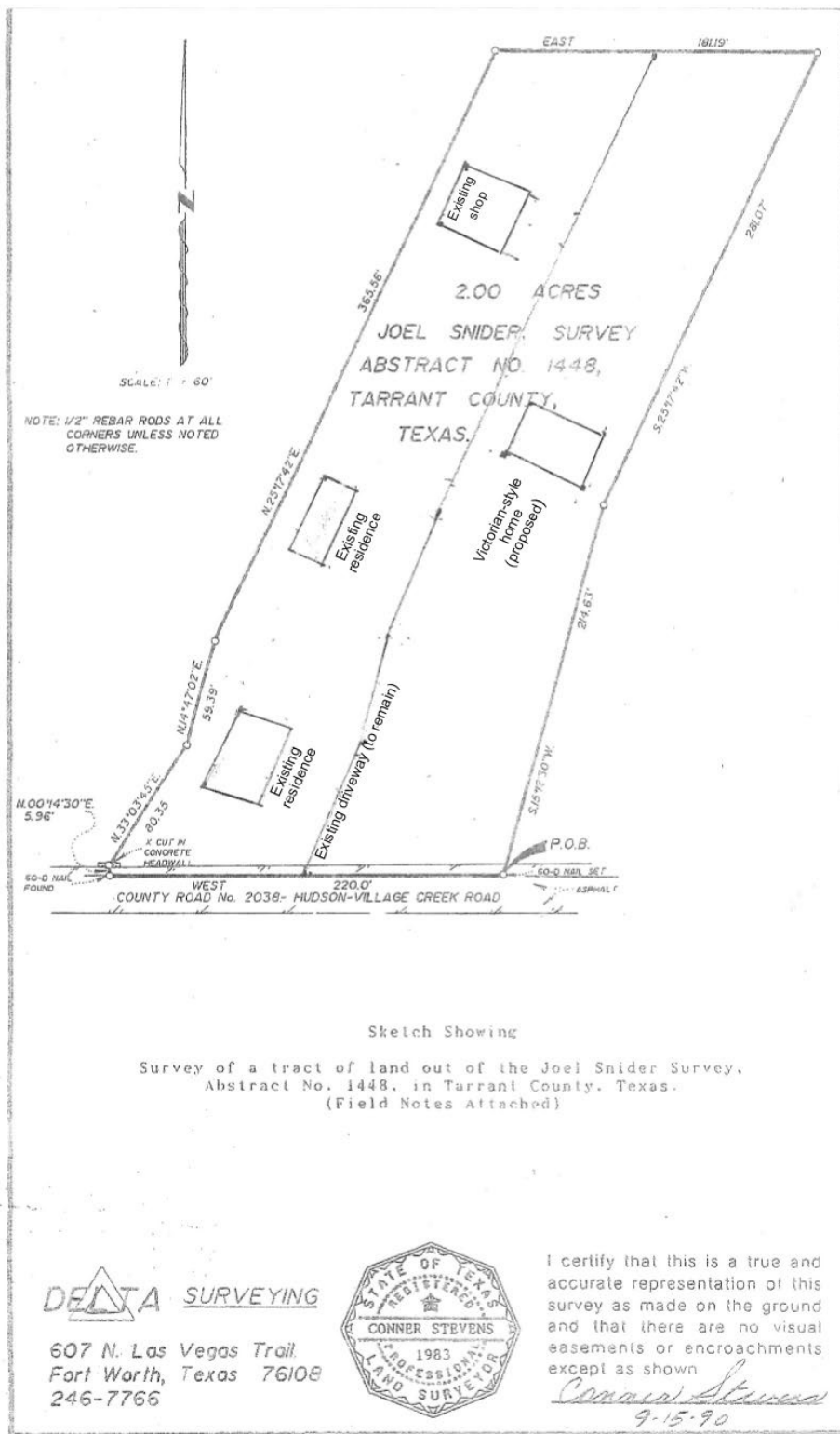
SIGNED FOR IDENTIFICATION:

Mary Olin Jordan
MARY OLIN JORDAN, Individually and as
Independent Executrix of the Estate of
LOIS VERNON JORDAN, deceased

Exhibit "B"
Map/Survey of property



Exhibit "C" Concept Plan



731-8715

Exhibit "D"
Illustration of Permitted Architectural Styles



Queen Anne / Victorian



Queen Anne / Victorian



images: [river front builders](#); [la times](#)

Craftsman / Bungalow

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED; REZONING CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF KENNEDALE FROM "C-2" GENERAL COMMERCIAL DISTRICT TO "PD" PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Kennedale Texas is a Home Rule municipality acting under its charter adopted by the electorate pursuant to Article XI, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential, or other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, Patricia Beatty and Johnny Byrd, which have a proprietary interest in said property being an approximately four acre tract in the Joel Snyder Survey A-1448, more particularly described as Joel Snyder Survey A-1448 1C, being a portion of a tract as described in a deed to Patricia Beatty, Instrument no. D198096319, Kennedale, Tarrant County, Texas, have filed an application to rezone the property from its present classification of "C-2" General Commercial District to a "PD" Planned Development District; and

WHEREAS, the comprehensive land use plan classifies said property as "Neighborhood," which calls for residential use; and

WHEREAS, the City of Kennedale believes the request as proposed would help achieve the vision set forth in the comprehensive land use plan; and

WHEREAS, the City Council has determined that a planned development zoning district is the most appropriate zoning district to facilitate the development of the property; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 17th day of April 2014 and by the City Council of the City of Kennedale on the 8th day of May 2014 with respect to the zoning changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Local Government Code; and

WHEREAS, the City Council does hereby deem it advisable and in the public interest to amend the City's Zoning Ordinance as described herein.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS:

SECTION 1:

The Comprehensive Zoning Ordinance is hereby amended so that the zoning classification and the uses in the hereinafter described area shall be changed and or restricted as shown and described below:

An approximately four acre tract in the Joel Snyder Survey, more particularly described as Joel Snyder Survey A-1448 1C, being a portion of a tract as described in a deed to Patricia Beatty, Instrument no. D198096319, Kennedale, Tarrant County, Texas ("the Property"), as more particularly described on Exhibit "A" and Exhibit "B" attached hereto and incorporated herein, from "C-2" General Commercial District to Snyder Survey Planned Development District No. – 2 (Snyder PD 2) for residential use with modified restrictions, as more fully described on the Concept Plan, attached hereto as Exhibit "C" and incorporated herein.

SECTION 2.

The use of the Property shall be subject to the restrictions, terms and conditions set forth below. The use of the Property shall further conform to the standards and regulations of the "R-1" Single Family Residential district and to Chapter 17, Division 10 Subdivision Design Criteria of the City of Kennedale City Code, to the extent not modified in this Ordinance and shall be subject to all other applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, where not otherwise controlled by the regulations set forth below. The Property shall conform to the following supplemental standards and regulations, which shall supersede any other requirements to the extent of a conflict:

1. *Permitted Uses.* The only permitted uses in the Snyder PD 2 shall be:
 - a. *single family detached residential;*
 - b. *park, playground, or open space, including detention or retention facilities;*
 - c. *accessory building (other than a guest house), when such use does not exceed*

fifteen (15) feet in height, is a subordinate building incidental to that of the main building on the same lot, has a maximum area of 1,200 square feet, and is constructed of masonry (as defined in Kennedale city code), stone, 3-coat/3-step stucco, or Hardie-Plank or material equivalent to Hardie-Plank in quality and durability, with city staff to determine whether alternative materials are equivalent to Hardie-Plank;

- d. *guest house*, when such use does not exceed fifteen (15) feet in height and is a subordinate building incidental to that of the main building on the same lot, has a maximum living space of fifteen (15) percent of the living space of the primary structure, is constructed of masonry (as defined in Kennedale city code), stone, 3-coat/3-step stucco, or Hardie-Plank or material equivalent to Hardie-Plank in quality and durability, with city staff to determine whether alternative materials are equivalent to Hardie-Plank, and is not used as a rental residence or permanent living facility;
- e. *Home occupation*, subject to the regulations under Section 17-421 and 17-423 of the Kennedale city code and any other applicable City of Kennedale regulation regarding home occupations;
- f. *Orchard*, as defined in Section 17-431 of the Kennedale city code, when such use is not for commercial purposes;
- g. *Any use permitted by right under the category Utility/Solid Waste Uses* in Section 17-421 Schedule of Uses of the Kennedale city code;
- h. *Bed and breakfast* shall be permitted only with a special exception authorized by the board of adjustment.

2. *Density*. The number of lots shall not exceed a maximum of three (3) lots.

3. *Lot size*. Lot size requirements shall be as follows.

Minimum Lot Area	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Lot Coverage (percent)
1 acre	80	125	60%

4. *Lot coverage* means the percentage of the total area of a lot occupied by the first story or ground floor of all buildings located on the lot.

5. *Minimum livable area*. The minimum livable area for all primary residential structures is 1,500 square feet.

6. *Setbacks*. The PD herein approved shall require the following minimum setbacks:

Lot Type	Front Setback Minimum (ft.) – primary structure	Rear Setback Minimum (ft.)	Side Setback Minimum – R-o-W Adjacent (ft.)	Side Setback Minimum – Interior (ft.)
Residential	40	35	20	15
Any accessory building or guest house shall be a minimum of eight (8) feet from the primary structure, a minimum of eight (8) feet from any side property lines, and a minimum of eight (8) feet from the rear property line.				

7. *Building height.* Buildings shall not exceed a height of two and one half (2 ½) stories, at a maximum of fifty (50) feet in height.
8. *Building materials.* All primary structures shall be constructed of a minimum of 80% masonry, as defined in Section 17-405 of the Kennedale city code. The remaining 20% may be of masonry materials or of Hardie-Plank or material equivalent to Hardie-Plank in quality and durability, with city staff to determine whether alternative materials are equivalent to Hardie-Plank, or 3-coat/3-step stucco. Architectural metals or woods may be used for architectural accents. Vinyl is prohibited for use on building exteriors.
9. *Parking.* Parking spaces for at least two (2) motor vehicles shall be provided in an enclosed garage for any single family dwelling constructed within the district. Front entry garages are prohibited, except that a front entry garage shall be permitted provided all of the following requirements are met:
 - a. The garage entry is screened by a porte-cochere; *and*
 - b. The vehicle entryway of the garage is located a minimum of eighty (80) feet from the front property line; *and*
 - c. the vehicle entryway of the garage is set back from the front façade of the primary structure by a minimum of fifteen (15) feet.
 - d. Regardless of the orientation of the garage required by this section, any gate or door to a porte-cochere must be of wrought iron construction and must not screen more than twenty-five (25) percent of its entryway.
10. *Frontage onto streets classified as collector streets or larger.* Notwithstanding the requirements of Section 17-303 of the Kennedale city code, lots may have frontage onto or derive access directly from an existing or proposed street considered to be a collector street or larger but only when said street is accessed from the lot by a circular driveway that allows vehicles to enter the street facing forward. A *circular driveway* is a private driveway on private property having one or more points of access to one public street and providing an area in the front yard for turning around or parking a vehicle. A circular driveway shall only be approved under the following conditions:

- a. No circular driveway shall be installed unless the location and spacing of the driveway and drive approaches have been approved, in writing, by the Director of Public Works;
- b. The circular driveway must connect to or provide access to the required off-street parking;
- c. No lot shall have more than two (2) circular driveway connections to the public street;
- d. A circular driveway may not take up more than thirty percent (30%) of the required front yard area. Even if the front yard area is larger than the minimum required, a circular driveway shall not take up more than thirty percent of the required front yard area;
- e. A circular driveway shall be at least ten (10) feet in width and not more than twelve (12) feet in width.

11. *Landscaping.* Landscaping shall be regulated by the Kennedale City Code except as otherwise controlled by this ordinance.

- a. *Lawns.* All lawns shall have permanent ground cover, as described in Kennedale city code. Use of native or adaptive xeriscape landscaping materials is encouraged.
- b. *Plants.* Use of native or adaptive xeriscape plants is encouraged. Landscaping shall be maintained in good condition.
- c. *Street trees.* A minimum of one (1) tree of three (3) inch caliper or greater shall be required for each residential lot, to be planted centered between the sidewalk and the curb. The developer shall be responsible for installation of all street trees and shall ensure tree selection and installation are sufficient to ensure a long tree life. The developer shall be responsible for maintenance and replacement of trees, as needed, for a period of two (2) years after the development's public improvements have been accepted by the city. Use of native or adaptive trees is required.
- d. *Irrigation.* If sprinkler systems are installed, such systems shall be controlled by an automatically controlled timer, unless the use of the property would otherwise prohibit use of a timer. Irrigation systems shall be installed with a rain shut off sensor. The irrigation system shall be designed so that overspray onto structures, streets, sidewalks, windows, walls, and fences is minimized.
 - i. High-efficiency irrigation systems, such as (but not limited to) drip or soaker hose systems, are required for non-turf areas.
 - ii. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required as close as possible to the point of connection of the water supply to minimize water loss in case of an emergency (such as a main line break) or routine repair.
 - iii. The use of rain cisterns is permitted.
 - iv. Cisterns must be located in the rear yard or side yard and must be screened so as not to be seen from the public street. Screening must meet the screening materials regulations of the Kennedale City Code.
 - 1. Cisterns may not exceed ten (10) percent coverage in any required

yard.

2. A cistern of less than three (3) feet in diameter may be placed anywhere in the rear yard. A cistern with diameter of three (3) feet or more shall be a minimum of eight (8) feet from any side lot line and eight (8) feet from any rear lot line.

3. A cistern may not be greater than six (6) feet in height.

e. *Protection of quality trees.* The Zoning Administrator may approve a deviation from the required front, rear, or side setback of up to ten percent (10%) in order to retain and protect an existing quality tree, as defined in the Chapter 16, Article VI of the Kennedale City Code. Permission to deviate from the required setback must be requested, in writing, by the developer.

12. *Driveways and Access.* All entry and exit points shall conform to the standards of the City of Kennedale public works design manual and the City of Kennedale subdivision design criteria of Chapter 17, Division 10 of the City of Kennedale Code of Ordinances, unless otherwise regulated by this ordinance.

13. *Sidewalks.* Sidewalks are required within the district and are the responsibility of the developer to install. Installation of sidewalks shall be required when a curb and gutter or approved alternative storm water conveyance system is installed, and shall be constructed according to the requirements of the City of Kennedale Code of Ordinances, the City of Kennedale Public Works Design Manual, and any other applicable regulations, where not otherwise controlled by this ordinance. Sidewalks may be constructed of permeable materials and may be designed and constructed using low-impact development standards if approved, in writing, by the Director of Public Works. Review and approval of low-impact infrastructure or public facilities shall follow the process for review and approval of standard infrastructure or public facilities as set forth in the codes, regulations, and design manuals of the City of Kennedale. Low-impact development standards shall not be approved unless the Director of Public Works is satisfied the materials and construction methods used will meet the same standards for safety and durability as used in standard sidewalk construction within the City of Kennedale.

14. *Drainage.* The developer(s) shall adequately address storm water run-off resulting from developing property within the district. If required by the Director of Public Works, construction plans submitted to the city shall include detailed drainage plans. If storm water detention facilities are constructed, the facilities shall be designed to include natural features, such as plants or grasses, so that the detention facility also serves as a neighborhood amenity.

15. *Non-conforming uses.* Non-conforming uses shall be regulated by Section 17-428 of the Kennedale city code where not otherwise controlled by this ordinance.

SECTION 3.

The zoning districts and boundaries as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

SECTION 4.

The City Secretary is hereby directed to amend the official zoning map to reflect the changes in classifications approved herein.

SECTION 5.

The use of the properties hereinabove described shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, Texas.

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Kennedale, Texas (1991), as amended, including but not limited to all Ordinances of the City of Kennedale affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights or remedies of the City of Kennedale Texas are expressly saved as to any and all violations of any ordinances governing zoning or of any amendments thereto that have accrued at the time of the effective date of this Ordinance and as to such accrued violations and all pending litigation both civil and criminal same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

SECTION 9.

It is hereby declared to be the intention of the City Council that the phrases clauses sentences paragraphs and sections of this ordinance are severable and if any phrase clause sentence paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction such unconstitutionality shall not affect any of the remaining phrases clauses sentences paragraphs and sections of this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase clause sentence paragraph or section.

SECTION 10.

The City Secretary of the City of Kennedale is hereby directed to publish the caption penalty clause publication clause and effective date clause of this ordinance in every issue of the official newspaper of the City of Kennedale for two days or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

SECTION 11.

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

PASSED AND APPROVED ON THIS 8TH DAY OF MAY 2014.

APPROVED:

Mayor John Clark

ATTEST:

City Secretary, Amethyst Sloane

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne K. Olson

Exhibit "A"

Legal Description

Description for a tract of land situated in the Joel Snider Survey, Abstract No. 1448, Tarrant County, Texas, being that same tract of land described in a deed to C. L. Payne and wife, Ute W. Payne recorded in Volume 10072, Page 906, Deed Records, Tarrant County, Texas, being more particularly described by metes and bounds as follows:

Beginning at a p.k. nail found in New Hope Road for the southwest corner of the Payne Tract same being the northwest corner of a tract of land described in a deed to Robert W. Roper and wife, Alicia R. Roper recorded in Volume 12172, Page 1215, Deed Records, Tarrant County, Texas;

Thence 104.44 feet along New Hope Road and the northwest line of the Payne Tract in a curve concave to the southeast whose radius is 1014.13 and chord is N.25°14'46"E., 104.39 feet to a gear spike set in asphalt pavement;

Thence N.25°17'17"E., 590.88 feet along New Hope Road and the northwest line of the Payne Tract to a p.k. nail found for the northwest corner of the Payne Tract in the northwest line of the remainder of a tract of land described in a deed to L.V. Jordan and wife, Mary D. Jordan recorded in Volume 3689, Page 512, Deed Records, Tarrant County, Texas;

Thence S.64°43'17"E., 243.71 feet along the northeast line of the Payne Tract to a 1/2" rebar rod found (Control Monument) for the northeast corner of the Payne Tract;

Thence S.25°17'42"W., at 365.13 feet passing a 1/2" rebar rod found for reference (Control Monument) for the northwest corner of a tract of land described in a deed to Oscar Rountree and wife Wanda Rountree recorded in Volume 10072, Page 888, Deed Records, Tarrant County, Texas, in all 730.77 feet along the southeast line of the Payne Tract to a point for the southeast corner of the Payne Tract same being the northeast corner of said Roper Tract;

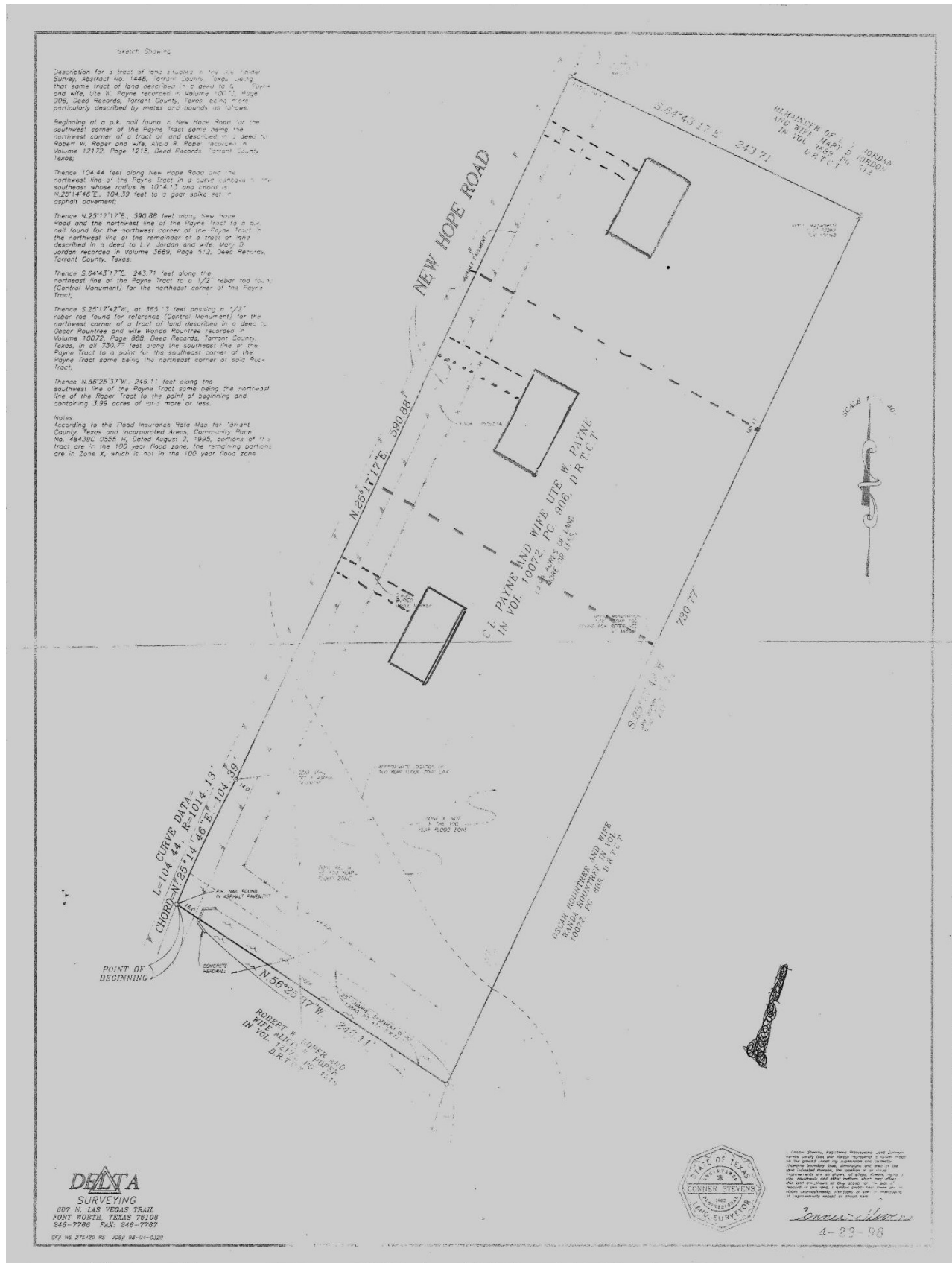
Thence N.56°25'37"W., 246.11 feet along the southwest line of the Payne Tract same being the northeast line of the Roper Tract to the point of beginning and containing 3.99 acres of land more or less.

Notes:

According to the Flood Insurance Rate Map for Tarrant County, Texas and Incorporated Areas, Community Panel No. 48439C 0555 H, Dated August 2, 1995, portions of this tract are in the 100 year flood zone, the remaining portions are in Zone X, which is not in the 100 year flood zone.

Exhibit "B" Survey

Exhibit "C" Concept Plan



CHANGE OF ZONING CLASSIFICATION

ZONING CASE # _____
(assigned by city staff)

DATE: 2-21-2014

City Council
City of Kennedale
Kennedale, Texas 76060

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

You are hereby respectfully requested to approve the following request for a change of zoning classification. I, the applicant, request to change the zoning classification of the property described on Exhibit "A" attached, from its current zoning classification of

" C2 " (_____) to that of

" PD " (Planned Development) in its entirety as shown on Exhibit "B"

attached. The property totals some _____ acres.

A statement of why the zoning change should be approved is attached to this application. I understand that I must satisfy the Council that either the general welfare of all the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning.

Legal Description is _____

Present use of the property is Residential

Address of the property is _____

Property Owner's Name: _____

Address: _____



KENNEDALE
Planning Department
www.cityofkennedale.com

Telephone Number:

Applicant's Name:

Address:

Telephone Number:

Oscar L. + Wanda J. Rountree

6559 Hudson Village Creek

Kennedale, Texas, 76060

Wanda Cell 817-313-9504

If applicant is not the owner, an owner's affidavit must be submitted with this application.

I, the applicant, understand that city staff, the Planning & Zoning Commission, or the City Council may request from me a site plan or other supporting documents concerning the nature, extent, and impact of my request for rezoning, in addition to what I supply with my application for a change in zoning.

I further certify that Oscar L. + Wanda J. Rountree is the sole owner(s) of the property described in the legal description and shown in the map attached to this application, as of the date of this application.

Wanda Rountree

Applicant Signature

1-26-14

Date

Oscar Rountree

Applicant Signature

1-26-14

Date

Applicant Signature

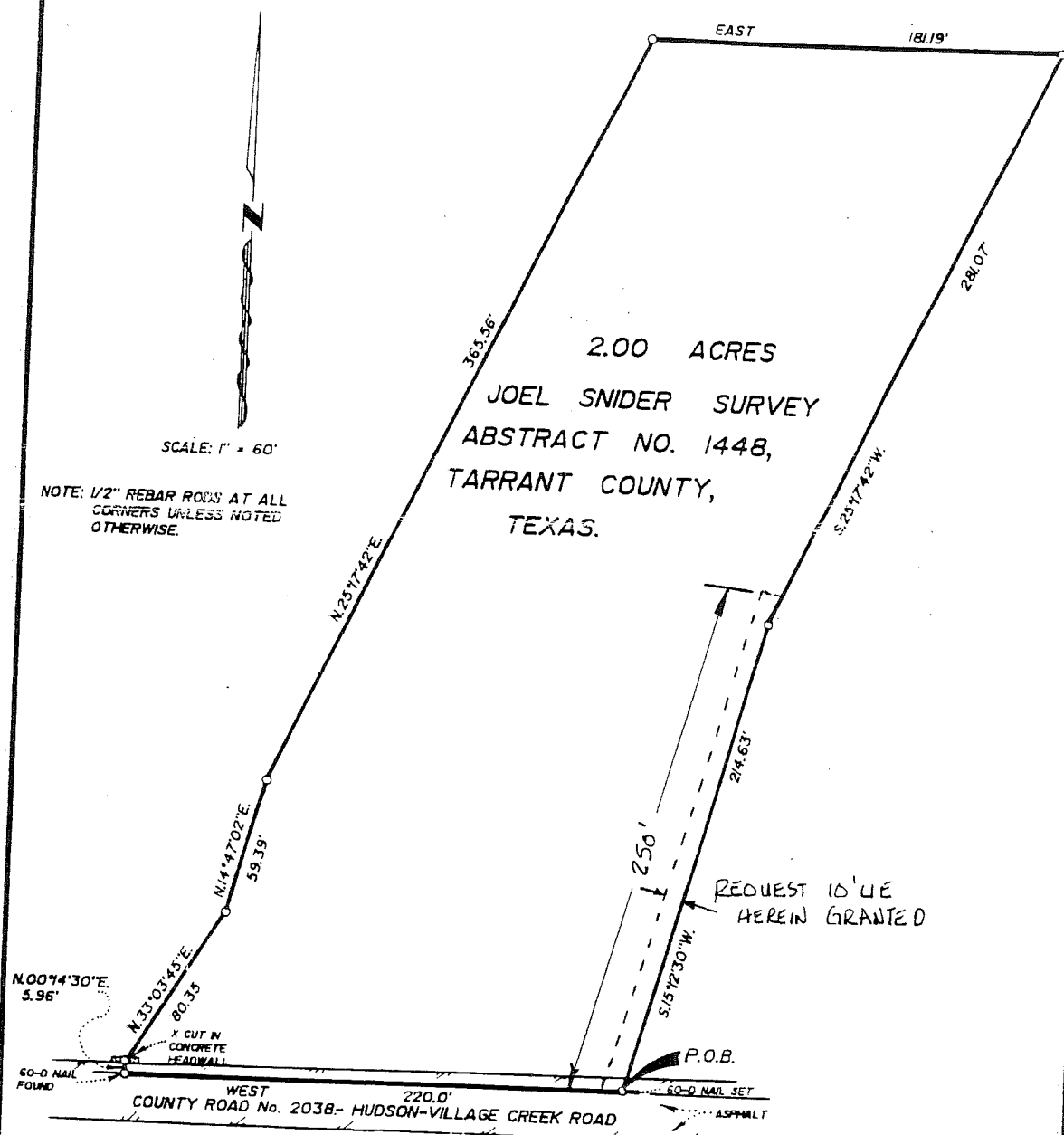
Date

Applicant Signature

Date

Applicant Signature

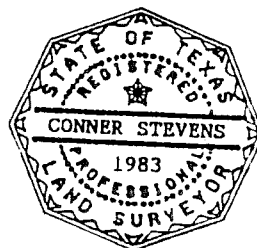
Date



OWNERS
 OSCAR L. ROUNDTREE
 WANDA I. ROUNDTREE
 Vol. 10072 Page 0888

Sketch Showing
 Survey of a tract of land out of the Joel Snider Survey,
 Abstract No. 1448, in Tarrant County, Texas.
 (Field Notes Attached)

DELTA SURVEYING
 607 N. Las Vegas Trail
 Fort Worth, Texas 76108
 246-7766



I certify that this is a true and accurate representation of this survey as made on the ground and that there are no visual easements or encroachments except as shown.
Conner Stevens
 9-15-90

CHANGE OF ZONING CLASSIFICATION

ZONING CASE # _____
(assigned by city staff)

DATE: Feb. 21, 2014

City Council
City of Kennedale
Kennedale, Texas 76060

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

You are hereby respectfully requested to approve the following request for a change of zoning classification. I, the applicant, request to change the zoning classification of the property described on Exhibit "A" attached, from its current zoning classification of

" _____ " (_____) to that of

" _____ " (_____) in its entirety as shown on Exhibit "B"

attached. The property totals some _____ acres.

A statement of why the zoning change should be approved is attached to this application. I understand that I must satisfy the Council that either the general welfare of all the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning.

Legal Description is ~~Patricia Beatty~~

Present use of the property is VACANT

Address of the property is NEW Hope Rd

Property Owner's Name: Patricia Beatty

Address: 7330 RED Bird Ln

Burleson TX, 76028



KENNEDALE
Planning Department
www.cityofkennedale.com

Telephone Number:

817-229-5025

Applicant's Name:

Johnny Byrd c/o Patricia Beatty

Address:

7330 RED Bird Ln

Burleson, TX 76028

Telephone Number:

817-229-5025

If applicant is not the owner, an owner's affidavit must be submitted with this application.

I, the applicant, understand that city staff, the Planning & Zoning Commission, or the City Council may request from me a site plan or other supporting documents concerning the nature, extent, and impact of my request for rezoning, in addition to what I supply with my application for a change in zoning.

I further certify that Patricia Beatty is the sole owner(s) of the property described in the legal description and shown in the map attached to this application, as of the date of this application.

Johnny Byrd
Applicant Signature

Feb. 21. 2014
Date

Applicant Signature

Date

Applicant Signature

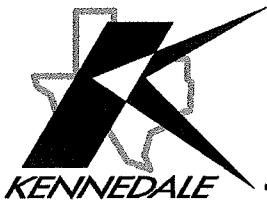
Date

Applicant Signature

Date

Applicant Signature

Date



CITY OF KENNEDALE
PLANNING & ZONING COMMISSION

OWNER AFFIDAVIT

Case #PZ

Property Address:

Legal Description:

Applicant:

Type of P&Z request:

I, Patricia Stonaker Midkiff, current owner of above mentioned property, authorize the applicant or his authorized representative to make application for the Kennedale Planning & Zoning Commission to consider granting the above reference request on my behalf and to appear before the Commission.

Owner Signature: Patricia Stonaker Midkiff

Date: 3/4/14

SWORN TO and Subscribed before me by Patricia Stonaker Midkiff

ON THIS 4th DAY OF March, 20 14.

Kristy Leighann Rowland

Notary Public, Tarrant County, Texas



CHANGE OF ZONING CLASSIFICATION

ZONING CASE # _____
(assigned by city staff)

DATE: Feb. 21, 2014

City Council
City of Kennedale
Kennedale, Texas 76060

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

You are hereby respectfully requested to approve the following request for a change of zoning classification. I, the applicant, request to change the zoning classification of the property described on Exhibit "A" attached, from its current zoning classification of

" _____ " (_____) to that of

" _____ " (_____) in its entirety as shown on Exhibit "B"

attached. The property totals some _____ acres.

A statement of why the zoning change should be approved is attached to this application. I understand that I must satisfy the Council that either the general welfare of all the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning.

Legal Description is ~~Patricia Beatty~~

Present use of the property is VACANT

Address of the property is NEW Hope Rd

Property Owner's Name: Patricia Beatty

Address: 7330 Red Bird Ln

Burleson TX, 76028



KENNEDALE
Planning Department
www.cityofkennedale.com

Telephone Number:

817-229-5025

Applicant's Name:

Johnny Byrd c/o Patricia Beatty

Address:

7330 RED Bird Ln

Burleson, TX 76028

Telephone Number:

817-229-5025

If applicant is not the owner, an owner's affidavit must be submitted with this application.

I, the applicant, understand that city staff, the Planning & Zoning Commission, or the City Council may request from me a site plan or other supporting documents concerning the nature, extent, and impact of my request for rezoning, in addition to what I supply with my application for a change in zoning.

I further certify that Patricia Beatty is the sole owner(s) of the property described in the legal description and shown in the map attached to this application, as of the date of this application.

Johnny Byrd
Applicant Signature

Feb. 21. 2014
Date

Applicant Signature

Date

Applicant Signature

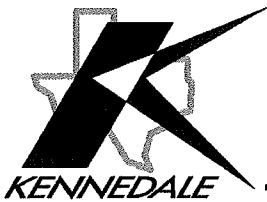
Date

Applicant Signature

Date

Applicant Signature

Date



CITY OF KENNEDALE
PLANNING & ZONING COMMISSION

OWNER AFFIDAVIT

Case #PZ

Property Address:

Legal Description:

Applicant:

Type of P&Z request:

I, Patricia Stonaku Midkiff, current owner of above mentioned property, authorize the applicant or his authorized representative to make application for the Kennedale Planning & Zoning Commission to consider granting the above reference request on my behalf and to appear before the Commission.

Owner Signature: Patricia Stonaku Midkiff

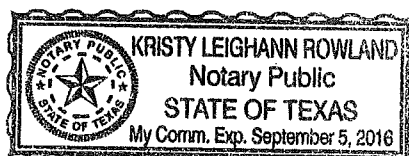
Date: 3/4/14

SWORN TO and Subscribed before me by Patricia Stonaku Midkiff

ON THIS 4th DAY OF March, 20 14.

Kristy Leighann Rowland

Notary Public, Tarrant County, Texas



Date: May 8, 2014

Agenda Item No: REGULAR ITEMS - E.

I. Subject:

Consider acceptance of the Water/Wastewater Master Plan from Freese and Nichols Engineers.

II. Originated by:

Bob Hart

III. Summary:

This item was presented during the work session.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

Table

VIII. Attachments:

Date: May 8, 2014

Agenda Item No: EXECUTIVE SESSION - A.

I. Subject:

The City Council will meet in closed session pursuant to Section 551.071 of the Texas Government Code for 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 nonconforming uses, discussion of zoning issues in the city, and legal issues regarding the preparation of developer's agreements.

II. Originated by:

Bob Hart

III. Summary:

At this time the city council will meet in executive session.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments: