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KENNEDALE CITY COUNCIL
AGENDA
REGULAR MEETING
November 17, 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. Joint meeting with Planning and Zoning Commission to discuss:

a. Downtown Village Development Plan
b. Zoning and Subdivision Code Update

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

B. Updates from City Council

C. Updates from the City Manager

D. Governance/Operational Report including:

1. Balanced Scorecard
2. Village Creek Flood Study
3. Crime Activity Report
4. Municipal Court Activity Report

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 approval of minutes from October 13, 2014 regular meeting

B. Receive a report from the Police Department for last year's asset forfeiture account.

XI. REGULAR ITEMS

A. Consider Ordinance 557 approving amendments to the Drought Contingency and Emergency Water Management Plan

B. Consider approval of an Ordinance 559 amending the city's schedule of administrative fees.

C. CASE # PZ 14-08 Public hearing and consideration of Ordinance 560 approval regarding a request by the City of Kennedale for a zoning change for 23.8 acres from “C-2” General commercial district to “I” Industrial district, at 7200, 7201, 7203, 7205, 7206, 7207, 7208, 7210, 7218, 7220, 7222, 7224, 7226, 7228, 7230, 7232, 7234, & 7236 & 3 unaddressed parcels on **Bloxom Park Rd**, 7208, 7210, 7213, 7225, & an unaddressed parcel on **Hudson Village Creek Rd**, and 4310, 4382, & an unaddressed parcel on **Eden Rd S**, legal descriptions of Wade H Hudson Survey A 716 Tracts 2C, 2C01, 2C02, 2C03, 2C04, 2C04A, 2C05, 2C06, 2C07, 2C08, 2C09, 2C10, 2C10A, 2C11, 2C12, 2C13, 2C18, 2C19, 2C20, 2C21, 2C22, 2C23, 2C24, 2C25, 2C25A, 2C25B, 2C14, 2C15, 2C16, & Peter Rouche Survey A1338 Tracts 1, 1B, 1C, 2, 2B, & 2C.
1. Staff presentation
2. Public hearing
3. Staff summary and recommendation

D. Consider action authorizing the City Manager to execute an agreement with the U.S. Army Corps of Engineers for a Section 205 Flood Control Study on a portion of Village Creek

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.

1. Attorney consultation on development agreement

B. The City Council will meet in closed session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property for the following:

1. Discuss Land Acquisition at 501 Dick Price Road.

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 the City Secretary at 817.985.2104 or (TDD) 1.800.735.2989

CERTIFICATION

I certify that a copy of the November 17, 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.

Kelly Cooper, City Secretary

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Staff Report to the Honorable Mayor and City Council

Date: November 17, 2014

Agenda Item No: WORK SESSION - A.

I. Subject:
Joint meeting with Planning and Zoning Commission to discuss:

a. Downtown Village Development Plan
b. Zoning and Subdivision Code Update

II. Originated by:

Bob Hart

III. Summary:

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

1.	Downtown Development Plan	Downtown Village.pdf

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Downtown Kennedale

Implementing the Vision

October 13, 2014

SJR
Planning Consultants

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Today's Agenda

- Introducing SJR Planning Consultants
- Why? What? and How? of the project
- The final product & its implications

SJR
Planning Consultants

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Our Story

- We believe in turning your plans and visions into reality by challenging the status quo and thinking differently

- We are a team of creative, energetic problem solvers; a collection of original, out of the box thinkers. At SJR Planning Consultants we collaborate with individuals and companies that have a passion for creating better communities – places that are both livable and memorable.

Shai Roos, AICP : founder & President

- Rebecca Ryan, Futurist
- Dr. Daniel Oney, Economist
- Melissa Lindelow, Land Use Attorney
- Brian Guenzel, Healthy Communities
- Heather Sims, Real Estate & Urban Planning
- Chuni Lu, Real Estate & Housing

SJR Planning Consultants 3

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Why? – Plan vs Ordinance

SJR Planning Consultants 4

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Staff Report to the Honorable Mayor and City Council

Date: November 17, 2014

Agenda Item No: REPORTS/ANNOUNCEMENTS - A.

I. Subject:
Updates from the Mayor

II. Originated by:

City Council, City Council

III. Summary:

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

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Staff Report to the Honorable Mayor and City Council

Date: November 17, 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.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

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Staff Report to the Honorable Mayor and City Council

Date: November 17, 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:

VII. Alternative Actions:

VIII. Attachments:

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Staff Report to the Honorable Mayor and City Council

Date: November 17, 2014

Agenda Item No: REPORTS/ANNOUNCEMENTS - D.

I. Subject:
Governance/Operational Report including:

1. Balanced Scorecard
2. Village Creek Flood Study
3. Crime Activity Report
4. Municipal Court Activity Report

II. Originated by:

Bob Hart

III. Summary:
City Manager will provide a Governance Operational Report for Council.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

1.	Executive Limitations	Executive Limitations.pdf
2.	Balanced Scorecard	Kennedale Strategy Map Nov 2014.pdf
3.	City Marshal Report	City Marshal Department Statistic Report - 10-2014.pdf

POLICY TYPE: **EXECUTIVE LIMITATIONS**
POLICY TITLE: **GLOBAL EXECUTIVE CONSTRAINT**

The City Manager shall not cause or allow any organizational practice, activity, decision, or circumstance that is either unlawful, imprudent, or in violation of commonly accepted business and professional ethics.

City operations are in compliance with the global constraint policy.

POLICY TYPE: **EXECUTIVE LIMITATIONS**
POLICY TITLE: **TREATMENT OF CUSTOMERS OF CITY SERVICES**

With respect to interactions with customers, the City Manager shall not cause or allow conditions, procedures, or decisions that are unsafe, untimely, undignified, or unnecessarily intrusive.

The City Manager will not

1. Elicit information for which there is no clear necessity.

2. Use methods of collecting, reviewing, transmitting, or storing customer information that fail to protect against improper access to the material.

3. Operate facilities without appropriate accessibility and privacy.

4. Operate without establishing with customers a clear understanding of what may be expected and what may not be expected from the service offered.

5. Operate without informing customers of this policy or providing a way to be heard for persons who believe that they have not been accorded a reasonable interpretation of their rights under this policy.

City operations are operating in compliance with the policy on treatment of customers.

POLICY TYPE: **EXECUTIVE LIMITATIONS**
POLICY TITLE: **TREATMENT OF STAFF**

With respect to the treatment of paid and volunteer staff, the City Manager shall not cause or allow conditions that are unfair, undignified, disorganized, or unclear.

The City Manager will not

1. Operate without written personnel rules that (a) clarify rules for staff, (b) provide for effective handling of grievances, and (c) protect against wrongful conditions, such as nepotism and grossly preferential treatment for personal reasons.

2. Retaliate against any staff member for nondisruptive expression of dissent.

3. Allow staff to be unaware of City Manager's interpretations of their protections under this policy.

4. Allow staff to be unprepared to deal with emergency situations.

City operations are in compliance with the treatment of staff policy.

POLICY TYPE: **EXECUTIVE LIMITATIONS**
POLICY TITLE: **EMERGENCY CITY MANAGER SUCCESSION**

In order to protect the Council from sudden loss of the City Manager Services, the City Manager shall not permit there to be less than one other person familiar enough with Council and City Manager issues and procedures to be able to maintain organization services.

Kelly Cooper is the most informed of staff members. The department heads collectively are aware of on-going activities and projects.

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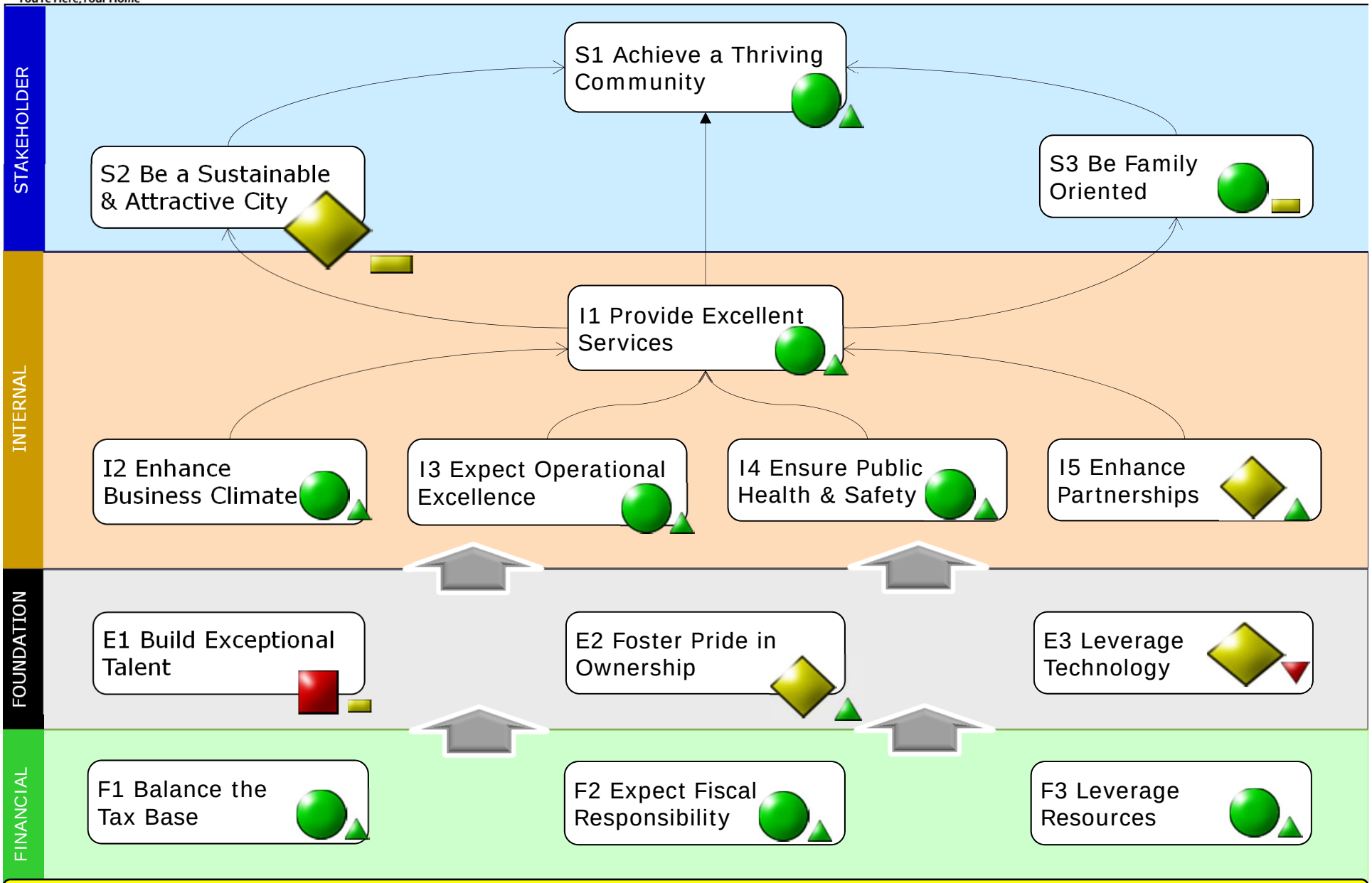
Kennedale family oriented, economically prosperous, business friendly and conveniently located, providing opportunities to live, work and play

KENNEDALE
13-1
NOV 2014

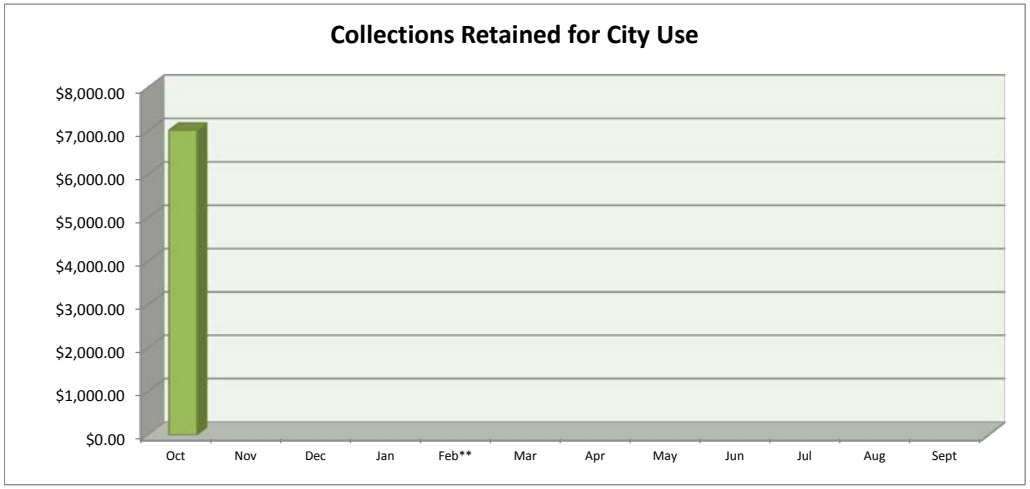


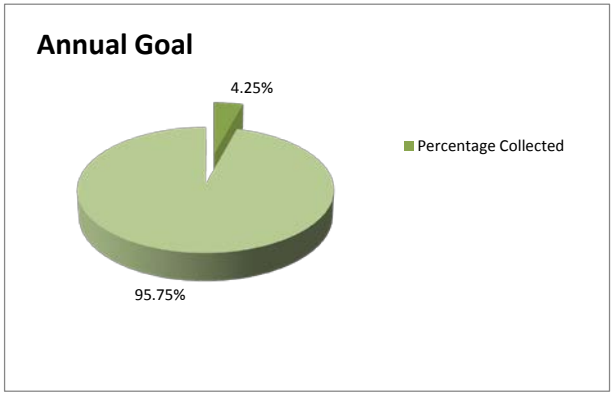
CORE VALUES: INTEGRITY ACCOUNTABILITY TEAMWORK INNOVATION COMMITMENT

City Marshal Department Statistic Report

FY 12-13	Oct	Nov	Dec	Jan	Feb**	Mar	Apr	May	Jun	Jul	Aug	Sept	Total
Citations													
FY12-13	384	418	264	460	532	460	398	351	208	318	297	319	**4409**
FY13-14	281	284	187	296	216	211	210	247	186	252	177	200	**2747**
FY14-15	185												**185**
Citation Collections Percentage													
FY14-15	4.82%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0%	**0.0482**
Warrants													
Issued	188												**188**
Cleared	128												**128**
Total Warrant Value													
Issued	$64,082.93												**$64,082.93**
Cleared	$47,734.55												**$47,734.55**
Collected													
Total Collected	$17,479.28												**$17,479.28**
Retained by City	$7,020.57												**$7,020.57**
Credit for Time Served													
FY12-13	$18,467.37	$6,005.70	$15,674.20	$14,964.78	$30,337.53	$16,599.58	$19,790.90	$20,140.16	$22,331.80	$31,207.65	$18,132.22	$7,882.39	**$221,534.28**
FY13-14	$21,997.37	$12,452.67	$18,038.84	$14,239.37	$16,578.87	$13,389.80	$19,182.70	$23,101.94	$18,780.50	$20,748.73	$35,366.99	$13,782.90	**$227,660.68**
FY14-15	$29,395.22												**$29,395.22**
Other													
Prisoners Transported	11												**11**
Field Arrests	2												**2**
Voluntary Arrests	5												**5**
Community Service	3												**3**
Phone/Field Contacts	600												**600**
Expenditures													**0**
	$7,372.49												
% of Annual Goal	4%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	**4.25%**

** State-wide Warrant Round Up in effect





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Staff Report to the Honorable Mayor and City Council

Date: November 17, 2014

Agenda Item No: CONSENT ITEMS - A.

I. Subject:
Consider approval of minutes from October 13, 2014 regular meeting

II. Originated by:

Kelly Cooper, Director of Human Resources

III. Summary:
Please see the attached minutes for your approval

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	City Council meeting minutes 10.13.2014	CC Minutes.10.13.2014.docx

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KENNEDALE CITY COUNCIL
MINUTES
REGULAR MEETING - October 13, 2014
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER

Mayor Johnson called the meeting to order at 5:51 PM

II. WORK SESSION

A. Discuss any item on the agenda

Bob Hart discussed the reason for the large consent agenda. All items are standard each year; no significant changes are being made.

Regular Item C. Bob Hart presented a staff report regarding stormwater drainage utility fee. The item on the regular agenda will increase the fee from 2.50 to 3.50 for residential includes the same ratio increase for commercial.

B. Discuss City Council meeting schedule

City Council discussed moving the monthly City Council meetings to another night of the week due to continual conflicts with other county and regional meetings. The City Attorney is available on the third Monday of the month or the first or third Tuesday. The next meeting will be Monday, November 17, 2014.

C. MOVE INTO EXECUTIVE SESSION

The City Council adjourned to Executive Session at 6:24 PM

III. REGULAR SESSION

The Council reconvened into open session at 7:00 PM.

IV. ROLL CALL

Present: Brian Johnson, Charles Overstreet, Mike Walker, Frank Fernandez, Kelly Turner, Liz Carrington
Absent:

V. INVOCATION

VI. UNITED STATES PLEDGE

VII. TEXAS PLEDGE

VIII. VISITOR/CITIZENS FORUM

No one present requested to speak.

IX. REPORTS/ANNOUNCEMENTS

A. Governance/Operational Report including Balanced Scorecard

Bob Hart provided the staff report to city council regarding Governance and the balanced Scorecard.
Youth Advisory Council Food Truck Event is Thursday, October 16, 2014 5:00 p.m. to 8:00 p.m.

B. Updates from the Mayor
The Mayor made a presentation of Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting to City of Kennedale Finance Department and Sakura Moten-Dedrick, Director of Finance & Information Technology, for Fiscal Year Ended September 30, 2013.
Mayor also reported that KISD would be hosting a Chili Supper to raise scholarship funds and encouraged participation from the city council and those attending the meeting.

C. Updates from the City Council
Liz Carrington spoke to the successful meeting at UTA with Tarrant Regional Water District
Kelly Turner announced that he would be at the Chamber Luncheon Wednesday, October 15 to give the State of the City address.
Frank Fernandez invited all City Council to attend the Saturday, October 18 Shady Creek East Block Party from 4:00 p.m. to 7:00 p.m. Fire and Police would be in attendance.
Mike Walker announced the Kennedale Wildcats were undefeated and ranked 4th in the state
Charles Overstreet provided an update from the Mayor's Council meeting.

X. CONSENT ITEMS

A. Consider approval of minutes from September 11, 2014 regular meeting

B. Consider approval of minutes from September 18, 2014 public hearing

C. Consider approval of minutes from September 25, 2014 special meeting

D. Consider approval of minutes from September 22, 2014 special meeting

E. Consider approval of minutes from September 23, 2014 special meeting

F. Consider approving the City Manager to execute an interlocal agreement with the County for construction of Bloxom Park Road

G. Consider Resolution 430 authorizing participation in various cooperative purchasing programs.

H. Consider Resolution 431 adopting an amended City of Kennedale Financial Management Policy.

I. Consider Resolution 432 adopting an amended City of Kennedale Identity Theft Prevention Program Policy.

J. Consider Resolution 433 adopting an amended City of Kennedale Grant Submission & Acceptance Policy.

K. Consider Resolution 434 adopting an amended City of Kennedale Fraud Policy.

L. Consider Resolution 435 adopting an amended City of Kennedale Unclaimed Property Policy.

M. Consider Resolution 436 adopting an amended City of Kennedale Purchasing Policy.

N. Consider Resolution 437 adopting an amended City of Kennedale Procurement Card Program Policy.

O. Consider Resolution 438 adopting an amended City of Kennedale Investment Policy.

P. Consider Resolution 439 adopting an amended City of Kennedale Internal Controls & Cash Handling Policy.

Q. Consider Resolution 440 adopting an amended Kennedale Fund Balance Policy.

R. Consider Resolution 441 approving Tarrant County to award the 40th Year CDBG contract to Tejas Construction Co. in the amount of $132,623.00. In addition the City of Kennedale agrees to participate in the cost of the construction to the extent the final construction cost exceeds the available funding.

Motion To approve the consent agenda as presented. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Liz Carrington
Motion passed Unanimously.

XI. REGULAR ITEMS

A. Consider approval of Ordinance 556 to amend the number of members and the number of members required for a quorum on the Parks and Recreation Board

Staff report by Bob Hart with the recommendation to reduce the number of members from 9 to 7 and change the quorum from 5 to 4.

Motion To approve Ordinance 556, to amend the number of members on the Parks and Recreation Board from 9 to 7 and amend the number required for a quorum. **Action** Approve, **Moved By** Mike Walker, **Seconded By** Frank Fernandez
Motion passed Unanimously.

B. City Council to consider making appointments to the Board of Adjustment/Building Board of Appeals, Keep Kennedale Beautiful Commission, Kennedale Economic Development Corporation, Parks and Recreation Board, Planning and Zoning Commission and Library Advisory Board

Staff report by presented by Bob Hart following the board interviews and instructions provided by City Council.

Motion To approve the appointments as requested by City Council and listed in the attached staff report. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Kelly Turner
Motion passed Unanimously.

C. Consider Ordinance 558 amending Stormwater Drainage Utility Fees

Staff report by Bob Hart indicating that the 2014-2015 budget was prepared with these fees. This Ordinance will increase the fee from 2.50 to 3.50 for residential and includes the same ratio for

commercial increase.

Motion To approve Ordinance 558 amending the Stormwater Drainage Utility Fees. **Action** Approve, **Moved By** Kelly Turner, **Seconded By** Liz Carrington.
Motion passed Unanimously.

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.

D. The City Council will meet in closed session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property for the following:

1. Discuss acquisition of sewer easement at 425 Corry A Edwards Drive
2. Discuss acquisition of land at 501 and 601 Dick Price Road

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

The Council reconvened into open session at 7:00 PM. **No Action** necessary.

XIV. ADJOURNMENT

Motion To Adjourn. **Action** Adjourn, **Moved By** Liz Carrington, **Seconded By** Frank Fernandez
Motion passed Unanimously.

The meeting was adjourned at 7:13PM.

APPROVED:

Mayor Brian Johnson

ATTEST:

City Secretary Kelly Cooper

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Staff Report to the Honorable Mayor and City Council

Date: November 17, 2014

Agenda Item No: CONSENT ITEMS - B.

I. Subject:
Receive a report from the Police Department for last year's asset forfeiture account.

II. Originated by:

Tommy Williams, Police Chief

III. Summary:
Each year a report is submitted tot he State Attorney General in regards to the Police Department's asset forfeiture account. This report is required to be submitted within 60 days of the end of the fiscal year. It is presented to the council for your review and questions, if any should arise.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

1.	Atorney General Report (Asset Forfeiture)	AG Seizure Report.pdf

FY 2014
CHAPTER 59 ASSET FORFEITURE REPORT
BY LAW ENFORCEMENT AGENCY

Agency Name: Kennedale Police Dept.

Reporting Period: (local fiscal year) 10/01/2013 - 09/30/2014

Agency Mailing Address: 401 Municipal Drive
Kennedale, Tx. 76060

example: 01/01/14 to 12/31/14, 09/01/13 to 08/31/14 etc.

Phone Number: 817) 985-2161

County: TARRANT

Email Address: JWilliams@CityofKennedale.com

This should be a permanent agency email address

NOTE: PLEASE ROUND ALL DOLLAR FIGURES TO NEAREST WHOLE DOLLAR.

I.		SEIZED FUNDS PURSUANT TO CHAPTER 59	
	A)	Beginning Balance:	$ 301
	B)	Seizures During Reporting Period:	
		1) Amount seized and retained in your agency's custody.	$
		2) Amount seized and transferred to the District Attorney pending forfeiture.	$ 1,657 01
	C)	Interest Earned on Seized Funds During Reporting Period:	$ 139
	D)	Amount Returned to Defendants/Respondents:	$ 1,250 00
	E)	Amount Transferred to Forfeiture Account:	$ 407 44
	F)	Other Reconciliation Items:	$
	G)	Ending Balance: **Instructions:** Add lines A, B(1), C and F, subtract lines D and E, put total in line G.	$ 411 84

II.		FORFEITED FUNDS AND OTHER COURT AWARDS PURSUANT TO CHAPTER 59	
	A)	Beginning Balance:	$ 301
	B)	Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period:	$ 407 44
	C)	Interest Earned on Forfeited Funds During Reporting Period :	$ 139
	D)	Amount Awarded Pursuant to 59.022 (f)(1):	$
	E)	Amount Awarded Pursuant to 59.023 (a):	$
	F)	Proceeds Received by Your Agency From Sale of Forfeited Property:	$
	G)	Amount Returned to Crime Victims:	$
	H)	Other Reconciliation Items:	$

I)	Total Expenditures of Forfeited Funds During Reporting Period:	$ 0
J)	Ending Balance: Instructions: Add lines A, B, C, D E, F and H, subtract lines G and I, place total in line J.	$ 411 84

III. OTHER PROPERTY

Please note - this should be a number not a currency amount. Example 4 cars seized, 3 cars forfeited and 0 cars put into use.	SEIZED	FORFEITED TO AGENCY	RETURNED TO DEFENDANTS / RESPONDENTS	PUT INTO USE BY AGENCY
1) MOTOR VEHICLES (Include cars, motorcycles, tractor trailers, etc.)	2	2		1
2) REAL PROPERTY (Count each parcel seized as one item)				
3) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)	1		1	
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)	1	1		
5) Other Property - Description: _____				
Other Property -Description: _____				
Other Property -Description: _____				

IV. FORFEITED PROPERTY RECEIVED FROM ANOTHER AGENCY

A)	Motor Vehicles:	#
B)	Real Property:	#
C)	Computers:	#
D)	Firearms:	#
E)	Other:	#

V. FORFEITED PROPERTY TRANSFERRED OR LOANED TO ANOTHER AGENCY

A)	Motor Vehicles:	#
B)	Real Property:	#
C)	Computers:	#
D)	Firearms:	#
E)	Other:	#

VI. EXPENDITURES

A)	**SALARIES**	
1.	Increase of Salary, Expense, or Allowance for Employees (Salary Supplements):	$

	2.	Salary Budgeted Solely From Forfeited Funds:	$	
	3.	Number of Employees Paid Using Forfeiture Funds:	#	
	4.	**TOTAL SALARIES PAID OUT OF CHAPTER 59 FUNDS:**		$
B)		**OVERTIME**		
	1.	For Employees Budgeted by Governing Body:	$	
	2.	For Employees Budgeted Solely out of Forfeiture Funds:	$	
	3.	Number of Employees Paid Using Forfeiture Funds:	#	
	4.	**TOTAL OVERTIME PAID OUT OF CHAPTER 59 FUNDS:**		$
C)		**EQUIPMENT**		
	1.	Vehicles:	$	
	2.	Computers:	$	
	3.	Firearms, Protective Body Armor, Personal Equipment:	$	
	4.	Furniture:	$	
	5.	Software:	$	
	6.	Maintenance Costs:	$	
	7.	Uniforms:	$	
	8.	K9 Related Costs:	$	
	9.	Other (Provide Detail on Additional Sheet):	$	
	10.	**TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS:**		$
D)		**SUPPLIES**		
	1.	Office Supplies:	$	
	2.	Mobile Phone and Data Account Fees:	$	
	3.	Internet:	$	
	4.	Other (Provide Detail on Additional Sheet) :	$	
	5.	**TOTAL SUPPLIES PURCHASED WITH CHAPTER 59 FUNDS:**		$
E)		**TRAVEL**		
	1.	Total In State Travel	$	
		a) Transportation:	$	
		b) Meals & Lodging:	$	
		c) Mileage:	$	
		d) Incidental Expenses:	$	
	2.	Total Out of State Travel	$	
		a) Transportation:	$	
		b) Meals & Lodging:	$	

	c) Mileage:	$	
	d) Incidental Expenses:	$	
3.	**TOTAL TRAVEL PAID OUT OF CHAPTER 59 FUNDS:**		$
F)	**TRAINING**		
1.	Fees (Conferences, Seminars):	$	
2.	Materials (Books, CDs, Videos, etc.):	$	
3.	Other (Provide Detail on Additional Sheet):	$	
4.	**TOTAL TRAINING PAID OUT OF CHAPTER 59 FUNDS**		$
G)	**INVESTIGATIVE COSTS**		
1.	Informant Costs:	$	
2.	Buy Money:	$	
3.	Lab Expenses:	$	
4.	Other (Provide Detail on Additional Sheet) :	$	
5.	**TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS:**		$
H)	**PREVENTION/TREATMENT PROGRAMS / FINANCIAL ASSISTANCE / DONATIONS**		
1.	Total Prevention/Treatment Programs (pursuant to 59.06 (d-3(6)),(h), (j):	$	
2.	Total Financial Assistance (pursuant to Articles 59.06 (n) and (o)):	$	
3.	Total Donations (pursuant to Articles 59.06 (d-2)):	$	
4.	**TOTAL PREVENTION/TREATMENT PROGRAMS / FINANCIAL ASSISTANCE / DONATIONS (pursuant to Articles 59.06 (d-3(6)), (h), (j), (n), (o) (d-2)):**		$
I)	**FACILITY COSTS**		
1.	Building Purchase:	$	
2.	Lease Payments:	$	
3.	Remodeling:	$	
4.	Maintenance Costs:	$	
5.	Utilities:	$	
6.	Other (Provide Detail on Additional Sheet):	$	
7.	**TOTAL FACILITY COSTS PAID OUT OF CHAPTER 59 FUNDS:**		$
J)	**MISCELLANEOUS FEES**		
1.	Court Costs:	$	
2.	Filing Fees:	$	
3.	Insurance:	$	
4.	Witness Fees (including travel and security):	$	

	5.	Audit Costs and Fees (including audit preparation and professional fees):	$	
	6.	Other (Provide Detail on Additional Sheet):	$	
	7.	**TOTAL MISCELLANEOUS FEES PAID OUT OF CHAPTER 59 FUNDS:**		**$**
K)		**PAID TO STATE TREASURY / GENERAL FUND / HEALTH & HUMAN SERVICES COMMISSION:**		
	1.	Total paid to State Treasury due to lack of local agreement pursuant to 59.06 (c):	$	
	2.	Total paid to State Treasury due to participating in task force not established in accordance with 59.06 (q)(1):	$	
	3.	Total paid to General Fund pursuant to 59.06 (C-3) (c) (Texas Department of Public Safety only):	$	
	4.	Total forfeiture funds transferred to the Health and Human Services Commission pursuant to 59.06 (p):	$	
	5.	**TOTAL PAID TO STATE TREASURY / GENERAL FUND / HEALTH & HUMAN SERVICES COMMISSION OUT OF CHAPTER 59 FUNDS:**		**$**
L)		**TOTAL PAID TO COOPERATING AGENCY(IES) PURSUANT TO LOCAL AGREEMENT:**		**$**
M)		**TOTAL OTHER EXPENSES PAID OUT OF CHAPTER 59 FUNDS WHICH ARE NOT ACCOUNTED FOR IN PREVIOUS CATEGORIES (provide detailed descriptions on additional sheet(s) and attach to this report):**		**$**
N)		**TOTAL EXPENDITURES:**		**$**

NOTE: BOTH CERTIFICATIONS MUST BE COMPLETED

AUDITOR / TREASURER / ACCOUNTING PROFESSIONAL/PREPARER CERTIFICATION

I swear or affirm that the Commissioners Court, City Council or Agency Head (if no governing body) has requested that I conduct the audit required by Article 59.06 of the Code of Criminal Procedure and that upon diligent inspection of all relevant documents and supporting materials, I believe that the information contained in this report is true and correct to the best of my knowledge.

AUDITOR, TREASURER, ACCOUNTING PROFESSIONAL or PREPARER (Printed Name): Sakura Moten-Dedrick

TITLE: Director of Finance & Info Tech

SIGNATURE: Sakura Moten-Dedrick

DATE: 10/23/14

AGENCY HEAD CERTIFICATION

I swear or affirm, under penalty of perjury, that I have accounted for the seizure, forfeiture, receipt, and specific expenditure of all proceeds and property subject to Chapter 59 of the Code of Criminal Procedure, and that upon diligent inspection of all relevant documents and supporting materials, this asset forfeiture report is true and correct and contains all information required by Article 59.06 of the Code of Criminal Procedure. I further swear or affirm that, to the best of my knowledge, all expenditures reported herein were lawful and proper, and made in accordance with Texas law.

AGENCY HEAD (Printed Name): Thomas W. Williams

SIGNATURE: T. W. O/O

DATE: 10/24/2014

RETURN COMPLETED FORM TO:

Office of the Attorney General
Criminal Prosecutions Division
P.O. Box 12548
Austin, TX 78711-2548
Attn: Kent Richardson
(512)463-1591
Chapter59AuditReport@texasattorneygeneral.gov

WE CANNOT ACCEPT FAXED OR EMAILED COPIES. PLEASE MAIL THE SIGNED, ORIGINAL DOCUMENT TO OUR OFFICE AT THE ADDRESS ABOVE.

KENNEDALE
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Staff Report to the Honorable Mayor and City Council

Date: November 17, 2014

Agenda Item No: REGULAR ITEMS - A.

I. Subject:
Consider Ordinance 557 approving amendments to the Drought Contingency and Emergency Water Management Plan

II. Originated by:

Larry Ledbetter, Director of Public Works

III. Summary:
The City of Kennedale is required by contract with the City of Fort Worth to amend the Drought Contingency & Emergency Water Management Plan every five years.

Due to the on-going drought, Tarrant Regional Water District in 2014 required all cities to permanently implement (YEAR ROUND) phase one watering restrictions to include no outside watering during the hours of 10:00 am and 6:00 pm.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Ordinance 557	ORDINANCE NO 557.docx
2.	Drought Contingency Plan	City of Kennedale Drought Plan May 2014 Final.docx

ORDINANCE NO. 557

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS AMENDING ARTICLE VI "DROUGHT CONTINGENCY/WATER EMERGENCY PLAN" CHAPTER 23 OF THE KENNEDALE CITY CODE OF ORDINANCES, AS AMENDED, BY ADOPTING A NEW "DROUGHT CONTINGENCY/WATER EMERGENCY MANAGEMENT PLAN"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS OF THE PLAN; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the City Council further recognizes that natural limitations due to drought conditions cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, the occurrence of droughts cannot be predicted as to when one will begin or end; and emergency situations can occur at any time as a result of incidents such as pipeline failures, power outages, and pump failures; and

WHEREAS, Section 11.1272 of the Texas Water Code and the Texas Commission on Environmental Quality regulations require all public water supply systems in Texas to prepare a drought contingency and water emergency plan; and

WHEREAS, the City is a wholesale water service customer of the City of Fort Worth; and

WHEREAS, as a wholesale customer of the City of Fort Worth, the City is required to institute the same rationing and water use restrictions on City customers as does the City of Fort Worth for so long as any part of the total water supply is furnished by the City of Fort Worth; and

WHEREAS, the City Council wishes to adopt a Drought Contingency/Water Emergency Management Plan that provides for the reduction of water usage by customers of Kennedale water system and the implementation of emergency measures to reduce the demand upon the Kennedale water system during drought conditions; and

WHEREAS, the City Council has determined that the adoption of the attached

Drought Contingency/Water Emergency Management Plan is necessary to promote and preserve fire safety, and public health and sanitation.

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

SECTION 1.

Chapter 23, "Water, and Sewage Disposal", Article VI, "Drought Contingency/Water Emergency Plan" of the Kennedale City Code, is hereby amended in its entirety and replaced with an amended Drought Contingency/Water Emergency Management Plan, as contained in Exhibit "A," attached hereto and incorporated as if fully set forth herein.

SECTION 2.

The City Manager, or his/her duly appointed representative, is hereby authorized to declare the existence of the trigger conditions for water watch, water warning, and emergency water use as detailed in the Drought Contingency/ Water Emergency Management Plan, to initiate the measures prescribed for such conditions, and to terminate the conditions when the drought or water emergency has ended.

SECTION 3.

The City Manager, or his/her duly appointed representative, is hereby authorized to enact any or all of the prescribed procedures to enforce the Drought Contingency/ Water Emergency Management Plan, including the imposition of penalties for unauthorized water use and granting variances, and to adopt and promulgate rules and regulations if necessary to protect the public health and safety in case of system failure.

SECTION 4.

This authority established by this ordinance will remain in effect as long as the Texas Commission on Environmental Quality requires a drought contingency and water emergency plan or until this ordinance has been repealed or amended by the City Council.

SECTION 5.

This Ordinance shall be cumulative of all provisions of all existing ordinances and of the Kennedale City Code (2009), as amended, including but not limited to all ordinances of the City of Kennedale affecting drought contingencies or water emergencies, 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 6.
SEVERABILITY CLAUSE

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 7.
SAVINGS CLAUSE

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of the Kennedale City Code {1991), as amended, or any other ordinances regarding drought contingencies and water emergencies 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, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 8.
PENALTY CLAUSE

Any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars and no cents ($2,000.00) for each violation, and in addition shall pay all costs and expenses involved in the case. Each day a violation occurs is a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 9.
PAMPHLET FORM CLAUSE

The Director of Public Works is hereby authorized to publish in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 10.
PUBLICATION CLAUSE

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.
EFFECTIVE DATE CLAUSE

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 THE FIRST READING THIS 17TH DAY OF NOVEMBER, 2014.

APPROVE:

_____
Brian Johnson, Mayor

ATTEST:

_____
Kelly Cooper, City Secretary

APPROVED AS TO FORM AND LEGALITY:

_____
City Attorney

Exhibit A

City of Kennedale
405 Municipal Drive
Kennedale, Texas 76060
PWS #2200017

Drought Contingency & Emergency Water Management Plan

May 2014

Adopted: **Effective:**

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1. INTRODUCTION AND OBJECTIVES

The purpose of this Drought Contingency and Emergency Water Management Plan (subsequently referred to as the Plan) is as follows:

- To conserve the available water supply in times of drought and emergency
- To maintain supplies for domestic water use, sanitation, and fire protection
- To protect and preserve public health, welfare, and safety
- To minimize the adverse impacts of water supply shortages
- To minimize the adverse impacts of emergency water supply conditions.

2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

TCEQ rule Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.1 (4) defines a drought contingency plan as "a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies."

TCEQ rules governing development of and minimum requirements for drought contingency plans for municipal water suppliers and wholesale water suppliers are contained in Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 and Rule 288.22, respectively.

3. WATER SYSTEM PROFILE

Kennedale owns and operates five groundwater wells that pump water from the Trinity aquifer; these wells can reliably deliver up to 1.8 MGD. The City may also purchase up to 2.5 MGD of treated surface water from the City of Fort Worth. Fort Worth purchases raw surface water from the Tarrant Regional Water District (TRWD). The Fort Worth surface water supply sources are:

- West Fork of Trinity River: Lake Worth, Eagle Mountain Lake, and Lake Bridgeport; (A pipeline connecting Eagle Mountain Lake to the East Texas supply is under construction.)
- East Texas: Cedar Creek Reservoir, located approximately 75 miles southeast of Fort Worth; and Richland Chambers Reservoir, located approximately 75 miles southeast of Fort Worth; and
- Clear Fork of the Trinity River via Lake Benbrook. (A pipeline connects Lake Benbrook to the East Texas Supply.)

Kennedale has 3150 active retail service connections.

In accordance with Section 2.3 of the wholesale water contract, the City of Kennedale is required to institute and apply the same rationing, conservation measures or restrictions to

the use of water by their customers for so long as any part of their total water supply is being furnished by Fort Worth.

Kennedale maintains about 58 miles of distribution pipelines.

The water supply triggers defined in Section 4.4 were provided to Kennedale via Fort Worth and were developed by Tarrant Regional Water District. TRWD selected its triggers after hiring an outside consultant to evaluate where the triggers levels should be for the drought plan to achieve meaningful water savings.

4. DROUGHT CONTINGENCY/EMERGENCY WATER MANAGEMENT PLAN

4.1 Public Involvement

The City will afford an opportunity for the public to provide input into the preparation and/or amendment of the Plan by scheduling and providing notice of a public meeting. Notices will be posted on the City website and in the vestibule of City Hall located at 405 Municipal Drive, Kennedale, Texas.

After the Plan is adopted, it will be available on the City website in the Municode section. In addition, the Plan will be mailed to those who request a copy in writing. Written requests should be addressed to the Public Works Director, City of Kennedale, 405 Municipal Drive, Kennedale, Texas.

4.2 Public Education

The City will periodically provide the public with information about the Plan, including when a stage of the Plan has been initiated or terminated, information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information may be provided by publication in the local newspaper, press releases, utility bill inserts, and the City's newsletter and website.

4.3 Initiation & Termination of Drought & Emergency Response Stages

The provisions of this Plan shall apply to all persons, customers, and property utilizing potable water provided by the City of Kennedale. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities. The Plan does not apply to locations using treated wastewater effluent, private wells or possessing their own water rights in the Trinity River; however, any pond, impoundment, body of water, or other water source that is supplemented, or has the ability to supplement supply, with potable water shall adhere to the provisions of this plan.

The Plan may be applied to the entire city or geographic portions of the city as necessary. If the Plan is applied only to a limited sector, the boundaries will be defined in terms of roadways, creeks and other easily distinguishable features, such as city limits.

Mandatory Year Round Watering Restrictions

The following restrictions are year round mandatory water conservation strategies that will be enforced even when no Drought Stage has been initiated. The exceptions noted in Stage 1 Drought restrictions also apply to the year round mandatory restrictions.

- No outdoor watering with sprinklers or irrigation systems between 10 a.m. and 6 p.m.
- Limit landscape watering with sprinklers or irrigation systems at each service address to a twice per week schedule as outlined below. This includes landscape watering of parks, and sports fields.
    - Residential addresses ending in an even number (0, 2, 4, 6, or 8) may water on Wednesdays and Saturdays.
    - Residential addresses ending in an odd number (1, 3, 5, 7 or 9) may water on Thursdays and Sundays.
    - All non-residential locations (apartment complexes, businesses, industries, parks, medians, etc.) may water on Tuesdays and Fridays

Initiation of a Drought/ Emergency Water Management Stage

The City Manager or his/her duly appointed representative will monitor water supply and City system demands on a daily basis and will determine when conditions warrant initiation or termination of each stage of the Plan. This information shall be provided to the public by some or all of the following methods: publication in the local newspaper, press releases, utility bill inserts, and/or the City's newsletter or website.

Although each stage of the Plan will generally be implemented sequentially, when specific "triggers" are reached, the City Manager or his/her duly appointed representative may initiate the Plan beginning at any stage. Conversely, the City Manager or his/her duly appointed representative is not required to initiate the Plan simply because a "trigger" was reached.

Additional measures may be invoked whenever necessary, or if implementation of any stage of the Plan does not reduce demand enough to allow proper management of the system.

The City has a Wholesale Water Purchase Contract with the City of Fort Worth and is required to initiate water restrictions at least as stringent as those initiated by the City of Fort Worth.

Stages imposed by Tarrant Regional Water District (TRWD) action must be initiated by the City of Fort Worth and the City of Kennedale.

Termination of a Drought Stage

The City Manager or his/her official designee may order the termination of a drought response or water emergency stage when the conditions for termination are met or at their discretion. The public will be notified through local media, newsletter and the City of Kennedale Web site.

The City Manager or his/her official designee may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. The City Manager or his designee may choose to implement a phased out approach when exiting various stages to protect the integrity of the system. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

4.4 Drought and Emergency Response Stages

Stage 1 – Water Watch

Triggering Conditions

- Water demand reaches or exceeds 90% of reliable delivery capacity for three consecutive days. The delivery capacity could be citywide or in a specified portion of the system.
- Kennedale's water treatment or distribution system becomes contaminated.
- Kennedale's water demand for all or part of the delivery system approaches delivery capacity.
- Kennedale's water supply system is unable to deliver water due to the failure or damage of major water system components.
- TRWD initiated Stage 1 – Water Watch for one or more of the following reasons:
    - Total raw water supply in TRWD western and eastern division reservoirs drops below 75% (25% depleted) of conservation storage.
    - Water demand for all or part of the TRWD delivery system exceeds delivery capacity because delivery capacity is inadequate.
    - Water demand is projected to approach the limit of TRWD's permitted supply.
    - TRWD's supply source becomes contaminated.
    - TRWD's water supply system is unable to deliver water due to the failure or damage of major water system components.

- The TRWD General Manager, with the concurrence of the TRWD Board of Directors, finds that conditions warrant the declaration of a Stage 1 drought.

Terminating Conditions for Stage 1

Stage 1 will terminate when the total combined raw water supply in TRWD western and eastern division reservoirs exceeds 95% of conservation storage capacity or remains at or above 85% for 90 consecutive days, whichever occurs first.

Goal for Use Reduction for Stage 1

The goal for water use reduction under Stage 1, Water Watch, is five percent. If circumstances warrant or if required by TRWD, the City Manager or his/her official designee can set a goal for greater water use reduction.

Actions Available for Stage 1

The City Manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. The City Manager or his/her official designee must implement any action(s) required by the Tarrant Regional Water District.

All Water Users

Initiate mandatory restrictions to prohibit non-essential water use as follows:

- Discourage hosing of paved areas, such as sidewalks, driveways, parking lots, tennis courts, patios, or other impervious surfaces, except to alleviate an immediate health or safety hazard. This may include premises with raw or processed food, pharmaceutical or vaccine processing, storage or vending establishments including restaurants and grocery stores may be washed to the extent necessary for sanitary purposes. These areas may also include:
    - Trash and dumpster areas
    - Areas around fuel pumps
    - Store front cleaning of areas with accumulated bird droppings, feathers and debris
    - Localized spot cleaning of parking areas to remove oil, grease buildup that may pose a health and safety issue.
- Discourage hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting.
- Prohibit using water in such a manner as to allow runoff or other waste, including:
    - failure to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;

        - operating a permanently installed irrigation system with: (a) a broken head; (b) a head that is out of adjustment and the arc of the spray head is over a street or parking lot; or (c) a head that is misting because of high water pressure; or
        - during irrigation, allowing water to (a) to run off a property and form a stream of water in a street for a distance of 50 feet or greater; or (b) to pond in a street or parking lot to a depth greater than one-quarter of an inch.
        - Allowing or causing an irrigation system or other lawn watering device to operate during any form of precipitation or when temperatures are at or below 32 degrees Fahrenheit.

- Prohibit outdoor watering with sprinklers or irrigation systems between 10 a.m. and 6 p.m.
- Limit landscape watering with sprinklers or irrigation systems at each service address to a twice per week schedule as outlined below. This includes landscape watering of parks, and sports fields.
    - Residential addresses ending in an even number (0, 2, 4, 6, or 8) may water on Wednesdays and Saturdays.
    - Residential addresses ending in an odd number (1, 3, 5, 7 or 9) may water on Thursdays and Sundays.
    - All non-residential locations (apartment complexes, businesses, industries, parks, medians, etc.) may water on Tuesdays and Fridays.

        Exceptions:

        - Lawns and landscaping may be watered on any day by handheld hose, drip irrigation, a soaker hose or tree bubbler.
        - Water use necessary for the repair of an irrigation system, plumbing line, fountain, etc. in the presence of the person making the repair.
        - Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the Public Works Director, if the Public Works Director determines that a property cannot be completely irrigated with an average of three-quarters of an inch of water in a single day, and that the property should be divided into sections to be irrigated on different days. If approved, no station will be watered more than twice per week.
        - Establishing new turf is discouraged. If hydro mulch, grass sod, or grass seed is installed for the purpose of establishing a new lawn, there are no watering restrictions for the first 30 days while it is being established. After that, the watering restrictions set forth in this stage apply. (This does not include over seeding with rye, or seasonal grasses, since turf already exist.)
        - Skinned areas of sports fields may be watered as needed for dust control.

- Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by five percent.

- Public areas that are open to the public at-large and have a high –impact from frequent use may be allowed additional watering, with a variance granted by the Public Works Director, if it is deemed to be beneficial to serve and protect the community amenity. Examples may include but are not limited to: outdoor amphitheaters, demonstration gardens, public art exhibitions, outdoor learning areas, arboretums, etc.

- All users are encouraged to reduce the frequency of draining and refilling swimming pools.
- All users are encouraged to use native and adapted drought tolerant plants in landscaping.
- Washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to the use of a hand-held bucket or a hand-held hose equipped with a positive-pressure shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the premises of a commercial car wash or commercial service station. Companies with an automated on-site vehicle washing facility may wash its vehicles at any time. Further, such washing may be exempt from these requirements if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- Discourage the filling, draining, or refilling of swimming pools, wading pools, hot tubs and Jacuzzi type pools except to maintain adequate water levels for structural integrity, proper operation and maintenance, and/or to alleviate an issue that poses a public safety risk.

City and Local Governments

In addition to the actions listed above:

- Review conditions and problems that caused Stage 1. Take corrective action.
- Increase public education efforts on ways to reduce water use.
- Increase enforcement efforts.
- Intensify leak detection and repair efforts.
- Audit all city and local government irrigation systems to ensure proper condition, settings, and operation.

- Identify and encourage voluntary reduction measures by high-volume water users through water use audits.
- Reduce non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- The Fort Worth Water Director or his/her designee will notify wholesale customers of actions being taken and require them to implement the same stage and measures. Such action is in accordance with Section 2.3 of the uniform wholesale water contract. Per the contract, wholesale customers are required to institute and apply the same rationing, conservation measures or restrictions to the use of water by their customers for so long as any part of their total water supply is being furnished by Fort Worth.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Stock at commercial plant nurseries is exempt from Stage 1 watering restrictions.
- Hotels, restaurants, and bars are encouraged to serve drinking water to patrons on an "on demand" basis.
- Hotels are encouraged to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
- Car wash facilities must keep equipment in good working order, which should include regular inspections to be sure there are no leaks, broken or misdirected nozzles, and that all equipment is operating efficiently.
- All commercial and industrial customers are encouraged to audit irrigation systems

Stage 2 – Water Warning

Triggering Conditions for Stage 2

- Water demand reaches or exceeds 95% of reliable delivery capacity for three consecutive days. The delivery capacity could be citywide or in a specified portion of the system.
- Contamination of the water supply source(s) or water supply system.
- Demand for all or part of the delivery system equals or exceeds delivery capacity because delivery capacity is inadequate.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- TRWD initiated Stage 2 – Water Warning for one or more of the following reasons:

- Total raw water supply in TRWD western and eastern division reservoirs drops below 60% (40% depleted) of conservation storage.
- Water demand for all or part of the TRWD delivery system exceeds delivery capacity because delivery capacity is inadequate.
- Water demand is projected to approach the limit of TRWD's permitted supply.
- TRWD's supply source becomes contaminated.
- TRWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- The TRWD General Manager, with the concurrence of the TRWD Board of Directors, finds that conditions warrant the declaration of a Stage 2 drought.

Terminating Conditions for Stage 2

Stage 2 will terminate when the total combined raw water supply in TRWD western and eastern division reservoirs exceeds 75% of conservation storage capacity or remains at or above 70% for 30 consecutive days.

Goal for Use Reduction for Stage 2

The goal for water use reduction under Stage 2 – Water Warning is to decrease use by 10 percent. If circumstances warrant or if required by TRWD, the City Manager or his/her official designee can set a goal for greater water use reduction.

Actions Available for Stage 2

The City Manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. The City Manager or his/her official designee must implement any action(s) required by the Tarrant Regional Water District.

- Continue actions under Stage 1.
- Initiate engineering studies to evaluate water supply alternatives should conditions worsen.

All Water Users

- Limit landscape watering with sprinklers or irrigation systems to a once per week schedule at each service address as determined by the Public Works Director. This includes landscape watering at parks, and sports fields.

  Exceptions:

  - Lawns and landscaping may be watered on any day, at any time, by handheld hose, drip irrigation, a soaker hose or tree bubbler.

    - Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the director of utilities, if the director determines that a property can not be completely irrigated with an average of three-quarters of an inch of water in a single day, and that the property should be divided into sections to be irrigated on different days. If approved, no station will be watered more than once per week.
    - Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by 10%.
    - All users are encouraged to wait until the current drought or emergency situation has passed before establishing new landscaping and turf. Variances granted for establishing new turf grass or landscaping will be for a maximum of 30 days from the date of approval. After that, the watering restrictions set forth in this stage apply. (This does not include over seeding with rye since turf already exists.)
- Discourage the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- Discourage the filling, draining, or refilling of swimming pools, wading pools, hot tubs and Jacuzzi type pools except to maintain adequate water levels for structural integrity, proper operation and maintenance, and/or to alleviate an issue that poses a public safety risk.
- Encourage the use of covers for all types of pools, hot tubs, and Jacuzzi type pools when not in use.

City and Local Governments

- Review conditions or problems that caused Stage 2. Take corrective action.
- Increase frequency of media releases on water supply conditions.
- Further accelerate public education efforts on ways to reduce water use.
- Eliminate non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- Prohibit wet street sweeping.
- The Fort Worth Water Director or his/her designee will notify wholesale customers of actions being taken and require them to implement the same stage and measures. Such action is in accordance with Section 2.3 of the uniform wholesale water contract. Per the contract, wholesale customers are required to institute and apply the

same rationing, conservation measures or restrictions to the use of water by their customers for so long as any part of their total water supply is being furnished by Fort Worth.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Use of water from fire hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare requires a variance issued by the Public Works Director.

Stage 3 – Emergency Water Use

Triggering Conditions for Stage 3

- Water demand has reaches or exceeds 98% of reliable delivery capacity for one day. The delivery capacity could be citywide or in a specified portion of the system.
- Contamination of the water supply source(s) or water supply system.
- Demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- TRWD has initiated Stage 3 – Emergency Water Use, which may also be initiated by one or more of the following:
    - Total raw water supply in TRWD western and eastern division reservoirs drops below 45% (55% depleted) of conservation storage.
    - Water demand for all or part of the TRWD delivery system exceeds delivery capacity because delivery capacity is inadequate.
    - Water demand is projected to approach or exceed the limit of TRWD's permitted supply.
    - TRWD's supply source becomes contaminated.
    - TRWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
    - The TRWD General Manager, with the concurrence of the TRWD Board of Directors, finds that conditions warrant the declaration of a Stage 3 drought.

Terminating Conditions for Stage 3

Stage 3 will terminate when the total combined raw water supply in TRWD western and eastern division reservoirs exceeds 60% of conservation storage capacity or remains at or above 55% for 30 consecutive days, whichever occurs first.

Goals for Use Reduction for Stage 3

The goal for water use reduction under Stage 3, Emergency Water Use, is to decrease use by 20 percent. If circumstances warrant or if required by TRWD, the City Manager or his/her official designee can set a goal for a greater water use reduction.

Actions Available for Stage 3

The City Manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. The City Manager or his/her official designee must implement any action(s) required by the Tarrant Regional Water District.

- Continue or initiate any actions available under Stages 1 and 2.

All Water Users

- Prohibit landscape watering, including at parks and sports fields.

  Exceptions:

  - Watering with hand-held hose, soaker hose or drip irrigation system may occur any day and any time. (The intent of this measure is to allow for the protection of structural foundations, trees, and other high value landscape materials).
  - Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events may be allowed to water by variance. A water management plan must be submitted to the Public Works Director detailing how each area will comply with stage 3 drought measures.
- Prohibit establishment of new landscaping. Variances may be granted for those landscape projects started prior to the initiation of stage 3 drought restrictions.
- Vehicle washing restricted to commercial car wash, commercial service station or a private on-site vehicle washing facility and can only be done as necessary for health, sanitation, or safety reasons, including but not limited to the washing of garbage trucks and vehicles used to transport food and other perishables. All other vehicle washing is prohibited.
- Prohibit the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life.

- Prohibit the draining, filling, or refilling of swimming pools, wading pools and Jacuzzi type pools. Existing private and public pools may add water to maintain pool levels; however they may not be refilled using automatic fill valves.
- Prohibit hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting with high-pressure equipment. Must be performed by a professional power washing service utilizing high efficiency equipment and a vacuum recovery system where possible.

City and Local Governments

In addition to actions listed above:

- Continue or initiate any actions available under Stages 1 and 2.
- Review conditions or problems that caused Stage 3. Take corrective action.
- Implement viable alternative water supply strategies.
- Increase frequency of media releases explaining emergency situation.
- Reduce city and local government water use to maximum extent possible.
- Prohibit the permitting of new swimming pools, Jacuzzi type pools, spas, ornamental ponds and fountain construction. Pools already permitted and under construction may be completely filled with water.
- The Fort Worth Water Director will notify wholesale customers of actions being taken and require them to implement the same stage and measures. Such action is in accordance with Section 2.3 of the uniform wholesale water contract. Per the contract, wholesale customers are required to institute and apply the same rationing, conservation measures or restrictions to the use of water by their customers for so long as any part of their total water supply is being furnished by Fort Worth.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Hotels, restaurants, and bars required to serve drinking water to patrons on an "on demand" basis.
- Hotels are required to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
- Stock at commercial plant nursery may be watered only with a hand-held hose, hand-held watering can, or drip irrigation system.
- Commercial and industrial water users required to reduce water use by a set percentage determined by the Public Works Director.

- Use of water from hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare requires a special permit issued by the Public Works Director. Fire hydrant use may be limited to only designated hydrants.

4.5 Procedures for Granting Variances to the Plan

Variances granted from any particular stage of the Plan will automatically expire when that particular stage is terminated and is no longer in effect.

A variance is not automatically renewable; a subsequent re-initiation of a stage from which an applicant was previously granted a variance will require a new application and a new variance.

A variance will not be re-issued to an applicant simply because that applicant had previously been granted that variance. Each application will be evaluated based on the conditions in place at the time that application is received, regardless of any previously granted variance.

No variance will be retroactive or otherwise exempt an applicant from a violation of the Plan occurring prior to the issuance of the variance.

Grounds for Granting a Variance

The City Manager or his/her duly appointed representative may grant temporary variances for water uses otherwise prohibited under this Plan only if all of the following conditions are met:

1. Granting the variance would not cause an immediate, significant reduction in the City's water supply;

2. Failure to approve the variance would result in an extreme hardship or need relating to health, safety or welfare of the applicant;

3. Granting the variance would not adversely affect the health, safety and welfare of other persons; and

4. The applicant signs a compliance agreement provided by the City Manager or his/her duly appointed representative agreeing to use water only in the amount and manner approved by the variance.

Information Required for a Variance Request

Any application for variances must be in writing and must include the following information:

1. Name and address of applicant(s);

2. Purpose of water use and the amount of daily use;

3. Specific provisions from which relief is requested;

4. A detailed statement of the adverse effect of the provision from which relief is requested

5. A description of the relief requested;

6. The period of time for which the variance is sought;

7. Alternative measures that will be taken to reduce water use;

8. Methods of measurement and reporting to confirm water use reductions (if applicable); and

9. Any other pertinent information requested.

Requests for a variance may be directed to the following address:

Director of Public Works
City of Kennedale
405 Municipal Drive
Kennedale, Texas 76060

Revocation of a Variance

The City Manager or his/her duly appointed representative may revoke a variance when he or she determines that:

- The conditions set out in Grounds for Granting a Variance, above, are not being met or are no longer applicable;

- The terms of the compliance agreement have been violated; or

- Revocation is advisable to protect the health, safety, or welfare of the public or any person.

4.6 Procedures for Enforcing Mandatory Water Use Measures

Mandatory water use restrictions are in place year round and additional restrictions may be imposed in Stages 1, 2, and 3. These mandatory water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, customers will be given a written warning that they have violated the mandatory water use restriction.

- On the second and subsequent violations, citations may be issued to customers, with minimum and maximum fines established by ordinance.

- After three violations have occurred, the utility may cut off water service to the customer.

4.7 Coordination with the Other Entities

The Texas Water Development Board established Regional Water Planning Groups pursuant to Senate Bill 1 (75th Texas Legislature) and made these groups responsible for the development of regional water management plans. The City has modeled this plan to be complimentary to the Fort Worth plan. The Fort Worth plan has been modeled to conform to TRWD requirements and also to be complimentary with other retail water suppliers in the region.

4.8 Review and Update of Drought Contingency Plan

The City will review the Plan at least every five years, as required by Texas Commission on Environmental Quality rules. The Plan, or its sections, may be amended, revised or updated anytime it is appropriate to include new information.

4.9 Severability

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

5. DROUGHT CONTINGENCY PLAN DEFINITIONS

Term	Definition
Aesthetic water use	Water use for ornamental or decorative features such as fountains, reflecting pools and water gardens.
Alternative Water Source	Means water produced by a source other than a water treatment plan and in not considered potable. These sources can include, but are not limited to: reclaimed/recycled water, collected rain water, collected grey water, private well water.
Athletic field	Means a sports playing field, the essential feature of which is turf grass, used primarily for organized sports for schools, professional sports, or sanctioned league play.
Automatic Irrigation System	Means a site specific system of delivering water generally for landscaping via a system of pipes or other conduits installed below ground that automatically cycles water use through water emitters to a preset program, whether on a designated timer or through manual operation.
Aquatic Life	Means a vertebrate organism dependent upon an aquatic environment to sustain its life.
Conservation	Those practices, techniques, and technologies that reduce water consumption; reduce the loss or waste of water; improve the efficiency in water use; and increase the recycling and reuse of water so that supply is conserved and made available for other or future uses.
Customer	Any person, company, or organization using water supplied by TRWD or through an entity supplied by TRWD.
Drip irrigation	An irrigation system (drip, porous pipe, etc.) that applies water at a predetermined controlled low-flow levels directly to the roots of the plant
Drought Contingency Plan	Means a strategy or combination of strategies for temporary supply management and demand management responses to temporary or potentially recurring water supply shortages and other water supply emergencies.

Fountain	An artificially created jet, stream or flow of water, a structure, often decorative, from which a jet, stream or flow of water issues.
Hand-held hose	Means a hose physically held by one person, fitted with a manual or automatic shutoff nozzle.
Hand Watering	Means the application of water for irrigation purposes through a hand-held watering hose, watering can, or bucket.
Hose-end Sprinkler	Means a device through which water flows from a hose to a sprinkler to water any lawn or landscape.
Hosing	Means to spray, water, or wash with a water hose.
Industrial water use	Means the use of water for or in connection with commercial or industrial activities, including but not limited to, manufacturing, bottling, brewing, food processing, scientific research and technology, recycling, production of concrete, asphalt, and cement, commercial uses of water for tourism, entertainment, and hotel or motel lodging, generation of power other than hydroelectric and other business activities.
Irrigation system	Means a system of fixed pipes and water emitters that apply water to landscape plants or turf grass, including, but not limited to, in-ground and permanent irrigation systems.
Lake, lagoon or pond	Means an artificially created body of fresh or salt water.
Landscape irrigation use	Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, right-of-ways, medians and entry ways.

"New landscape" means	a. Installed during construction of a new house, multi-family dwelling, or commercial building; b. Installed as part of a governmental entity's capital improvement project; or c. Alters more than one-half the area of an existing landscape.
Non-essential water use	Water uses that are not required for the protection of public health, safety and welfare, such as: a. Irrigating landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this plan; b. Washing any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas; except to alleviate a public health and safety issue; c. Washing any automobile, motorbike, boat (and/or trailer), airplane, or other vehicle except where required by law for safety and sanitary purposes. d. Washing buildings or structures for purposes other than immediate fire protection, or other uses provided under this plan; e. Filling, refilling, or adding to any swimming pools or Jacuzzi-type pools, except to maintain safe operating levels; f. Filling or operation of a fountain or pond for aesthetic or scenic purposes except when necessary to support aquatic life; g. Failure to repair a controllable leak within a reasonable time period after being directed to do so by formal notice; and h. Drawing from hydrants for construction purposes or any other purpose other than firefighting or protection of public drinking water supplies.
Park	Means a non-residential or multifamily tract of land, other than a golf course, maintained by a city, private organization, or individual, as a place of beauty or public recreation and available for use to the general public.
Power/Pressure washer	Means a machine that uses water or a water-based product applied at high pressure to clean impervious surfaces.
Pressure washer (High-Efficiency)	Means a machine that uses water or a water-based product applied at 1500 pounds per square inch (PSI) or greater.
Reclaimed Water	Municipal wastewater effluent that is given additional treatment and distributed for reuse in certain applications. Also referred to as recycled water.
Soaker hose	Means a flexible hose that is designed to slowly emit water across the entire length and connect directly to a flexible hose or spigot. Does not include hose that by design or use sends a fine spray in the air. It is not considered drip irrigation.

Splash Pad/Spray Park	Means an area for water play that has no standing water. Typically, they utilize various spray nozzles which spray water in multiple directions.
Swimming pool	Means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.
Vegetable garden	Means any noncommercial vegetable garden planted primarily for household use; "noncommercial" includes incidental direct selling of produce from such a vegetable garden to the public.
Well Water	Means water that has been, or is, obtained from the ground by digging, boring, or drilling to access an underground aquifer.

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Staff Report to the Honorable Mayor and City Council

Date: November 17, 2014

Agenda Item No: REGULAR ITEMS - B.

I. Subject:
Consider approval of an Ordinance 559 amending the city's schedule of administrative fees.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:

The purpose of this ordinance is to set forth those fees and charges authorized to be charged by the City of Kennedale pursuant to specific authorization by the City Council. Fees and charges help offset both direct and indirect costs associated with the administration, investigation and implementation of ordinances and regulations applicable to development, as well as numerous other City activities and operations.

The City Council last approved revisions to this “schedule” of fees and charges on June 12, 2014 (Administrative Fees: Pavilion Rentals, Library, Water Deposits). For the purposes of this update, City staff would like to incorporate several changes, which are denoted in red on attached Schedule of Fees. In terms of staff's reasoning for the denoted items:

Pavilion Rentals - The Senior Citizen Center has been renting out their facility for quite some time. The establishment of these fees only serves to formalize the rental process and regulate payments and the return of deposits in the same fashion as all other city facility rentals (i.e., TownCenter Park, pavilions, community center, etc.). Not only does staff recommend continuing the rental of the building to members, but we also desire to make it available to all Kennedale residents as well.

Water/Sewer Fees - In our most recent review, we have determined that the current "Transfer Fee" is not in line with Global's best practices. They are incorporating this fee; however, it is a very manual process outside of their regular procedures. In an effort to better standardize our billing process and minimize the high potential for error and misapplication across utility accounts, we recommend transitioning to the "Establishment Fee." This fee covers the cost of creating new/transitioning customer files and turning water back on in the field and, if necessary, replacing the meter if it has been removed.

Planning Fees - Based on a recent review of fees charged in other surrounding cities, we believe these amounts are more in line with what builders and developers would expect to pay, and thus will enhance the business climate in Kennedale.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Ordinance 559	Ordinance 559.Schedule of Fees.docx
2.	Exhibit A: Schedule of Fees	Schedule of Fees (Proposed).pdf

ORDINANCE NO. 559

AN ORDINANCE AMENDING SECTION 2-3 OF THE KENNEDALE CITY CODE (1991), AS AMENDED, BY AMENDING, REPEALING, OR PROVIDING FOR FEES FOR CERTAIN CITY SERVICES; PROVIDING FOR THE ADOPTION OF ADDITIONAL FEES BY ORDINANCE; PROVIDING FOR THE REPEAL OF FEES INCONSISTENT WITH THE FEES ESTABLISHED HEREIN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, in order to offset costs associated with the administration, investigation and implementation of ordinances and regulations applicable to development and other activities, the City Council has previously established a schedule of fees; and

WHEREAS, the City Council now desires to update its schedule of fees by amending or repealing certain fees and adopting new fees; and

WHEREAS, the City Council desires to repeal all previously adopted fees, which are inconsistent with fees established by this ordinance.

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

SECTION 1.

Section 2-3 of the Kennedale City Code, as amended, is hereby amended to read as follows:

"Sec. 2-3. Fees for Licenses, Inspections, Permits, etc.

(a) All persons, firms or corporations applying for licenses, inspections, permits or other city services, activities or uses that, by their nature, require the applicant to pay a fee incident to such application, shall be required to pay the following fees as established in Exhibit "A."

(b) The City Council shall periodically review the need for and the amount of fees for city services, uses and activities and shall adopt or revise it from time to time.

(c) In addition to the fees established in paragraph (a) above, the City Council may adopt other ordinances from time to time establishing various fees for city services, activities and uses.

(d) It shall be a violation of this Section to conduct any activity or commence any use for which the payment of a fee is required unless such fee has been paid."

SECTION 2.

The fees set forth in Exhibit A attached to this ordinance are hereby adopted.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances of the City of Kennedale, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

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 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars ($500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of Section 2-3 of the Kennedale City Code (1991), as amended, or any other ordinance or code provision affecting fees which 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, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Kennedale is hereby directed to publish the caption, penalty clause, publication clause and effective date 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 52.011 of the Local Government Code.

SECTION 8.

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, ADOPTED AND APPROVED by the City Council of the City of Kennedale, Texas, this the 17th day of November, 2014.

APPROVED:

_____
Mayor, Brian Johnson

ATTEST:

_____
Kelly Cooper, City Secretary

APPROVED AS TO FORM AND LEGALITY:

_____
City Attorney

EXHIBIT A: SCHEDULE OF FEES
(11-17-14 Draft)

ADMINISTRATIVE FEES (CURRENT)

Ballfields		
KYA-Annual Lease Agreement		
Day	$20.00	
Night	$40.00	
Business License	$25.00	
Itinerant Vendor License	$100.00	
Certificate of Occupancy	$55.00	
Credit Card Fees		
Municipal Court	3%	When payment of any fee, fine court cost or other charge related to Kennedale Municipal Court is made by credit card via phone, online or in-person, a fee equaling three (3) percent per fine, fine, court cost or other charge paid by credit card will be added to the fee, fine, court cost or other charge paid.
Utility Billing	$0.00	When payment of any fee or other charge related to Kennedale Utility Billing is made by credit card online or in-person, no fee will be required. ~~Phone payments are not accepted.~~
Permitting	3%	When payment of any fee or other charge related to Kennedale Permitting is made by credit card via phone, online or in-person, a fee equaling three (3) percent per fee or other charge paid by credit card will be added to the fee or other charge paid.
Miscellaneous/Other Activity	$0.00	When payment of any fee or other charge related to any other miscellaneous activity is made by credit card online or in-person, no fee will be required. Phone payments are not accepted. If, for any reason, a payment by credit card is not honored by the credit card company on which the funds are drawn, the city shall collect the same acount as the fee charged for the collection of a check drawn on an accouant with insufficient funds from the person who owes the fee, fine, court cost or other charge in addition to the original fee, fine, courst cost or other charge.
Returned Check	$30.00	
Request For		
Annexation	$200.00	
Zoning Change or Amendment	$500.00	0-10 Acres
	$1,500.00	10 Plus More Acres
Variance	$250.00	
Special Use Permit	$250.00	
Zoning Verification Letter	$30.00	
Fingerprinting of Citizens for Record Checks	$10.00	Per Card
Gathering Station Inspection	$1,000.00	
Printouts/Copies From Plotter	$1.00	Per Square Foot

EXHIBIT A: SCHEDULE OF FEES
(11-17-14 Draft)

Request for Vehicle Accident Reports	$6.00	Per Report
Community Center Rentals		
Residents (Living W/In Boundaries of Kennedale ISD)	$30.00	Per Hour During Library's Normal Hours, Minimum $100 Required
	$40.00	Per Hour During Library's Closed Hours, Minimum $100 Required
Non-Residents	$40.00	Per Hour During Library's Normal Hours, Minimum $100 Required
	$50.00	Per Hour During Library's Closed Hours, Minimum $100 Required
Deposit (Applies To All Users)	$150.00	May Be Refunded Upon Successful Inspection
Senior Citizen Center Rentals		
Members (Current Application/Renewal On File)	$75.00	Flat Fee Per Day
Non-Members	$125.00	Flat Fee Per Day
Member Deposit (Current Application/Renewal On File)	$75.00	May Be Refunded Upon Successful Inspection
Non-Member Deposit	$150.00	May Be Refunded Upon Successful Inspection
Pavilion Rentals		
Residents (Living W/In Boundaries of Kennedale ISD)	$60.00	For 2 Hours, $90 For 4 Hours, $115 For 6 Hours, $140 For 8 Hours
Non-Residents	$120.00	For 2 Hours, $180 For 4 Hours, $230 For 6 Hours, $280 For 8 Hours
Deposit (Applies To All Users)	$50.00	May Be Refunded Upon Successful Inspection
Library		
Overdue Book	$0.25	Per Day
Photocopies From Copier	$0.10	Per Page
Printouts From Computer	$0.25	Per Page
Materials Lost or Damaged Beyond Repair	$5.00	Processing Fee + Listed Retail Price
Repair of Inventory Material	Actual Cost	
Replace Lost or Damaged Audiobook Binder	$5.00	
Replace Lost or Damaged CD Case	$1.50	
Replace Lost or Damaged DVD Case	$2.00	
Interlibrary Loan	No Charge	
Library Card Replacement	$2.00	
Repair of CD/DVD	$1.00	
Transmittal Fax Only (Local)	$1.00	First Page, $.25 Each Page Thereafter
Transmittal Fax Only (Long Distance)	$2.00	First Page, $.50 Each Page Thereafter
~~Mowing and/or Cleaning Property (Contractor)~~	~~Actual Cost~~	~~Plus $75.00 Administrative Fee~~
Mowing and/or Cleaning Property (Contractor)	Actual Cost	Plus $100.00 Administrative Fee
Deposit-Residential Water	$60.00	Renter's Deposit $90. If Any Account Is Finaled Out With A Minimum Balance Of $45 And Is 30 Days Past Due, A Double Deposit Is Required Per Account To Re-Establish Service.
Deposit-Residential Sewer	$30.00	Renter's Deposit $60. If Any Account Is Finaled Out With A Minimum Balance Of $45 And Is 30 Days Past Due, A Double Deposit Is Required Per Account To Re-Establish Service.
Deposit-Commercial Water	$100.00	If Any Account Is Finaled Out With A Minimum Balance Of $45 And Is 30 Days Past Due, A Double Deposit Is Required Per Account To Re-Establish Service.

EXHIBIT A: SCHEDULE OF FEES
(11-17-14 Draft)

Deposit-Commercial Sewer	$50.00	If Any Account Is Finaled Out With A Minimum Balance Of $45 And Is 30 Days Past Due, A Double Deposit Is Required Per Account To Re-Establish Service.
Deposit-Commercial/Industrial w/High Consumption	-	1/6 of Annual Consumption
Deposit-Water for Cleanup (15 Day Temp Service)	$30.00	Per Day
Use of Bulk Unmetered Water	-	Rate Times Estimated Gallons
Deposit-Use of Bulk Water Meter (Fire Hydrant)	$600.00	Plus $50 Service Fee
Deposit-Use of Bulk Water Meter (Gas Drilling)	$1,000.00	Plus $50 Service Fee
Water Administrative Fee (Appear On Cut List)	$20.00	
~~Water Transfer Fee~~	~~$15.00~~	
Establishment Fee	$15.00	Applied To All New Accounts
Disconnect Service At The Main	Actual Cost	
Utility Equipment	Actual Cost	Meter, Meter Base, MTU, Register, Bullhead And Any Other Associated Equipment Installed For Water/Sewer Metering Purposes
Move City Utilities	Actual Cost	
Private Water Well Permit & Inspection	$75.00	
Liquid Waste Permit	$50.00	
Liquid Waste Trip Ticket Book	$20.00	
Wrecker License and/or Permit	$20.00	
Garage Sale Permit	$10.00	
~~Preliminary Plat~~	~~$300.00~~	~~Plus $5.00 Per Lot~~
Preliminary Plat	$300.00	Plus $10.00 Per Lot
Final Plat	$300.00	Plus $10.00 Per Lot
Replat	$500.00	0-10 Acres
	$1,500.00	10 Plus More Acres
~~Minor Plat, Vacated Plat, Amended Plat~~	~~$300.00~~	~~Plus $5.00 Per Lot~~
Minor Plat, Vacated Plat, Amended Plat	$300.00	Plus $10.00 Per Lot
~~Plat Filing Fees~~	~~$5.00~~	~~Administrative Fee~~

PERMIT FEES

MECHANICAL CODE PERMITS & INSPECTIONS		
Single Family, Duplex, Townhouse, Etc.	$110.00	Per Air Handling Unit
Apartments, Condominiums, Triplex & Larger	$110.00	Each Dwelling
Commercial Cooling/Heating System		
Less Than 100 tons	$110.00	Per Air Handling Unit
101+ More Tons	$110.00	Per Air Handling Unit
MISCELLANEOUS		
Replacement of Furnaces, Condensing Unit or Cooling/Heating System	$55.00	
Vent-A-Hood For Commercial Cooking	$55.00	
Minimum Fee For Single Permit	$55.00	

EXHIBIT A: SCHEDULE OF FEES
(11-17-14 Draft)

Plan Review (Single Family)	$55.00	New/Remodel/Addition
Plan Review (Commerical, Industrial)	20%	Of Building Permit Cost, New/Remodel/Addition
Plan Review (All Other)	$25.00	
Plan Re-Review	$25.00	
Re-Inspection Fee	$55.00	
Mechanical Code Appeal	$100.00	
All Unlisted Permits Per Inspection	$55.00	
FIRE CODE PERMITS, INSPECTIONS & FEES		
Fire Report	$15.00	
EMS Report	$15.00	
Fire Inspection (Annual, Bi-Annual of CO)	No Charge	
Re-Inspection	No Charge	
2nd Re-Inspection	$55.00	
3rd or more Re-Inspection	-	Fee Doubles For Each Subsequent Inspection
Fire Site Plan Review	$55.00	
Building/Fire Plan Review	$55.00	
Fire Code Appeal	$100.00	
Fire Suppression Systems	$55.00	
Engine Standby Fee	$150.00	Hourly
Brush Truck Standby Fee	$75.00	Hourly
HazMat Squad Standby Fee	$300.00	Hourly
Fire Marshall Standby Fee	$40.00	Hourly
Paramedic Standby Fee	$30.00	Hourly
False Alarm (3rd or M'ore)	$55.00	Fee Doubles For Each SubsequentAlarm
Ambulance Fees	Actual Cost	The actual cost of ambulance service shall be established according ot the reasonable and customary reimbursement allowances used by applicable insurance carriers, as reviewed and approved by the City Manager on a quarterly basis.
OIL & GAS WELL PERMITS & FEES		
Fee Assessed Per Application Per Pad Site		
1st Well Requested On An Application for Pad Site	$5,000.00	Each Additional Well On Same Application for Same Pad Site Is Same Cost as 1st Well. Also, Additional Wells Requested After Submission of Original Application For Particular Pad Site Shall Be Counted As New Application.
Annual Inspection Per Well	$2,000.00	$300 Per Additional Well On Same Pad Site

Annual Air Sampling & Reporting Fee Per Pad Site For Low-To-Moderate Impact Sites	$12,000.00	
Annual Air Sampling & Reporting Fee Per Pad Site For High Impact Sites (To Be Determined By City)	$45,000.00	May Be Paid In Quarterly Installments
Annual Air Sampling & Reporting Fee As Needed	$12,000.00	Per Instance Of Additional Monitoring

BUILDING CODE PERMITS, INSPECTIONS AND PLAN REVIEWS

Construction Table Based On Total Valuation:

$1.00 to $500.00	$23.50	
$501.00 to $2,000.00	$23.50	For the first $500.00 plus $3.05 for each additional $100.00, or fraction thereof, to and including $2,000.00
$2,001.00 to $25,000.00	$69.25	For the first $2,000.00 plus $14.00 for each additional $1,000.00, or fraction thereof, to and including $25,000.00
$25,001.00 to 50,000.00	$391.25	For the first $25,000.00 plus $10.10 for each additional $1,000.00, or fraction thereof, to and including $50,000.00
$50,001.00 to $100,000.00	$643.75	For the first $50,000.00 plus $7.00 for each additional $1,000.00, or fraction thereof, to and including $100,000.00
$100,001.00 to $500,000.00	$993.75	For the first $100,000.00 plus $5.60 for each additional $1,000.00, or fraction thereof, to and including $500,000.00
$500,001.00 to $1,000,000.00	$3,233.75	For the first $500,000.00 plus $4.75 for each additional $1,000.00, or fraction thereof, to and including $1,000,000.00
$1,000,001.00 & Up	$5,608.75	For the first $1,000,000.00 plus $3.65 for each additional $1,000.00, or fraction thereof

<u>MISCELLANEOUS</u>

Alterations and Repairs To Existing Structures	-	Per Construction Table Above
Detached Garages	-	Per Construction Table Above
Carports	-	Per Construction Table Above
Patio Covers	-	Per Construction Table Above
Portable Building (Max.150 sq. ft.)	-	Per Construction Table Above
Accessory Building (Max. 150 sq. ft.)	-	Per Construction Table Above
Swimming Pool (Above ground)	-	Per Construction Table Above
Swimming Pool (In-ground)	-	Per Construction Table Above
Fireplace	-	Per Construction Table Above
Demolition	$55.00	
Underground Storage Tanks (Includes Gas Lines To Tank)	-	Per Construction Table Above
Tent (Commercial) >200 sq.ft.	$55.00	
Carnival or Temporary Amusement	$55.00	
Canopy> 400 sq.ft.	$55.00	
Signs	-	Per Construction Table Above

EXHIBIT A: SCHEDULE OF FEES
(11-17-14 Draft)

Fence	-	Per Construction Table Above
Drive Approach	$55.00	
Reinspection Fee	$55.00	
Moving Buildings into the City	$100.00	
Building Code Appeal	$100.00	
Tree Mitigation Fee	$200.00	Per Caliper Inch
PLUMBING CODE PERMITS & INSPECTIONS		
Single Family, Duplex, Townhouse, Etc.	$0.06	Per Square Foot
Apartments, Condominiums, Triplex, Etc.	$0.05	Per Square Foot
Commercial/Industrial New Construction	$0.06	Per Square Foot
Unit Fee Schedule		
Each Plumbing Fixture, Trap or Set Fixture, Etc.	$55.00	
Each Building Water Line	$55.00	
Each Building Sewer Line	$55.00	
Installation/Repair of Water Piping and/or Water Treatment Equipment	$55.00	
Repair or Alteration of Drainage or Vent Piping	$55.00	
Each Lawn Sprinkler System On Any One Meter, Including Backflow Protection	$55.00	
Private Sewage Disposal System	$55.00	
Industrial Waste Pre-Treatment Interceptor	$55.00	
Gas Fired Applicable W/Special Vent Pipe	$55.00	
Each Gas Piping System (1-4 Outlets)	$55.00	
Each Gas Piping System (5 Plus More Outlets)	$55.00	
Repair of Existing Piping	$55.00	
Fireplace Piping & Valve	$55.00	
Gas Line Pressure Check	$55.00	
Yard Line Pressure Check	$55.00	
MISCELLANEOUS		
Reinspection Fee	$55.00	
Minimum Calculation		
Single Residence	$55.00	
Non-Residence Unit	$55.00	
Plumbing Code Appeal	$100.00	
All Unlisted Permits Per Inspection	$55.00	
ELECTRICAL CODE PERMITS & INSPECTIONS		
Single Family, Duplex, Townhouse, Etc.	$0.06	Per Square Foot
Apartments, Condominiums, Triplex, Etc.	$0.05	Per Square Foot
Commercial/Industrial New Construction	$0.06	Per Square Foot

EXHIBIT A: SCHEDULE OF FEES
(11-17-14 Draft)

In-Ground, Residential Swimming Pool	$110.00	
Electric Generators Used By Carnival, Circuses, Travling Shows, Exhibits	$55.00	
MISCELLANEOUS		
Fixed Residential Appliances Or Receptacle Outlets, Etc. (As In City Code)	$55.00	
Receptacles, Switch, Lighting or Other Outlet Holding Devices	$55.00	
Services of 600 Volts or Less:		
Not Over 200 Amps	$55.00	
Over 600 Volts or Over 1,000 Amps	$55.00	
(As in City Code) each Power Apparatus	$2.00	
Rating in Horsepower, Etc.		
Up To & Including 1, Each	$55.00	
Over 1, Up To 10, Each	$55.00	
Over 10, Up To 50, Each	$55.00	
Over 50, Up To 100, Each	$55.00	
Over 100, Each	$55.00	
Signs, Outline Lighting or Marquees From		
One Branch Circuit, Each	$55.00	
Additional Branch Outlets	$55.00	
Temporary Power To Any Structure (Max 90 Days)	$55.00	
Miscellaneous		
Minimum For Any Single Permit, Except Temporary Construction Pole Reconnects	$55.00	
Reinspection Fee	$55.00	
Electrical Code Appeal	$100.00	
All Unlisted Permits Per Inspection	$55.00	
REGISTRATION		
Contractor Registration Fees In Accordance With Article XIII, Chapter 4 of This Code		
Initial Registration	$100.00	
Annual Renewal	$50.00	
Sub-Division Construction Inspection Fees	4%	Of Construction Cost
Tree Permit	$150	Per Acre With $150 Minimum
WATER & WASTEWATER FEES		
Water Tap Fee (No Street Cut)		
¾”	$475.00	Plus $300 Meter Set Fee Plus Cost Of Meter
1”	$525.00	Plus $350 Meter Set Fee Plus Cost Of Meter
1 ½”	$950.00	Plus $550 Meter Set Fee Plus Cost Of Meter
2”	$1,075.00	Plus $700 Meter Set Fee Plus Cost Of Meter
3” or Larger	Actual Cost	Plus Actual Cost Meter Set Fee Plus Cost Of Meter
Water Tap Fee (With Street Cut or Bore)		
¾”	$925.00	Plus $300 Meter Set Fee Plus Cost Of Meter

EXHIBIT A: SCHEDULE OF FEES
(11-17-14 Draft)

1”	$975.00	Plus $350 Meter Set Fee Plus Cost Of Meter
1 ½”	$1,400.00	Plus $550 Meter Set Fee Plus Cost Of Meter
2”	$1,525.00	Plus $700 Meter Set Fee Plus Cost Of Meter
3” or Larger	Actual Cost	Plus Actual Cost Meter Set Fee Plus Cost Of Meter
Sewer Tap Fee (No Street Cut)		
4”	$425.00	
6”	$600.00	
8” or Larger	Actual Cost	
Sewer Tap Fee (With Street Cut or Bore)		
4”	$875.00	
6”	$1,050.00	
8” or Larger	Actual Cost	
Meter Calibration Fee		
City Staff	$45.00	Only If Meter Determined Accurate
Independent Testing Company	$125.00	Only If Meter Determined Accurate
Meter Tampering Fee		
~~Tampering with Meter~~	~~$100.00~~	~~Per Offense Plus Cost Of Repair/Replacement~~
~~Tampering with Lock or Cutting Lock~~	~~$100.00~~	~~Per Offense Plus Cost Of Repair/Replacement~~
Tampering with Meter	$200.00	Per Offense Plus Cost Of Repair/Replacement And Labor
Tampering with Lock or Cutting Lock	$200.00	Per Offense Plus Cost Of Repair/Replacement And Labor

KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

Staff Report to the Commissioners

Date: November 17, 2014

Agenda Item No: REGULAR ITEMS - C.

I. Subject:
CASE # PZ 14-08 Public hearing and consideration of Ordinance 560 approval regarding a request by the City of Kennedale for a zoning change for 23.8 acres from "C-2" General commercial district to "I" Industrial district, at 7200, 7201, 7203, 7205, 7206, 7207, 7208, 7210, 7218, 7220, 7222, 7224, 7226, 7228, 7230, 7232, 7234, & 7236 & 3 unaddressed parcels on **Bloxom Park Rd**, 7208, 7210, 7213, 7225, & an unaddressed parcel on **Hudson Village Creek Rd**, and 4310, 4382, & an unaddressed parcel on **Eden Rd S**, legal descriptions of Wade H Hudson Survey A 716 Tracts 2C, 2C01, 2C02, 2C03, 2C04, 2C04A, 2C05, 2C06, 2C07, 2C08, 2C09, 2C10, 2C10A, 2C11, 2C12, 2C13, 2C18, 2C19, 2C20, 2C21, 2C22, 2C23, 2C24, 2C25, 2C25A, 2C25B, 2C14, 2C15, 2C16, & Peter Rouche Survey A1338 Tracts 1, 1B, 1C, 2, 2B, & 2C.
1. Staff presentation
2. Public hearing
3. Staff summary and recommendation

II. Originated by:

Rachel Roberts, City Planner

III. Summary:
Applicant: City of Kennedale
Location: Bloxom Park Rd (off Hudson Village Creek Rd)
Request: rezone from C-2 to I

Background & Overview.
The properties along Bloxom Park Road (see map) are currently zoned C-2 general commercial. The Future Land Use Plan designates the properties as Light Industrial. The City has taken some small steps to implement the comprehensive land use plan, and rezoning these properties would be the first step toward achieving this component (transitioning to a light industrial district in this area) of the comprehensive plan. The City of Kennedale does not have a light industrial zoning district, however, so city staff request to rezone the properties to "I" Industrial zoning (see Staff Review, below).

We received several phone calls and an email message regarding this case. Most of the phone calls have been from property owners or businesses owners in the area to be rezoned who wanted more information about the case but did not express an opinion for or against the rezoning request. The email message was received from a property owner opposed to the request, since he did not think the City had the authority to rezone. Staff also met with several property owners from the area, and they did not express concern about the zoning change, since a rezoning would not affect their ability or their tenants' ability to continue operating their businesses.

Staff Review.
Compliance with the comprehensive land use plan.

The Future Land Use Plan shows this area as Light Industrial. This is the only part of the Light Industrial character district not already zoned for industrial use. The city does not have a Light Industrial zoning district at this time. A Light Industrial district could be established through the upcoming code update this next fiscal year, but in the meantime, the Industrial zoning district can be used to move this area towards conformity with the comprehensive plan. Staff considers the rezoning request to be in compliance with the comprehensive land use plan.

Compliance with the strategic plan.
The strategic plan does not speak to this rezoning request.

Compliance with City Council priorities.
The Council's list of priorities according to the balanced scorecard process does not address this rezoning request.

Staff Recommendation.
Staff recommends approval.

Planning & Zoning Commission Recommendation.
The Planning & Zoning Commission considered this case during its meeting on October 16. The members of the Commission voted to recommend approval of the rezoning, with 4 members voting in favor, 1 member voting against, and 1 abstaining.

City Council Consideration.
City code establishes the Council's process for considering rezoning requests.

Sec. 17-429(h)
The proponent of any zoning change shall satisfy the city council that either the general welfare of the portion of 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. If such is proved to the council's satisfaction, it may grant the requested zoning change; or it may change the zoning designation on a portion of such property; or it may initiate a request to consider changing all or a portion of such property to a district other than that requested and of a different character. Furthermore, not withstanding any provision to the contrary, the city council acting on the recommendation of the planning and zoning commission or on its own initiative, in considering a rezoning application may 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.

Sample Motions.
I make a motion to approve Case PZ 14-08.
I make a motion to deny Case PZ 14-08.
I make a motion to deny Case PZ 14-08 without prejudice.

IV. Notification:

V. Fiscal Impact Summary:

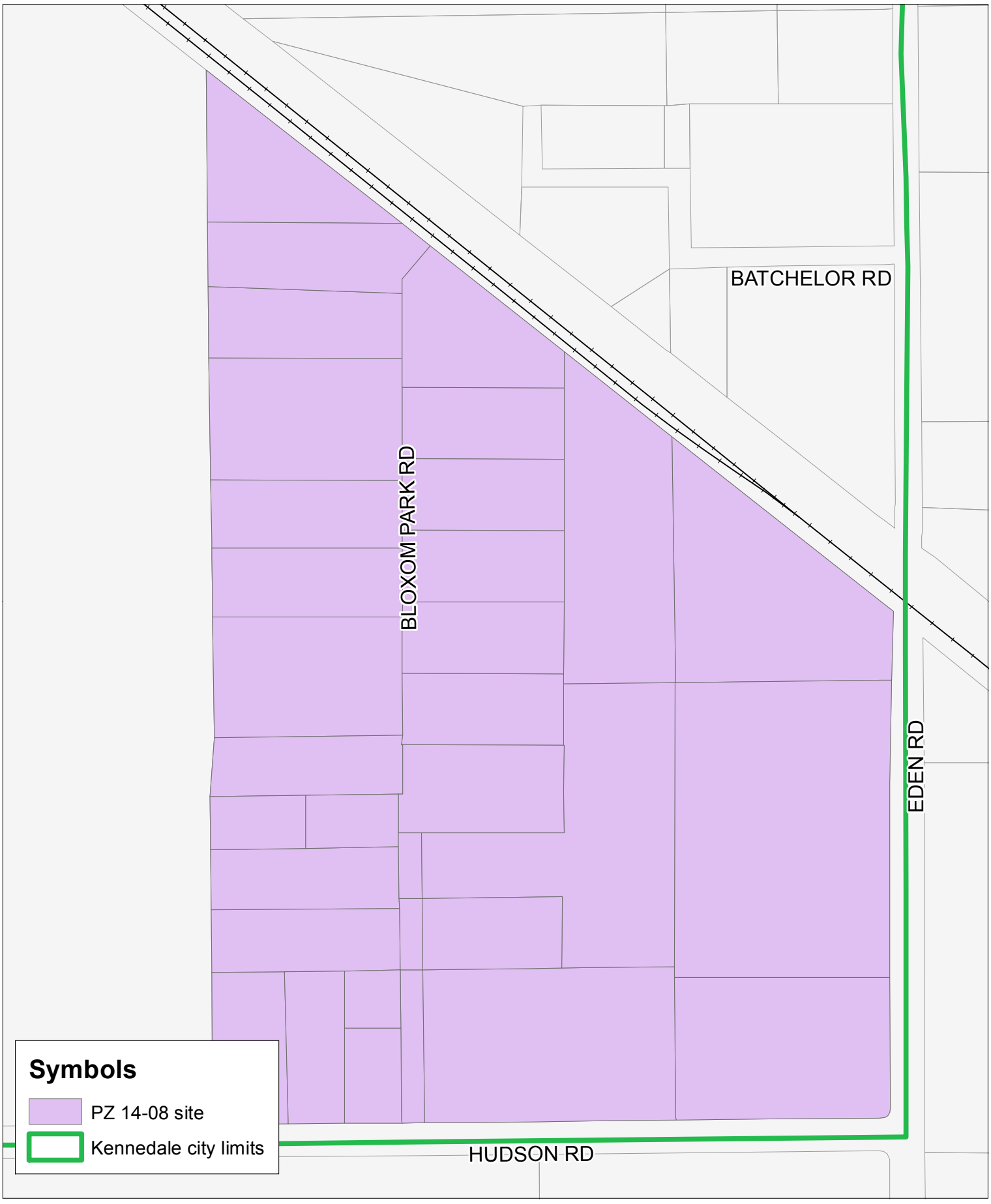
VI. Legal Impact:

VII. Recommendation:
Approve

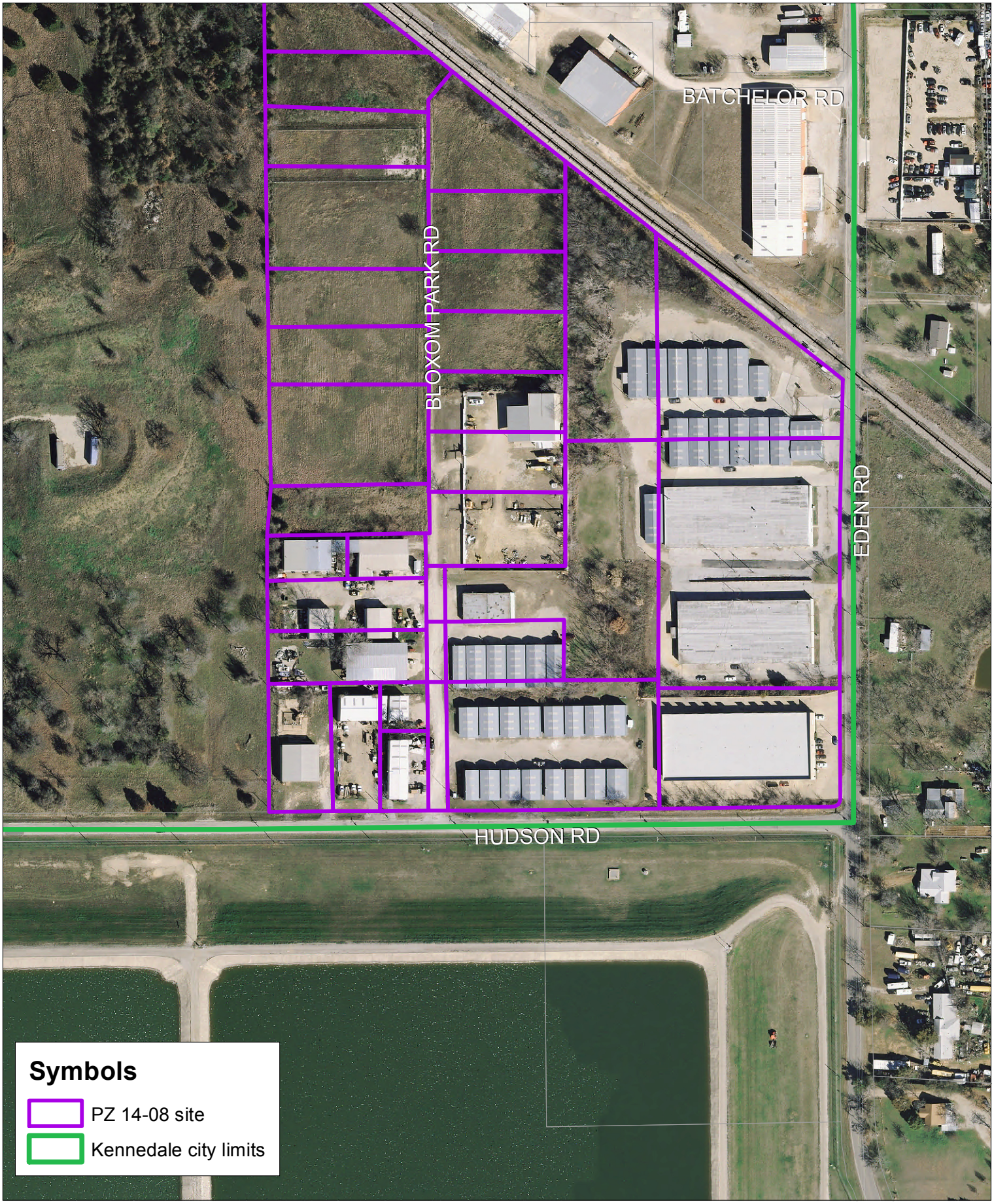
VIII. Alternative Actions:

IX. Attachments:

1.	PZ 14-08 map showing site	PZ 14-08 site.pdf
2.	PZ 14-08 aerial view	PZ 14-08 aerial view.pdf
3.	Future Land Use Plan excerpt	Kennedale_Future Land Use_Light industrial district.jpg
4.	Sec. 17-421 Schedule of Uses	Sec._17_421.___Schedule_of_uses_and_off_street_parking_requirements..docx
5.	Ordinance 560	ORDINANCE 560. PZ 14-08.docx



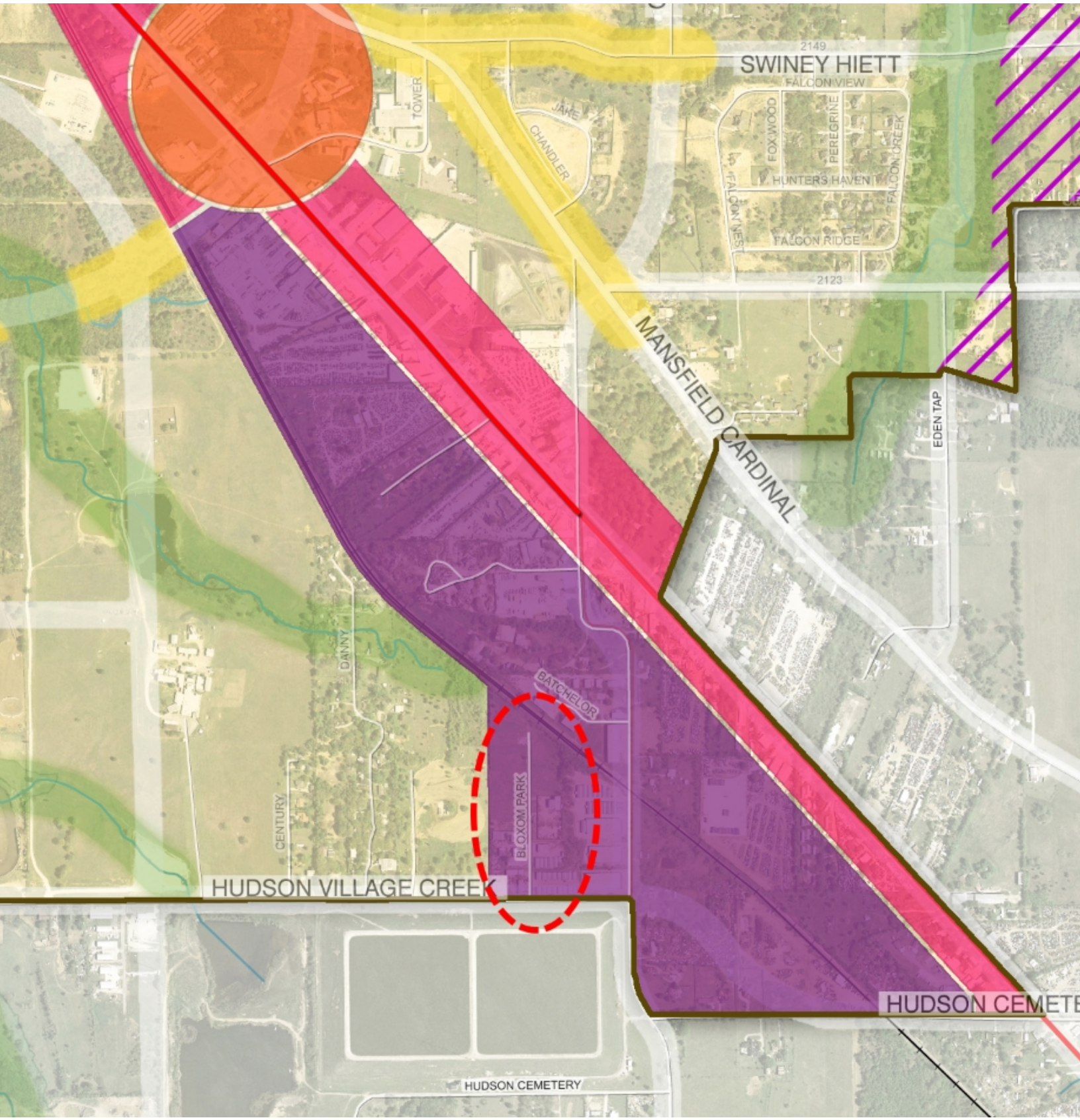
Parcel boundary data from the Tarrant Appraisal District
Road data from North Central Texas Council of Governments



Parcel boundary data from the Tarrant Appraisal District
Road data from North Central Texas Council of Governments

N

0 90 180
Feet


SWINEY HIETT
2149
FALCON VIEW
FOX WOOD
PEREGRINE
FALCON CREEK
HUNTERS HAVEN
FALCON NEST
FALCON RIDGE
2123
TOWER
JAKE
CHANDLER
MANSFIELD CARDINAL
EDEN TAP
DANNY
BATCHELOR
BLOXOM PARK
CENTURY
HUDSON VILLAGE CREEK
HUDSON CEMETE
HUDSON CEMETERY

Sec. 17-421. - Schedule of uses and off-street parking requirements.

(a) *Schedule of uses and off-street parking established.* Land and buildings in each of the following classified districts may be used for any of the following listed uses but no land shall hereinafter be used and no building or structure shall hereinafter be occupied, used, erected, altered, removed, placed, demolished, or converted which is arranged or designed to be used for other than those uses specified for the district in which it is located as set forth by the following schedule of uses:

X	Designates use permitted in district
	Designates use prohibited in district
S	Use permitted with special exception
CUP	Designates use permitted with conditional use permit

Note: Gross floor area is abbreviated as g.f.a. Also, any numbers in parenthesis represents a footnote and all footnotes are found at the end of this schedule of uses.

	AG	R-1	R-2	R-3	OT	D	MF	MH	C-0	C-1	C-2	I	PARKING
Residential Use:													
Single-family dwelling	X	X	X	X	X	X	X	X			(1)	(1)	2/Dwelling unit
Two-family dwelling						X	X						2/Dwelling unit
Three-family dwelling							X						2/Dwelling unit
Four-family dwelling							X						2/Dwelling unit
Apartment or multi-family building							X						2.5/Dwelling unit
Manufactured home								X					2/Dwelling unit
Industrialized housing	X	X	X	X	X	X	X	X					2/Dwelling unit
Manufactured home park								X					2/Dwelling unit
Townhouse							X						2/Dwelling unit
Condominium							X						2/Dwelling unit
Recreational vehicle park								X					1/Dwelling unit
Boarding (rooming) house							X						1/Dwelling unit
Child day care home	X	X	X	X	X	X	X	X					2/Dwelling unit

Group home	S	S	S	S	S	S	X	S					2/Dwelling unit
Group day care home	S	S	S	S	S	S	S	S					Specified by Special Exception
Halfway house	S	S	S	S	S	S	X	S					1/2 Occupants
Guest house/servant quarters	S	S	S	S	S	S	S	S					1/Dwelling unit
Accessory building	X	X	X	X	X	X	X	X					None
Basketball court (private)	X	X	X	X	X	X	X	X					
Tennis court (private)	X	X	X	X	X	X	X	X					None
Swimming pool (private)	X	X	X	X	X	X	X	X					None
Home occupation (2)	X	X	X	X	X	X	X	X					None
Agriculture/Ranch Uses:													
Farm or ranch	X	S	S	S	S								2/Dwelling unit
Farmer's market	S										X	X	2/Stall
Grainery or gin	S											X	1/2,000 Site area
Micro-winery, with vineyard	X												1/300 G.F.A. of area open to public, plus 1/2,000 sq. ft. of site area not open to public; 1/2,000 sq. ft. of site area if not open to public
Orchard	X	X	X	X	X	X	X	X		X	X	X	1/Employee
Produce stand	S								X	X	X		1/200 G.F.A.
Rodeo ground, arena (public)	S											S	Specified by Special Exception
Stable, private	X	S	S	S	S	S	S	S		S	S	S	None
Stable, public	X											S	1/2 Stalls
Vineyard	X												1/300 G.F.A. of area open to public, plus 1/2,000 sq. ft. of site area not open to public; 1/2,000 sq. ft. of site area if not open to public
Winery, with vineyard	X												1/300 G.F.A. or see subsection

													17-416(e), whichever is greater
Utility/Solid Waste Uses:													
Cable TV lines	X	X	X	X	X	X	X	X	X	X	X	X	None
Electric substations	S	S	S	S	S	S	S	S	S	S	S	X	None
Gas regulations/gate station	S	S	S	S	S	S	S	S	S	S	S	X	None
Gathering station	S	S	S	S	S	S	S	S		S	S	S	None
Microwave tower	S	S	S	S	S	S	S	S	S	S	S	X	None
Radio & television tower	S	S	S	S	S	S	S	S	S	S	S	X	None
Railroad freight terminal												X	1/Employee
Railroad yard												X	1/Employee
Recycling collection facility										S	S	S	1/Employee
Refuse transfer station	S											S	1/Employee
Sewer lift station	X	X	X	X	X	X	X	X	X	X	X	X	None
Telephone exchange	S	S	S	S	S	S	X	X	X	X	X	X	None
Utility poles and lines	X	X	X	X	X	X	X	X	X	X	X	X	None
Utility mains and lines	X	X	X	X	X	X	X	X	X	X	X	X	None
Wastewater treatment plant	S	S	S	S	S	S	S	S	S	S	S	X	2 Minimum
Water pump station	X	X	X	X	X	X	X	X	X	X	X	X	None
Water storage tank	X	X	X	X	X	X	X	X	X	X	X	X	None
Water treatment plant	S	S	S	S	S	S	S	S	S	S	S	X	2 Minimum
Water well	S	S	S	S	S	S	S	S	S	S	S	S	None
Government & Institutional Uses:													
Athletic field or stadium	S	S	S	S	S	S	S	S	S		X	X	1/4 Seats

Auditorium or amphitheater										X	X	X	1/4 Seats
Basketball courts (public)	S	S	S	S	S	S	S	S	S		X	X	
Baseball/softball (public)	S	S	S	S	S	S	S	S	S		X	X	
Cemetery or mausoleum	S	S	S	S	S	S	S	S	S	S	S	S	None
Church or rectory	X	X	X	X	X	X	X	X	X	X	X	X	1/4 Seats
College or university		S	S	S	S	S	S	S	X	X	X	X	1/3 Students
Community center	S	S	S	S	S	S	X	X	X	X	X	X	1/200 G.F.A.
Convalescent center							X				X		1/3 Beds
Fire station	X	X	X	X	X	X	X	X	X	X	X	X	2/Bay
Government office									X	X	X	X	1/300 G.F.A.
Hospital	S	S	S	S	S	S	S	S	S		X	X	1/Bed
Library	X	X	X	X	X	X	X	X	X	X	X	X	1/300 G.F.A.
Museum or art gallery	S	S	S	S	S	S	S	S	X	X	X	X	1/200 G.F.A.
Park or playground	X	X	X	X	X	X	X	X	X	X	X	X	1/2000 Site area
Police station	S	S	S	S	S	S	S	S	X	X	X	X	2 Visitor spaces
Post office	X	X	X	X	X	X	X	X	X	X	X	X	1/400 G.F.A.
Prison or penitentiary												S	1/6 Cells
Sanitarium												S	1/6 Beds
School (nursery or kindergarten)	S	S	S	S	S	S	S	S	X	X	X	X	1/10 Children
School (trade or business)									S	S	X	X	1/3 Students
School (elementary or middle)	X	X	X	X	X	X	X	X	X	X	X	X	1/10 Students
School (high school)	X	X	X	X	X	X	X	X	X	X	X	X	1/3 Students
Soccer fields (public)	S	S	S	S	S	S	S	S	S		X	X	
Swimming pool (public)	S	S	S	S	S	S	S	S	S		X	X	10 Minimum
Tennis court (public)	S	S	S	S	S	S	S	S	S		X	X	2/Court

Commercial Uses:													
Amusement park (outside)											X	X	1/500 Site area
Animal shelter	S										X	X	1/500 G.F.A.
Antique shop									X	X	X	X	1/200 G.F.A.
Apparel or clothing store									CUP	X	X		1/200 G.F.A.
Appliance repair shop										X	X	X	1/400 G.F.A.
Appliance store (retail)									X	X	X	X	1/400 G.F.A.
Arcade										X	X	X	1/200 G.F.A.
Art supply store									X	X	X	X	1/300 G.F.A.
Athletic or fitness club										X	X	X	1/200 G.F.A.
Auction										X	X	X	1/200 G.F.A.
Audio store (retail)									X	X	X	X	1/200 G.F.A.
Auto inspection station										S	X	X	2/Service Bay
Auto paint & body shop											X	X	1/200 G.F.A.
Auto parts store									S	X	X	X	1/300 G.F.A.
Auto rental									S	S	X	X	1.25/Rental car
Auto repair garage											X	X	3/Service bay
Auto sales lot											X	X	1/1000 Site area
Bakery (retail)									X	X	X	S	1/200 G.F.A.
Bank or financial institution										X	X		1/300 G.F.A.
Bed & breakfast accommodations	S	S	S	S	S	S	X		S	X	X		1/Guest room
Barber or beauty shop	S	S	S	S	S	S	S		X	X	X		3/Chair
Bicycle sales and repair									X	X	X		1/300 G.F.A.

Boat sales											X	X	1/400 G.F.A.
Boat storage											X	X	1/1000 Site area
Book store									CUP	X	X		1/200 G.F.A.
Bowling alley										X	X	X	6/Lane
Brewery											X	X	See subsection 17-416(e)
Building materials/lumber yard											X	X	1/500 G.F.A.
Bus terminal										X	X	X	1/300 G.F.A.
Business office										X	X	X	1/300 G.F.A.
Cabinet shop										S	X	X	1/400 G.F.A.
Camera store (retail)									X	X	X		1/200 G.F.A.
Car wash										S	X	X	1/Wash Bay
Carnival or circus										S	S	S	Specified by Special Exception
Carpet store (retail)									X	X	X		1/400 G.F.A.
Cemetery monument sales											X	X	1/400 G.F.A.
Child care center or facility										X	X	X	1/6 Children
Christmas tree sales	S								S	S	X	X	1/1000 Site area
Computer store (retail/service)									X	X	X		1/200 G.F.A.
Contractor yard (outside storage)											X	X	1/2000 Site area
Convenience stores										X			1/400 G.F.A.
Dental clinic or office										X	X		1/200 G.F.A.
Department store									X	X	X		1/200 G.F.A.
Electrical sales & service									S	X	X	X	1/400 G.F.A.
Electronics store (retail)									X	X	X		1/200 G.F.A.
Employment agency										X	X		1/200 G.F.A.
Farm implement sales											X	X	1/400 G.F.A.

Feed store											X	X	1/400 G.F.A.
Feed store with animal sales											S	S	1/400 G.F.A.
Firewood sales	S										X	X	1/1000 Site area
Florist shop									X	X	X		1/300 G.F.A.
Flea market (inside)											S	S	1/200 G.F.A.
Flea market (outside)											S	S	1/1000 Site area
Fraternity/sorority lodge										X	X		1/200 G.F.A.
Furrier										S	X	X	1/400 G.F.A.
Furniture store (retail)									X	X	X		1/400 G.F.A.
Game hall										S	X	X	1/100 G.F.A.
Gift or novelty shop									CUP	X	X		1/200 G.F.A.
Golf course	X	S	S	S	S	S	S	S			X	X	2/Green
Golf course, miniature											X	X	1.5/Hole
Golf driving range	X										X	X	1/Driving tee
Grocery store									X	X	X		1/200 G.F.A.
Gun shooting range (indoor)	S										S	X	1/500 G.F.A.
Gunsmith shop									X	X	X	X	1/300 G.F.A.
Hardware store									X	X	X		1/400 G.F.A.
Heating/AC sales & service										X	X	X	1/400 G.F.A.
Heavy equipment sales											X	X	1/1000 Site area
Hobby shop									X	X	X		1/200 G.F.A.
Hotel or motel									S	S	X	X	1/Guest room
Impounded vehicle storage facility												S	
Insurance sales office										X	X		1/400 G.F.A.
Jewelry store									X	X	X		1/200 G.F.A.

Kennel	S									S	X	X	1/400 G.F.A.
Laboratory, medical or dental										S	X	X	1/400 G.F.A.
Large retail facility[4]									CUP	CUP	CUP	CUP	1/200 G.F.A.
Laundry or dry cleaners									X	X	X	X	1/400 G.F.A.
Lawnmower sales & service										S	X	X	1/400 G.F.A.
Leather goods shop (retail)									X	X	X	X	1/400 G.F.A.
Lithographic shop										X	X	X	1/300 G.F.A.
Locksmith shop										X	X	X	1/300 G.F.A.
Meat, poultry & fish market									S	X	X	X	1/300 G.F.A.
Medical clinic or office										X	X		1/300 G.F.A.
Micro-brewery										X	X	X	1/300 G.F.A.
Micro-winery, without vineyard										X	X	X	1/300 G.F.A.
Mini-warehouse											X	X	1/500 G.F.A.
Manufactured home sales lot											X	X	1/1000 Site area
Massage establishment											S	S	1/200 G.F.A.
Mortuary or funeral home										S	X	X	1/Sanctuary Seats
Motorcycle sales											X	X	1/200 G.F.A.
Movie theater (drive-in)											X	X	1/Employee
Movie theater (indoor)									CUP	X	X	X	1/3 Seats
Musical instrument store									X	X	X		1/200 G.F.A.
Newspaper office										X	X		1/200 G.F.A.
Newsstand									CUP	X	X		1/200 G.F.A.

Nightclub or dance hall										S	X	X	1/100 G.F.A.
Office supply store									X	X	X		1/200 G.F.A.
Optical clinic or office										X	X		1/200 G.F.A.
Optical dispensary store									X	X	X		1/200 G.F.A.
Paint sales store (retail)									X	X	X		1/200 G.F.A.
Paintball sports, survival games	S										X	X	1/500 Site area
Parking lot (commercial, for fee)	S									S	S	X	
Pawnshop										S	X		1/200 G.F.A.
Pet grooming shop									S	X	X		1/200 G.F.A.
Pet shop									X	X	X		1/200 G.F.A.
Pharmacy or drug store									X	X	X		1/200 G.F.A.
Photography studio									CUP	X	X		1/200 G.F.A.
Picture framing shop									X	X	X		1/200 G.F.A.
Plant nursery	S										X	X	1/400 G.F.A.
Plumbing sales and service										X	X	X	1/400 G.F.A.
Pool or billiard hall										S	X	X	1/100 G.F.A.
Print shop									S	X	X	X	1/400 G.F.A.
Private club (serving alcohol)										S	X	X	1/100 G.F.A.
Professional offices										X	X	X	1/300 G.F.A.
Racquetball court										X	X	X	2/Court
Real estate or leasing office	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)		X	X	X	1/300 G.F.A.
Recording studio										X	X		1/300 G.F.A.
Recreational vehicle sales											X	X	
Recreational vehicle											X	X	1/400 G.F.A.

storage													
Rental store										X	X	X	1/400 G.F.A.
Restaurant or cafe (inside)									X	X	X	X	1/3 Seats
Restaurant (drive-in)									X	X	X	X	1/100 G.F.A.
Restaurant (kiosk)									X	X	X	X	1/100 G.F.A.
Retail sales, alcohol									X	X			1/200 G.F.A.
Secondhand store									X	X	X	X	1/200 G.F.A.
Service station										X			4 Minimum
Sexually oriented business											X	X	1/100 G.F.A.
Shoe or boot store									X	X	X		1/200 G.F.A.
Sign shop										X	X	X	1/400 G.F.A.
Skating rink										X	X	X	1/400 G.F.A.
Snow cone stand									S	X	X		2 Minimum
Sporting goods store									X	X	X		1/200 G.F.A.
Tack store										X	X	X	1/400 G.F.A.
Tailor or seamstress shop										X	X		1/300 G.F.A.
Tanning salon									S	X	X	X	1/200 G.F.A.
Tattoo shop										S	X		1/200 G.F.A.
Taxidermist											S	X	1/400 G.F.A.
Tire sales, repair, & installation										S	X	X	1/400 G.F.A.
Title & abstract office										X	X		1/200 G.F.A.
Tool & equipment rental											X	X	1/400 G.F.A.
Trailer sales & rental											X	X	1/1000 Site area
Travel agency										X	X		1/300 G.F.A.
Truck rental											X	X	1/400 G.F.A.
Truck repair											X	X	1/400 G.F.A.
Truck sales											X	X	1/1000 Site area
Truck wash											X	X	2/Wash bay

Upholstery shop										X	X	X	1/400 G.F.A.
Vehicle storage facility												S	Specified by Special Exception
Vehicular racing facility											S	S	Specified by Special Exception
Veterinary clinic										X	X	X	1/300 G.F.A.
Veterinary hospital											S	S	1/300 G.F.A.
Video store									CUP	X	X	X	1/200 G.F.A.
Washateria (self-service)							X	X		X	X	X	1/Wash machine
Winery, without vineyard											X	X	See subsection 17-416(e)
Industrial Uses:													
Airport											S	S	Specified by Special Exception
Ammonia manufacturing												S	See subsection 17-416(e)
Amusement complex												X	1 per 4 occupant load
Apparel manufacturing												X	See subsection 17-416(e)
Appliance manufacturing												X	See subsection 17-416(e)
Artificial limb manufacturing												X	See subsection 17-416(e)
Asphalt batching plant												S	See subsection 17-416(e)
Bakery, commercial												X	See subsection 17-416(e)
Bleach manufacturing												S	See subsection 17-416(e)
Bookbinding & publishing											S	X	See subsection 17-416(e)
Bottling plant											S	X	See subsection 17-416(e)
Box manufacturing												X	See subsection 17-416(e)
Brick or tile												X	See subsection 17-416(e)

manufacturing													
Canning operation												X	See subsection 17-416(e)
Carpet manufacturing												X	See subsection 17-416(e)
Chemical storage or manufacturing												S	See subsection 17-416(e)
Chlorine manufacturing												S	See subsection 17-416(e)
Cold storage plant												X	See subsection 17-416(e)
Composite manufacturing												S	See subsection 17-416(e)
Composting (commercial)	S											S	See subsection 17-416(e)
Concrete batching plant											S	X	See subsection 17-416(e)
Concrete product casting plant												X	See subsection 17-416(e)
Contractor yard (outside storage)											X	X	See subsection 17-416(e)
Creamery												X	See subsection 17-416(e)
Creosote manufacturing												S	See subsection 17-416(e)
Distribution center (small)										S	X	X	See subsection 17-416(e)
Distribution center (large)											S	X	See subsection 17-416(e)
Distillation plant												S	See subsection 17-416(e)
Dyeing plant												X	See subsection 17-416(e)
Electrical components manufacturing												X	See subsection 17-416(e)
Electroplating												X	See subsection 17-416(e)
Envelope manufacturing												X	See subsection 17-416(e)
Explosives manufacturing												S	See subsection 17-416(e)

Fertilizer manufacturing	S											S	See subsection 17-416(e)
Fiberglass manufacturing												X	See subsection 17-416(e)
Fireworks manufacturing												S	See subsection 17-416(e)
Food processing												X	See subsection 17-416(e)
Foundry												S	See subsection 17-416(e)
Freight terminal, motor												X	See subsection 17-416(e)
freight terminal, railroad												X	See subsection 17-416(e)
Furniture manufacturing											S	X	See subsection 17-416(e)
Garment manufacturing												X	See subsection 17-416(e)
Glass manufacturing												X	See subsection 17-416(e)
Glue manufacturing												S	See subsection 17-416(e)
Grainery or gin												X	See subsection 17-416(e)
Gypsum manufacturing												S	See subsection 17-416(e)
Heliport or helistop											S	S	See subsection 17-416(e)
Ice cream plant												X	See subsection 17-416(e)
Ice plant												X	See subsection 17-416(e)
Incinerator												S	See subsection 17-416(e)
Insecticide processing												S	See subsection 17-416(e)
Junk yard												S	See subsection 17-416(e)
Laundry plant												X	See subsection 17-416(e)
Light fabrication plant											S	X	See subsection 17-416(e)
Machine shop											S	X	See subsection 17-416(e)
Marble manufacturing												X	See subsection 17-416(e)
Mattress manufacturing												X	See subsection 17-416(e)

Meat, poultry & fish processing											S	X	See subsection 17-416(e)
Metal fabrication												X	See subsection 17-416(e)
Metal plating												X	See subsection 17-416(e)
Metal stamping and extrusion												X	See subsection 17-416(e)
Mining, extraction operation												S	See subsection 17-416(e)
Monument works												X	See subsection 17-416(e)
Packaging operation											S	X	See subsection 17-416(e)
Paint manufacturing												X	See subsection 17-416(e)
Pallet manufacturing												X	See subsection 17-416(e)
Paper mill												X	See subsection 17-416(e)
Paper products manufacturing												X	See subsection 17-416(e)
Pesticide processing												S	See subsection 17-416(e)
Petroleum products (wholesale)												S	See subsection 17-416(e)
Petroleum refinery or storage												S	See subsection 17-416(e)
Pharmaceutical manufacturing												X	See subsection 17-416(e)
Planing mill												X	See subsection 17-416(e)
Plastic product manufacturing												S	See subsection 17-416(e)
Pottery manufacturing												X	See subsection 17-416(e)
Radio transmitting station										S	S	S	See subsection 17-416(e)
Recycling processing plant												S	See subsection 17-416(e)
Rendering plant												S	See subsection 17-416(e)
Rock crushing plant												S	See subsection 17-416(e)
Salvage yard												S	See subsection 17-416(e)

Smelter plant												S	See subsection 17-416(e)
Tanning plant												S	See subsection 17-416(e)
Television transmitting station										S	S	S	See subsection 17-416(e)
Temporary construction office	S	S	S	S	S	S	S	S		S	S	X	See subsection 17-416(e)
Textile manufacturing												X	See subsection 17-416(e)
Tire manufacturing												S	See subsection 17-416(e)
Tire recapping plant												S	See subsection 17-416(e)
Vehicle conversion facility											X	X	See subsection 17-416(e)
Warehouse											S	X	See subsection 17-416(e)
Welding shop											S	X	See subsection 17-416(e)

Notes to schedule of uses:

(1) Allowed with mini-warehouse use only.

(2) Home occupations are permitted when in accordance with section 17-423 hereof. Home occupations not specifically permitted in section 17-423 may be permitted only with a specific use permit.

(3) Allowed for a period of one (1) year or until the development is sold out, whichever is longer.

(4) A facility offering retail sales and/or services, whether occupied by one (1) or multiple tenants, that is comprised of more than fifty thousand (50,000) square feet of floor area, which includes gross floor area, outdoor storage areas, and any outside area that provides associated services to the public, including, without limitation, outdoor merchandise display. The floor area does not include outdoor motor vehicle parking or loading areas. In addition to other parking regulations that apply, parking for a large retail facility is permitted only as an accessory use, and is allowed only when immediately adjacent to a large retail facility that is located within the corporate limits of the city.

(Ord. No. 40, 9-9-93; Ord. No. 108, § 3, 10-10-96; Ord. No. 134, § 1, 6-12-97; Ord. No. 133, § 3, 7-20-97; Ord. No. 169, § 5, 1-18-99; Ord. No. 187, § 3, 3-9-00; Ord. No. 197, §§ 1—3, 9-14-00; Ord. No. 212, § 1, 4-12-01; Ord. No. 286, § 1, 1-13-05; Ord. No. 367, § 2, 6-14-07; Ord. No. 373, § 1, 8-9-07; Ord. No. 395, § 5, 5-20-08; Ord. No. 467, § 4(Exh. A), 11-11-10; Ord. No. 470, § 2(Exh. A), 1-13-11)

ORDINANCE NO 560

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 "I" INDUSTRIAL 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, the City of Kennedale desires to implement the comprehensive land use, which calls for the area described below to transition to a land use character classified as Light Industrial; and

WHEREAS, the City of Kennedale believes the proposed rezoning 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 16th day of October 2014 and by the City Council of the City of Kennedale on the 17th day of November 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 23.8 acre tract in the Wade H Hudson and Peter Rouche surveys, more particularly described Wade H Hudson Survey A 716 Tracts 2C, 2C01, 2C02, 2C03, 2C04, 2C04A, 2C05, 2C06, 2C07, 2C08, 2C09, 2C10, 2C10A, 2C11, 2C12, 2C13, 2C18, 2C19, 2C20, 2C21, 2C22, 2C23, 2C24, 2C25, 2C25A, 2C25B, 2C14, 2C15, 2C16, & Peter Rouche Survey A1338 Tracts 1, 1B, 1C, 2, 2B, & 2C, Tarrant County, Texas ("the Property"), as more particularly described on Exhibit "A" attached hereto and incorporated herein, from "C-2" General Commercial District to "I" Industrial District.

SECTION 2.

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 3.

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

SECTION 4.

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 5.

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 6.

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 7.

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 8.

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 9.

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 10.

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 17th DAY OF NOVEMBER 2014.

APPROVED:

_____
Mayor Brian Johnson

ATTEST:

_____
City Secretary, Kelly Cooper

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

_____
City Attorney, Wayne K. Olson

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Staff Report to the Honorable Mayor and City Council

Date: November 17, 2014

Agenda Item No: REGULAR ITEMS - D.

I. Subject:
Consider action authorizing the City Manager to execute an agreement with the U.S. Army Corps of Engineers for a Section 205 Flood Control Study on a portion of Village Creek

II. Originated by:

Bob Hart

III. Summary:

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

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Staff Report to the Honorable Mayor and City Council

Date: November 17, 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.

1. Attorney consultation on development agreement

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:

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Staff Report to the Honorable Mayor and City Council

Date: November 17, 2014

Agenda Item No: EXECUTIVE SESSION - B.

I. Subject:
The City Council will meet in closed session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property for the following:

1. Discuss Land Acquisition at 501 Dick Price Road.

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: