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KENNEDALE CITY COUNCIL

AGENDA
REGULAR MEETING
April 20, 2015
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 Work Session with Planning and Zoning Board

B. Discussion of items on regular agenda

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 City Council

B. Updates from the Mayor
1. Proclamation presentation in recognition of Autism Awareness Month
2. Proclamation presentation in recognition of the Kennedale High School Lady Kats Soccer Team - Class 4A State Champion Title

C. Updates from the City Manager

1. Receive and review the 2014 year-end report of the City Marshal Department's Use of Force/Racial Profiling
2. City Marshal and Municipal Court results from the annual "Great Texas Warrant Round-Up"
3. Governance Report
- Balanced Scorecard
- Executive Limitations 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 March 16, 2015 regular meeting

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

XI. REGULAR ITEMS

A. **Case # PZ 15-03** Public hearing and consideration of approval of Ordinance 569 regarding a city-initiated request for a zoning change from “C-2” General Commercial district to “OT” Old Town district for approximately 1.15 acres at 400 North Rd, legal description of Jacob Prickett Survey A-1225 Tract 3A.

1. Staff Presentation
2. Public Hearing
3. Staff Response & Summary
4. Action by the City Council

B. **CASE # PZ 15-04** Public hearing and consideration of Ordinance 570 approval regarding a city-initiated request for a zoning change for 23.8 acres from “MH” Manufactured Home district to “C-2” General Commercial district at 7205 Hudson Village Creek Rd, legal description of Wade H Hudson Survey A-716 Tract 2.
1. Staff presentation
2. Public hearing
3. Staff response and summary
4. Action by the City Council

C. Consider the selection of LSL Planning to provide the Comprehensive Zoning Code and Subdivision Regulations Update, and authorize the City Manager to execute a contract in an amount not to exceed $140,000

D. Discuss and approve calendar for FY2015-2016 budget preparations.

XII. EXECUTIVE SESSION

A. The City Council may meet in closed session at any time during the work session or the regular 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 on any item posted on the agenda and the following items:

1. Amortization Status
2. Development Agreement Status
3. Economic Development Agreement for 1298 W. Kennedale Parkway
4. Plat Filing

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

1. Land acquisition at 780 W. Kennedale Parkway and 1001 E. Kennedale Parkway

C. The City Council will meet in closed session pursuant to Section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

1. City Manager's Annual Evaluation

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 April 20, 2015, 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.

Leslie Galloway

Leslie Galloway, City Secretary

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Staff Report to the Honorable Mayor and City Council

Date: April 20, 2015

Agenda Item No: WORK SESSION - A.

I. Subject:
Joint Work Session with Planning and Zoning Board

II. Originated by:

III. Summary:
The Planning and Zoning Commission will be available to discuss common issues, including Development Code Updates and the Downtown Zoning Ordinance.

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: April 20, 2015

Agenda Item No: REPORTS/ANNOUNCEMENTS - A.

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: April 20, 2015

Agenda Item No: REPORTS/ANNOUNCEMENTS - B.

I. Subject:
Updates from the Mayor
1. Proclamation presentation in recognition of Autism Awareness Month
2. Proclamation presentation in recognition of the Kennedale High School Lady Kats Soccer Team - Class 4A State Champion Title

II. Originated by:

III. Summary:

Updates and information from the Mayor
1. Proclamation presentation in recognition of Autism Awareness Month
2. Proclamation presentation in recognition of the Kennedale High School Lady Kats Soccer Team - Class 4A State Champion Title

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:
Both Clarence Bullocks (City Marshal) and Tiffany Penhallegon (Court Administrator) will be present.

VIII. Attachments:

1.	Proclamation - Autism Awareness Month	Proclamation - Autism.pdf
2.	Proclamation - Lady Kats Day	Lady Kats Soccer.docx

PROCLAMATION

Autism Awareness Month

April 2015

Whereas, autism is a pervasive developmental disorder affecting the social, communication and behavioral skills of those affected by it; and

Whereas, as more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autism spectrum, resulting in rates as high a 1 in 68 children nationally; and

Whereas, there is no cure for autism, it is well-documented that if individuals with autism receive early and intensive treatment throughout their lives, they lead significantly improved lives; and

Whereas, individuals with autism often require a lifetime of specialized and community support services to ensure their health and safety and to support families' resilience as they manage the psychological and financial burdens autism can present.

Now, Therefore be it resolved that I Brian Johnson, Mayor of the City of Kennedale do hereby proclaim April 2015

~ Autism Awareness Month ~

Dated this 20th day of April 2015.

Mayor, Brian Johnson

Attest:

City Secretary, Leslie Galloway

PROCLAMATION

In commemoration of the Kennedale High School Lady Cats 2015 AAAA Soccer State Champions

Whereas, this season, the Kennedale Lady Cats advanced to the state championship for the first time; and

Whereas, The Lady Kats beat the # 1 ranked Melissa and # 4 ranked Abilene Wylie in the regional playoffs; and

Whereas, The Lady Kats beat the # 5 ranked Boerne in the semi-final game; and

Whereas, The Lady Kats beat Princeton 4-1 in the State Championship game to finish the season 24-2-1; and

Whereas, The Lady Kats are coached by Michael Strange and Jena Wood; and

Whereas, The Lady Kat team trainers are Shannon Johnson and Robert Stevenson; and

Whereas, Lady Kat team members are

Sara Vazquez	Goalkeeper	Erin Clark	Goalkeeper
Marisa Etchle	Defender	Esme Garcia	Midfielder
Alondra Olmos	Forward	Abigail Key	Forward
Daphne Hunt	Defender	Allie Thornton	Midfielder
Megan Jakubisin	Midfielder	Abigail Olmos	Midfielder
Bailey Crowley	Midfielder	Baylee Gow	Forward
Taylor Fox	Midfielder	Emmy Hamilton	Midfielder
Taylor Bush	Defender	Kylie Deel	Defender

Now, Therefore be it proclaimed by Brain Johnson, Mayor of the City of Kennedale, Texas that Monday April 20, 2015 is hereby proclaimed to be Lady Kat Day in honor of the AAAA Texas State Champion Soccer Team.

_____
Mayor, Brian Johnson

Attest: _____
City Secretary, Leslie Galloway

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Staff Report to the Honorable Mayor and City Council

Date: April 20, 2015

Agenda Item No: REPORTS/ANNOUNCEMENTS - C.

I. Subject:
Updates from the City Manager

1. Receive and review the 2014 year-end report of the City Marshal Department's Use of Force/Racial Profiling
2. City Marshal and Municipal Court results from the annual "Great Texas Warrant Round-Up"
3. Governance Report
   - Balanced Scorecard
   - Executive Limitations Report

II. Originated by:

Bob Hart

III. Summary:
1. Receive and review the 2014 year-end report of the City Marshal Department's Use of Force/Racial Profiling

Each year, the City Marshal Office is required to submit an annual racial profile report to the City Council. Because it is not the policy of this agency to make traffic stops in the routine performance of the Marshal's official duties, a full exemption report is being submitted to the Texas Commission on Law Enforcement for 2014.

Furthermore, similar to the Police Department, the Marshal's Office conducts a review of all uses of force each year. However, unlike the Police Department who is required to submit the Use of Force Analysis as required under Recognition Program standards as a best practice, the submittal of this same report by the Marshal's Office is purely for Councils information and reference only.

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

Texas held one of the largest warrant round-ups in the state from February 20 through March 15. Approximately 300 law enforcement agencies statewide participated in the annual" Great Texas Warrant Round-Up". The massive round-up operation was aimed at finding defendants with outstanding warrants and collecting thousands of dollars in unpaid fines for outstanding traffic and parking citations, as well as penal code violations. The goal was to have defendants comply and clear their warrants. Law enforcement agencies would rather have defendants comply with the law rather than having to be arrested, to include at their home or workplace. Defendants were given the opportunity to setup a court date, do community service or pay the fine to clear the warrants.

The round-up had two phases: Phase 1 ended March 7, 2015. It granted defendants a grace period to pay off their outstanding citations and/or resolve their cases. Phase 2 ran March 7-15, 2015. That is when police, our City Marshal in particular, began making arrests.

The City of Kennedale has participated in the "Great Texas Warrant Round-Up," a Texas Department of Public Safety (DPS) program that has gained national notoriety over the past seven years, since its inception.

In 2014, the Marshal department cleared 240 warrants, cleared $85,499 and generated $30,822 (city and state portion). Approximately $20,000 of the cleared amount was retained by the City.

In 2015, the Marshal department cleared 211 warrants, cleared $72,179 and generated $35,580 (city and state portion). Approximately $13,718 of the cleared amount was retained by the City.

Please note that while the city did in fact generate more revenue for 2015 in terms of the "city and state portion," it retained approximately $7,000 less for the City compared to this same time last year. This variance is based on the manner in which each ticket's revenue is allocated. When revenue is received by a defendant, funds are paid first to court costs (state) then fees (state and city) then fines (city). Because our court received a much larger number of partial payments as opposed to payments in full, the city kept much less revenue in-house up front. The court will eventually collect more revenue; however, it will not do so until the remaining partial payments are made via a monthly payment plan.

3. Governance Report
   - Balanced Scorecard
   - Executive Limitations Report

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	2014 Use of Force Report	2014 City Marshal Racial Profile Report.pdf
2.	Balanced Scorecard - March 2015	Kennedale Scorecard Info 13-3 (Original).pdf
3.	Executive Limitation Report	Executive Limitations.docx

Kennedale Marshal's Office

TCOLE Agency Number: 439621

Use of Force

Analysis

2014

Use of Force Analysis for 2014

This analysis was conducted for the purpose of reviewing the Kennedale Marshal's Office Use of Force for calendar year 2014. The Kennedale Marshal's Office takes its obligations seriously to provide the most effective and efficient police service with the least adverse impact on all citizens. The Kennedale Marshal's Office is committed to protecting the rights of all persons and in using force only when necessary, and to the extent necessary, to achieve legal objectives.

Marshals are trained by the department to use only the level of force necessary to bring a person under control and complete a legal objective. Police/citizen encounters can however, change instantly, and marshals may be required to react quickly in using force to subdue a resisting subject. While marshals prefer to escalate their level of force in an orderly manner in order to use the lowest level possible, the response of a subject may limit that ability and force marshals to use whatever level of force is immediately available to protect themselves and the public.

Use of Force Reporting Requirements

Kennedale Marshal's Office General Order 6, requires a written report to be completed anytime an officer uses force. Marshals must identify the force used by each officer involved, suspect actions, reason for the contact, and any injuries. The marshal's report must indicate the use of force from empty hand control to the use of deadly force. The marshals must include less-lethal or non-lethal weapons. The marshals also must report any vehicle pursuits as a use of deadly force and any time their service firearm is pointed at a suspect.

Each individual Use of Force Report is immediately reviewed by the Marshal's supervisor, and through the Chain of Command. At the time of the incident, the Use of Force is reviewed to ensure the use was appropriate and within the guidelines of Department Policy and Law. If the marshal used force inappropriately, a departmental investigation is required, and the marshal may receive additional training or in some cases discipline, up to and including termination from employment. This analysis is not intended to determine if an officer acted inappropriately, but to identify department wide trends that may suggest changes in policy, training, equipment or supervision.

Use of Force Comparison 2013/2014

There were a total of 2 Reported Uses of Force this year.

Use of Force	2013	2014	Difference
Physical Control	0	0	0
OC Spray	0	0	0
Impact Weapon	0	0	0
Non/Less Lethal	0	0	0
ECD Use "TASER"	0	0	0
TASER Display	0	2	0
Other	0	0	0
Firearm Discharge	0	0	0
Firearm Pointed at subject	0	0	0
Vehicle Pursuits	0	0	0
TOTAL	**0**	**2**	**0**

Both instances involving a taser being displayed. A dog was running towards the officer in an aggressive manner: however, the taser was not discharged at the animal.

Citizen and Internal Complaints Regarding the Use of Force

During 2014, the Kennedale Marshal's Office received no complaints of unnecessary or inappropriate use of force.

Recommendations

Based on the findings during the analysis, the use of force was used correctly and reported. I recommend we continue to train our use of force and deadly force policy with each use of force training we do. Thank you to Kennedale Police Chief for allowing the Marshal to train with his Police officers.

City Marshal: [illegible] Date: April 13, 2015

Supervisor [illegible] Date: 04/13/15

FULL EXEMPTION RACIAL PROFILING REPORT

Agency Name:	Kennedale City Marshal's Office
Reporting Date:	02/02/2015
TCOLE Agency Number:	439621
Chief Administrator:	CLARENCE BULLOCKS
Agency Contact Information:	Phone: 817-985-2140 Email: cbullocks@cityofkennedale.com Mailing Address: Kennedale City Marshal's Office 405 Municipal DR Kennedale, TX 76060

Article 2.132 CCP Law Enforcement Policy on Racial Profiling

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

I certify it is not the policy of this agency to make traffic stops in the routine performance of the officers' official duties.

Executed by: ***CLARENCE BULLOCKS***

Chief Administrator

Kennedale City Marshal's Office

Date: 02/02/2015

Submitted electronically to the

The Texas Commission on Law Enforcement

12/12/2014 14:38

Objective	Indicator Name	Unit of Measure	RED	GREEN	2015 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
S1 Achieve a Thriving Community	Sales Tax Trends (% Difference)	% Of Dollars	0.02	0.04	-2.2	5.2	-0.1									
S2 Be a Sustainable & Attractive City	% Code Enforcement Complaints Resolved (40%)	Cases	25%	35%	40.0%	80.0%	81.8%									
S2 Be a Sustainable & Attractive City	Water Cases (60%)	Gallons	20%	-20%	-16.1%	-14.3%	-12.9%									
		Total														
S3 Be Family Oriented	Crime Rates	Priority I Crimes	30	25	23	8	10									
I1 Provide Excellent Services	Fire/EMS Service Response Time (50%)	Minutes	6.0	5.0	4.40	4.21	4.45									
I1 Provide Excellent Services	Police Service Response Time (50%)	Minutes	7.0	6.0	3.32	3.51	5.02									
		Total														
I2 Enhance Business Climate	Building Permit Response Time (Days)	Days	10	5	1.52	0.84	1.55									
I3 Expect Operational Excellence	Training Hours	Hours	100	125	190	178	311.5									
I4 Ensure Public Health & Safety	Water Samples (70%)	Reads	7.00	8.00	8	8	8									
I4 Ensure Public Health & Safety	Fire Inspections (30%)	Inspections	10.00	19.99	20	23	21									
		Total														
I5 Enhance Partnerships	Partnership Interactions	Interactions	3	6	3	3	6	5								
E1 Build Exceptional Talent	Turnover	Percentage	1.0	0.0	2.85	0	0	2.85								
E2 Foster Pride in Ownership	Absenteeism	days	50	28	31	37	24									
E3 Leverage Technology	IT Expenses vs. Budget (%)	% Of Dollars	0	1	0	0	0									
F1 Balance the Tax Burden	Sales tax (% of General Fund Revenues)	% Of Dollars	0.02	0.04	3.5	6.9	7.6									
F2 Fiscally Responsible	Variance to Budget (%)	% Of Dollars	1	0	0	0	0									
F3 Leverage Resources	# of Partnerships Prospects In Pipeline	Projects	0.0	3.0	5	5	5									

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 A1anager 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. A plat filing dispute is being processed and taking significant time. It has been elevated to your level. Code compliance on Little-School Road is at the same level.

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 stair, (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 non-disruptive 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. Staff is heavily involved in the preparation of an asset management plan in order to safeguard the city's assets. The plan will be presented in workshop on May 7th.

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, and I have been more attentive to this in staff meetings.

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Staff Report to the Honorable Mayor and City Council

Date: April 20, 2015

Agenda Item No: CONSENT ITEMS - A.

I. Subject:
Consider approval of minutes from March 16, 2015 regular meeting

II. Originated by:

Kathy Moore, Deputy City Secretary

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 - March 16, 2015	March 16, 2015.pdf

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KENNEDALE CITY COUNCIL

MINUTES
REGULAR MEETING
March 16, 2015
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

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

I. CALL TO ORDER

Mayor Brian Johnson called the meeting to order at 5:36 p.m.

II. WORK SESSION

A. Receive FY13/14 audit findings from Pattillo, Brown & Hill

Finance Director Sakura Moten-Dedrick provided bound copies of the FY 2013-14 Comprehensive Annual Financial Report to Council members and provided a review of the report, stating that she was happy with where the City ended the year. Director Dedrick introduced Greg Schropshire, from Pattillo, Brown & Hill, L.L.P. who presented an overview of the Independent Auditor's Report, the Internal Control Report (letter), and the Communication to the Council Letter.

B. Council Budget Planning Session - May 16
(Including two Capstone presentations and Interaction with International Fellows)

Bob Hart requested that Council members mark their calendars for the following dates:

May 7, 2015, 5:30 - 7:30 p.m. - Special Work Session to receive the results from the UTA Capstone Citizen's Survey Project and the Asset Management Plan.

May 16, 2015, 8:00 a.m. - 4:00 p.m. - Budget Workshop for Council members; noting that the International Fellows will also be attending.

May 18, 2015, Regular Council Meeting - Present the official Election Canvass; Call the Election; and swear-in all Elected Officials.

C. Creation of Development Code Advisory Committee

City Manager Bob Hart stated that during the current budget year the City will be reviewing the zoning, subdivision and development codes for needed updates to ensure they match the current Comprehensive Land Development Plan. Staff is recommending that a Development Code Advisory Committee be created to review the four proposals that the City has received. He stated that the Committee would consist of nine (9) members, and would hold two public meetings and four regular meetings over a 14-month period. Bob stated that the Mayor's recommendation for the Committee

405 Municipal Drive, Kennedale, TX 76060 | Telephone: 817-985-2100 | Fax: 817-478-7169

composition was listed in the Council agenda packet.

D. Receive and review the 2014 year-end report of the Police Department's Uses of Force

Police Chief Tommy Williams presented the 2014 Police Department *Use of Force Report* stating that it is a required annual report which consists of an internal review and is posted into the Police Department's Best Practices folder until time for their re-recognition. Chief Williams provided a short overview of the program requirements, stating that he felt this was a good year to bring this item forward in lieu of the national situation. City Council requested to receive this report every year.

E. Discuss Police body cameras

Police Chief Tommy Williams informed Council that staff is submitting a grant application to fund the purchase of Police body cameras. He stated that if funded, it would cover the cost of the cameras and updates to the server. Chief Williams noted that staff has applied for this grant for several years and was approved last year, however, due to high demand; Kennedale was not high enough on the list to receive funding. He stated that we will continue to apply for funding because this is a great tool and a step in the right direction.

F. Discussion of items on regular agenda

City Manager Bob Hart provided an overview of the items on the regular agenda, stating that staff is requesting approval to change financial advisors to SAMCO Capital Markets, Inc. He added that Wal-Mart Stores, Inc. withdrew their zoning application; and that the annual contract renewal with the City of Fort Worth for rabies control was being presented for approval. He noted that staff would need to update the animal control ordinance to match the contract renewal. Additionally, Bob gave a short update on the status of the Village Creek Studies.

Mayor Brian Johnson informed Council members that it was time for the annual assessment of the City Manager, and requested staff to add this item to the April 20, 2015 regular City Council meeting. Assessment forms, governance policies and end statements taken from the ICMA web site were provided to Council as a point of reference.

The work session recessed at 6:44 p.m.

III. REGULAR SESSION

Mayor Johnson opened the regular session at 7:00 p.m.

IV. ROLL CALL

Present: Mayor Brian Johnson, Council Members Charles Overstreet, Michael Walker, Frank Fernandez, Kelly Turner, and Liz Carrington

Absent: None

V. INVOCATION

VI. UNITED STATES PLEDGE

VII. TEXAS PLEDGE

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.

Dorian Johnson, 6911 Mansfield Cardinal Road, Lot F spoke for the third time against the decision made by City Council at the January 19, 2015 meeting in regard to approval of Ordinance 561, which allows for property at 6901 Mansfield Cardinal Road to be rezoned from R-2 to PD. Additionally, she stated that this decision has affected her property values and that she will continue to come and speak on this issue as long as she needs to.

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 City Council

Mike Walker stated that the Educational Foundation fundraiser was scheduled for Saturday, March 21, 2015, 6:00 - 9:00 p.m.

Kelly Turner attended two EPPC meetings over the past couple of weeks. He had the opportunity to recommend projects and funding for various projects throughout the metroplex, which support police and fire training and resources. He added that it was a good opportunity to get our voice out and presents opportunities for Kennedale to benefit from this program in the future.

B. Updates from the Mayor

1. Proclamation presentation to Meals On Wheels, Inc. of Tarrant County
   - March for Meals

Mayor Johnson read aloud a proclamation presented to Iris Bruton, Marketing and Public Relations Specialist for Meals on Wheels of Tarrant County. The proclamation was in honor of March for Meals, the Meals On Wheels programs, the seniors they serve, and the volunteers who care for them.

Mayor Johnson stated that Commissioner Andy Nguyen will be speaking on the State of the County at the Chamber luncheon on Wednesday, March 18, 2015. He encouraged everyone to attend and show our support for Commissioner Nguyen.

C. Updates from the City Manager

1. Governance Report
2. Balanced Scorecard

No updates were given.

X. CONSENT ITEMS

Mayor Brian Johnson stated that 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.

Motion To approve consent agenda. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Frank

Fernandez.

Motion passed Unanimously

A. Consider approval of minutes from February 16, 2015 regular meeting

B. Consider approval of a Municipal Advisory Agreement with SAMCO Capital Markets, Inc.

C. Approval to award bid and authorize the City Manager to execute a contract with Dowager Utility Construction, Ltd for the construction of water and wastewater improvements on Bloxom Road, Kennedale, Texas

D. Consider approval of the Interlocal Agreement for Rabies Control with the City of Fort Worth

E. Consider approval of contract extension until January 31, 2020 for solid waste and recycle collection with Progressive Waste Solutions of Texas, Inc.

F. Consider approval of Resolution 447 authorizing the submission of a grant application for Police Body Cameras

XI. REGULAR ITEMS

A. Discuss and consider approval of Ordinance 568 amending the FY2013-14 budget

Finance Director Sakura Moten-Dedrick presented a short overview of the proposed amendments for the FY2013-14 budget, adding that it is required to amend the budget before bringing the annual audit report forward to Council for their approval.

Motion To approve Ordinance 568 amending the FY2013-14 budget. **Action** Approve, **Moved By** Frank Fernandez, **Seconded By** Liz Carrington.

Motion passed Unanimously

B. Discuss and consider action for approval of Independent Auditor's Report for year ended September 30, 2014

Greg Schropshire, from Pattillo, Brown & Hill, L.L.P. provided a short review of the Independent Auditor's Report, stating that the City ended the year with $556,485 better than what was budgeted. Additionally, he reported that the two separate letters state that there were no issues found in regard to Internal Control Reporting; and there were no disagreements on general entries or the inability to gather information as requested.

Motion To approve the Independent Auditor's Report for year ended September 30, 2014. **Action** Approve, **Moved By** Frank Fernandez, **Seconded By** Charles Overstreet.

Motion passed Unanimously

C. **CASE # PZ 15-01** Public hearing and consideration of Ordinance 566 approval regarding a request by Wal-Mart Stores, Inc. for a zoning change from "C-0" Retail commercial district to "C-1" Restricted commercial district for approximately 1.014 acres at 4850 US 287 Hwy, legal description of Southwest Crossing Addition Block 1R Lot 2.

1. Staff presentation
2. Applicant presentation
3. Public hearing
4. Applicant response

5. Staff response and summary
6. Action by the City Council

Withdrawn by Applicant, Wal-Mart Stores, Inc.; No Action Taken.

D. Consider approval of an Ordinance 567 amending the city's schedule of administrative fees

City Manager Bob Hart stated that the proposed changes to the fee schedule only affects the meter reset fee, explaining that the goal is to prevent multiple visits to reset meters. He noted that if they get it right the first time, there will be no charge.

Motion To approve Ordinance 567 amending the City's schedule of administrative fees. **Action** Approve, **Moved By** Liz Carrington, **Seconded By** Kelly Turner.
Motion passed Unanimously

XII. EXECUTIVE SESSION

EXECUTIVE SESSION WAS NOT HELD

A. The City Council may meet in closed session at any time during the work session or the regular 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 on any item posted on the agenda and the following items:

1. Legal issues relative to amortization
2. Legal issues relative to a development agreement

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

XIV. ADJOURNMENT

The meeting was adjourned at 7:28 p.m.

Motion To Adjourn. **Action** Adjourn, **Moved By** Kelly Turner, **Seconded By** Liz Carrington.
Motion passed Unanimously

APPROVED: ATTEST:

Brian Johnson, Mayor Leslie Galloway, City Secretary

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Staff Report to the Honorable Mayor and City Council

Date: April 20, 2015

Agenda Item No: CONSENT ITEMS - B.

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

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:

HB 1777 went into effect on Sept 1, 1999. As of March 1, 2000, all telecommunications franchise fees in Texas are required to be based on a fee-per-access line method. The PUC, in October 1999, established three categories of access lines - residential, non-residential, and point-to-point. Each city was required to submit its 1998 base amount and allocation of the base amount to the PUC by Dec. 1, 1999. All CTPs were required to submit a city-by-city, December 31, 1998 access line count to the PUC by January 24, 2000. The PUC then calculated maximum access line rates for the three categories of access lines, for each city. The rate for each category, when multiplied by the number of lines in that category in a city, should equal that city's base amount.

In March, 2000, the PUC established maximum initial access line rates for 1106 cities. These cities were then allowed to 1) exempt life-line customers, 2) choose lower rates, and 3) update base amounts and allocation formulas. CTPs were allowed to update line counts and petition unreasonable initial allocations. In response to this input from cities and CTPs, the PUC established final access line rates in April, 2000. CTPs were allowed to begin implementing these rates for the 2nd quarter of 2000 (April, May, June), but were required to begin implementing the rates by the 3rd quarter 2000 (July, August, September).

State law allows a city to change its rates once a year given the Consumer Price Index, and its allocation once every 2 years. These changes must be initiated by the city each September and become effective the following January. CTPs may also petition the commission on unreasonable allocations in September of each year. The PUC will also annually adjust the access line rates by half of the increase in the Consumer Price Index starting in 2002.

Should Council wish to accept this upward adjustment, we are not required to respond. Council is only required to respond via attached memo no later than April 30, 2015 should it wish to actually keep the access line rates at current levels.

Access Line Type	2014 (Current)	2014 (Proposed)	(Difference)
Residential	$1.67	$1.69	$0.02
Non-Residential	$1.54	$1.56	$0.02
Point-To-Point	$1.71	$1.73	$0.02

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

Authorize upward adjustment as proposed by the PUC given approximately a .8449% increase in Consumer Price Index and direct staff to take no action.

VIII. Attachments:

1.	2015 PUC CPI Adjustment Memo	20150317171041522.pdf

Public Utility Commission of Texas

1701 N. Congress Ave., PO Box 13326, Austin, TX 78711-3326

2015 CONSUMER PRICE INDEX (CPI) ADJUSTMENT TO MUNICIPAL TELECOMMUNICATIONS RIGHT-OF-WAY ACCESS LINE RATES

March 10, 2015

PURPOSE

This letter is to notify you that your city's 2015 maximum access line rates have increased by 0.8449% due to inflation, as measured by the CPI. This adjustment has been made pursuant to Chapter 283 of the Local Government Code (House Bill 1777)

DEFAULT RATES FOR 2015: INCREASE

Based on the choices made by your city in April 2014, your city's 2015 rate will either be adjusted for inflation, or will remain the same as your 2014 rate. According to our records, when similar CPI adjustments were made in April 2014, your city chose the MAXIMUM allowable CPI-adjusted rates. Therefore, your 2015 rates will reflect an increase of 0.8449% from your 2014 rates. You have the option to decline this increase in rates by taking the action explained below.

ACTION BY CITY: TO REFUSE THE INCREASE

(1) You do not have to respond to accept the increased access line rates. (2) Respond ONLY if you want to DECLINE the increase in access line rates. (3) To decline, notify the PUC using page 2 of this letter no later than April 30, 2015. (4) The PUC does not require City council authorization; however, if your city charter requires it, please do so immediately. (5) Verify your contact information and highlight any changes. (6) Make a copy of this document.

WHAT HAPPENS IF A CITY DOES NOT RESPOND BY APRIL 30, 2015?

If a city does not respond by April 30, 2015, the rates for your city will increase from 2014 levels. The next opportunity to adjust your rates will be September 1, 2015.

WHAT HAPPENS NEXT?

The PUC will notify telephone companies of your desired rates and you will be compensated accordingly no later than July 1, 2015.

FUTURE REVISIONS TO CPI

The access line rates will be revised annually in March depending on whether the CPI changes for the previous year. If the CPI changes for the year 2015, you will receive a similar letter in March 2016.

See over...

City of Kennedale

SECTION 1: Your 2014 city preferred rates are as follows:

Residential $1.67 ***Non-Residential*** $1.54 ***Point-to-Point*** $1.71

SECTION 2: Your default rates for 2015 are as follows. Note: These are higher than the 2014 rates due to the CPI inflation adjustment.

Residential $1.69 ***Non-Residential*** $1.56 ***Point-to-Point*** $1.73

To decline your default increase in rates, notify the PUC by completing the section below. You can mail or fax this page to the PUC. To accept rates in SECTION 2, no action is required.

I _____, Title_____, am an authorized representative for the City/Town/Village of _____. The City declines to accept the default rates indicated in Section 2 above. Instead, we choose the following rates: Residential_____ ; Non-Residential_____; Point-to-Point_____.

Date:_____ Signature:_____

Other Comments:

HOW TO RESPOND

Mail: Stephen Mendoza
Public Utility Commission
P.O. Box 13326
Austin, Texas 78711-3326

INQUIRIES

Inquiries only. NOT for sending your response.
HB1777@puc.texas.gov
Phone No: 512-936-7394

OR FAX TO Stephen Mendoza at: 512-936-7428

CITY CONTACT INFORMATION

Please notify us if the contact information we have on file for your city has changed. Thank you.

Phone No. 1 (817) 985-2110

Phone No. 2 _____

Fax No: (817) 483-0720

Email: sdedrick@cityofkennedale.com

Address

SAKURA MOTEN-DEDRICK DIRECTOR OF FINANC
or current city official responsible for right-of-way issues
CITY OF KENNEDALE
405 MUNICIPAL DRIVE
KENNEDALE TX 76060

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Staff Report to the Honorable Mayor and City Council

Date: April 20, 2015

Agenda Item No: REGULAR ITEMS - A.

I. Subject:
Case # PZ 15-03 Public hearing and consideration of approval of Ordinance 569 regarding a city-initiated request for a zoning change from "C-2" General Commercial district to "OT" Old Town district for approximately 1.15 acres at 400 North Rd, legal description of Jacob Prickett Survey A-1225 Tract 3A.

1. Staff Presentation
2. Public Hearing
3. Staff Response & Summary
4. Action by the City Council

II. Originated by:

Rachel Roberts, City Planner

III. Summary:
Request: rezone from "C-2" to "OT"
Location: 400 North Rd (corner of North Rd and 3rd Street in Old Town)
Applicant: city-initiated zoning change
Surrounding uses: surrounding uses are residential, primarily single-family

Background.
This property is located within the Old Town zoning district. At one time, this property and the adjacent and surrounding properties to the west and north were zoned "C-2" General Commercial. In 1995, the owners of the surrounding properties petitioned the City to rezone their properties to "OT" Old Town. The Council granted their request. The owner of the property at the corner of Third St and North Rd, however, did not join that request, and the property remained in C-2 zoning.

Lately, Kennedale has been of increasing interest to developers and the business community, and staff have noticed an increase in interest in commercial properties available for heavy commercial and light industrial use. With C-2 zoning, this site is available for heavy commercial uses, and these uses are not suitable for or compatible with the surrounding residential uses. Several of the neighboring property owners also have also concerns about the compatibility of the commercial zoning designation of this property. Staff requests the City rezone the property to "OT" to ensure that whatever uses are developed at this site are compatible with the surrounding uses and with the long-term vision for the neighborhood.

Staff Review.

Compliance with the Comprehensive Land Use Plan.
The Future Land Use Plan identifies this area as Downtown Village. According to the comprehensive plan, the Downtown Village:

…preserves and expands the original downtown street grid and block pattern. Uses should include a relatively dense mix of residences and businesses. The village should be easily accessible by pedestrians from the TownCenter and other nearby areas. This village will serve as a gateway into the center of Kennedale, distinguishing it from neighboring communities.

Sample development types:
• Professional office
• Specialized retail
• Live-work units
• Café/coffee shop
• Small-lot single family
• Attached single-family
• Townhome/rowhouse
• Accessory dwelling unit
• Plazas/pocket parks
• Community theater

The City is working with a consultant to develop regulations and guidelines that will govern site and building design for the Downtown Village area, but until those regulations are developed and adopted, the City should look for ways to ensure that at least the uses (if not their site designs) fit the desired character of the area. While some commercial uses could be compatible with adjacent residential uses--if designed and built to fit the context--the uses permitted in the C-2 district are not suitable. A less intensive commercial zoning might be suitable, but because the compatibility of a commercial use next to a residential use depends greatly on how the site and building of the commercial use are designed, and because we have not yet adopted the appropriate site design standards to ensure compatibility, staff are reluctant to recommend a rezoning to C-1 or C-0 districts. A residential use, however, would be compatible with the character of the Downtown Village.

Compliance with the Strategic Plan.
The Strategic Plan does not include goals or action steps that directly relate to this rezoning request.

Compliance with City Council priorities.
The Council's priorities (identified through the balanced scorecard process) do not directly relate to this rezoning request. One priority, "Ensure Public Health & Safety," indirectly relates. A number of the types of business permitted in a C-2 zoning district have the potential to be incompatible with nearby residential uses, which could affect the health or safety of people living nearby. For example, a number of automotive uses are permitted in C-2 districts, as are contractor yards with outside storage. Some of these kinds of businesses do not have a negative impact on the health and safety of the area, depending on operations and other factors. But other businesses may create a nuisance from noise of equipment or other operational elements or could pose a safety hazard. It is impossible to restrict the use of this property to only those C-2 uses that would not pose any nuisance or hazard. For this reason, staff considers the requested rezoning to work toward achieving the Council's priority of ensuring public health and safety.

Staff Recommendation.
The requested rezoning is in compliance with the comprehensive land use plan. It also is in line with or does not obstruct achievement of the City Council's priorities. Staff recommends approval of the rezoning.

Please note that because the property is currently zoned C-2, then unless and until the property is rezoned, the property owner would be able to apply for a building permit under the requirements (setbacks, etc.) of the C-2 zoning district. In addition, if the property is platted, the permit issued, and a building is constructed prior to a rezoning, then a C-2 use would be able to occupy the building. If the property were to be rezoned, the occupying use would then become a legal non-conforming use.

Recommendation by the Planning & Zoning Commission.
The Planning & Zoning Commission considered this item during its regular meeting on March 19. After holding a public hearing, the Commission voted to recommend approval.

Action by the City Council.
City code describes the Council's authority in approving requests for rezoning.

You may:
* grant the requested zoning change; or
* deny the requested zoning change; or
* change the zoning designation on a portion of the property for which zoning is requested; or
* 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; or
* consider and approve any zoning classification in the adopted zoning ordinance having a lesser intensity and being more restrictive than the zoning designation requested by the applicant.
(from Sec. 17-429 of the City Code)

Sample Motions.
The motions provided below are examples, and you are not required to use them.

I make a motion to approve Ordinance 569.

I make a motion to deny Ordinance 569.

I make a motion to postpone consideration of Ordinance 569 until _____ (state what date you will consider the ordinance again).

IV. Fiscal Impact Summary:

V. Legal Impact:
Notice of the public hearing was published in the newspaper and was sent to owners of property within 200 feet of the site for which rezoning is requested.

VI. Recommendation:
Approve

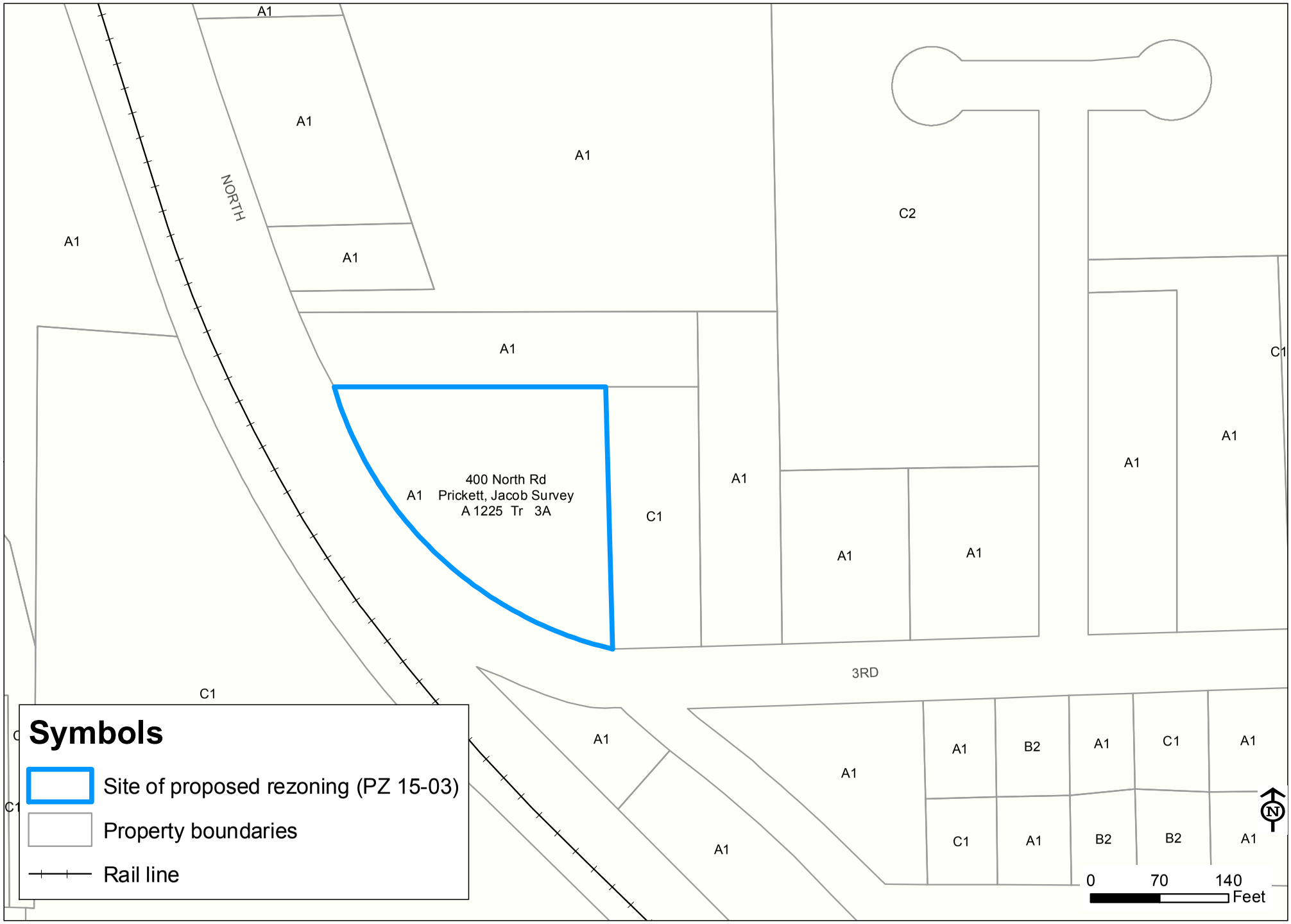
VII. Alternative Actions:

VIII. Attachments:

1.	PZ 15-03 aerial view	PZ 15-03 map (aerial).pdf
2.	Map showing surrounding uses	PZ 15-03 uses.pdf
3.	PZ 15-03 Ordinance (569)	PZ 15-03 ordinance.docx

Case PZ 15-03 Site of Requested Rezoning

Uses on properties near PZ 15-03 site



See reverse side for list of state use codes

STATE USE CODES

A RESIDENTIAL	
A1	Single-Family
A2	Mobile Homes
A3	Condominiums
A4	Townhomes
A5	Planned Unit Development (PUD)
A9	Interim use

B RESIDENTIAL	
B1	Multi-Family
B2	Duplex
B3	Triplex
B4	Quadraplex

C VACANT PLATTED LOTS/TRACTS	
C1	Residential
C2	Commercial
C3	Rural
C6	Vacant Exempt (Right-of-Way)

D ACREAGE	
D1	Ranch Land
D2	Timberland
D3	Farmland
D4	Undeveloped

E FARM/RANCH	
E1	House + Limited Acres
E2	Mobile Home + Limited Acres
E3	Other Improvements

F COMMERCIAL/INDUSTRIAL	
F1	Commercial
F2	Industrial
F3	Billboards

G OIL/GAS/MINERAL RESERVES	
G1	Oil/Gas/Mineral Reserves

J UTILITIES	
J1	Water Systems
J2	Gas Companies
J3	Electric Companies
J4	Telephone Companies
J5	Railroads
J6	Pipelines
J7	Cable Companies
J8	Other

L COMMERCIAL/INDUSTRIAL	
L1	Commercial BPP
L2	Industrial BPP

M MOBILE HOMES	
M2	Private Aircraft
M3	Mobile Home
M4	Other Tangible PP

O RESIDENTIAL INVENTORY	
O1	Vacant
O2	Improved

ORDINANCE 569

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 "OT" OLD TOWN 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 Council has determined that a zoning change at the above-described property is necessary to protect the public health and general welfare; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 19th day of March 2015 and by the City Council of the City of Kennedale on the 20th day of April 2015 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 1.15 acre tract in the Jacob Prickett Survey A-1225, more particularly described as Jacob Prickett Survey A-1225 Tract 3A, Tarrant County, Texas ("the Property"), as more particularly described on Exhibit "A" attached hereto and incorporated herein, from "C-2" General Commercial District to "OT" Old Town 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 20th DAY OF APRIL 2015.

APPROVED:

_____

Brian Johnson, Mayor

ATTEST:

_____

Leslie Galloway, City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

_____
Wayne K. Olson, City Attorney

Exhibit A
Map and Legal Description

Excerpt from deed, D214136286

Unofficial Document

Exhibit "A"

Being a 1.017 acre tract of land situated in the Jacob Prickett Survey, Tarrant County, Texas, being a portion of a called 3.26 acre tract of land recorded in Volume 1352, Page 285, Deed Records, Tarrant County, Texas, (DRTCT), being that certain tract of land described in a deed to Casa Santa, L.P., as recorded in Instrument No. D210090531, Official Public Records, Tarrant County, Texas, (OPRTCT), SAVE AND EXCEPT any part or portion in the use or occupancy of any public road or highway, as recorded in Volume 8254, Page 56, Deed Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" spike found for the southeast corner of the herein described tract of land, and being the southwest corner of a tract of land described in a deed to Don Kemp, as recorded in Instrument No. D212136170, (OPRTCT), and being in a non-tangent curve to the right in the northeast line of North Road, (variable width r.o.w.);

THENCE in a northwesterly direction, along and with the northeast line of said North Road and said curve to the right, that has a delta angle of 24° 36' 12", a radius of 215.92 feet, a chord of N 77° 41' 54" W, 92.01 feet, for an arc distance of 92.72 feet to a 1/2" iron rod set for corner of the herein described tract of land;

THENCE N 54° 48' 32" W, along and with the southwest line of the herein described tract of land and the northeast line of said North Road, a distance of 26.64 feet to a 1/2" iron rod set for corner of the herein described tract of land;

THENCE N 38° 00' 22" W, along and with the southwest line of the herein described tract of land and the northeast line of said North Road, a distance of 63.48 feet to a 1/2" iron rod set for corner of the herein described tract of land, and being the beginning of a non-tangent curve to the right;

THENCE in a northwesterly direction, along and with the northeast line of said North Road and said curve to the right, that has a delta angle of 07° 01' 07", a radius of 1667.65 feet, a chord of N 29° 42' 44" W, 204.16 feet, for an arc distance of 204.29 feet to a 3/4" iron rod found for the northwest corner of the herein described tract of land, and being the southwest corner of a tract of land described in a deed to Raymundo Guerrero, as recorded in Instrument No. D197025012, (OPRTCT);

THENCE S 87° 58' 20" E, along and with the north line of the herein described tract of land and the south line of said Guerrero tract, a distance of 252.10 feet to a 3/4" iron rod found for the northeast corner of the herein described tract of land, and being the northwest corner of said Kemp tract;

THENCE SOUTH, (bearing basis), along and with the east line of the herein described tract of land and the west line of said Kemp tract, a distance of 253.37 feet to the POINT OF BEGINNING, and containing 1.017 acres, (44,301 sq. ft.), of land.

Staff Report to the Commissioners

Date: April 20, 2015

Agenda Item No: REGULAR ITEMS - B.

I. Subject:
CASE # PZ 15-04 Public hearing and consideration of Ordinance 570 approval regarding a city-initiated request for a zoning change for 23.8 acres from "MH" Manufactured Home district to "C-2" General Commercial district at 7205 Hudson Village Creek Rd, legal description of Wade H Hudson Survey A-716 Tract 2.
1. Staff presentation
2. Public hearing
3. Staff response and summary
4. Action by the City Council

II. Originated by:

Rachel Roberts, City Planner

III. Summary:
Applicant: City of Kennedale (city-initiated rezoning request)
Current zoning: "MH" Manufactured housing
Requested zoning: "C-2" General commercial
Surrounding uses: Industrial and Manufactured housing (mobile home)

Background and Overview.
Most of the property is unused, but part of the site has been used as an ATF-permitted fireworks storage facility. The property is adjacent to a mobile home neighborhood to the west, an industrial development to the west, and railroad tracks and additional industrial uses to the north. To the south is Hudson Village Creek Rd, and across the street is an unincorporated area.

Staff Review.
City staff considers the current zoning to be ill-suited for this site. Although the Future Land Use Plan categorizes the area as Neighborhood (see Compliance with Comprehensive Land Use Plan, below), additional manufactured housing in this area does not fit the vision in the city's long-range plans. But because the property is immediately adjacent to industrial uses, a rezoning to one of the city's residential zoning district classifications is not suitable, either. The property is on the edge of the area designated as Neighborhood and immediately adjacent to an area designated as (and zoned / in use as) Industrial. A commercial zoning designation would serve as a good transitional zoning district between the existing industrial uses to the east and the existing residential uses to the west. Of the city's commercial zoning districts, C-2 is the most suitable.

Compliance with the Comprehensive Land Use Plan.
As the Council is aware, the City has some flexibility in implementing the comprehensive land use plan,

particularly where character districts designated for an area are either no longer unsuitable, given current conditions or community vision, or for properties at the edge or a character district, where it is reasonable to assume the designated character is unfitting. Staff therefore considers a commercial zoning designation for this property to be in keeping with the comprehensive land use plan.

Compliance with the Strategic Plan.
No recommendations from the strategic plan are directly related to this rezoning request, but several recommendations may affect development of property nearby. One strategy in the plan is to reduce the residential tax burden by developing retail and commercial districts; an implementation action for this strategy is to adopt a TIF zone (TIRZ) for the area south of the railroad tracks, which has been completed. A rezoning of the property is unlikely to impede achieving the TIRZ goals and may help raise TIRZ funding, depending on the kind of development that occurs here in the future. Another goal of the plan is to encourage existing race tracks to relocate, allowing for residential zoning and development of the race track properties. The City has a development agreement with the owners of one of the tracks, and the requested rezoning from MH to C-2 should not impede the future residential development of the race track site.

Compliance with City Council Priorities.
One priority of the Council is to balance the tax base by attracting more commercial development to Kennedale. A rezoning to commercial would assist with achieving this goal.

Staff Summary and Recommendation.

The requested rezoning does not conflict with the comprehensive land use plan, the strategic plan, or City Council priorities. The rezoning is not expected to have an adverse impact on surrounding properties, and staff considers the current zoning to be unsuitable. Staff therefore recommends approval of the rezoning.

Planning and Zoning Commission Recommendation.
The Planning and Zoning Commission considered this rezoning request and held a public hearing during its meeting on April 16. The Commission voted to recommend approval. No one spoke at the public hearing.

Action by the City Council.
City code describes the Council's authority in approving requests for rezoning.

You may:
* grant the requested zoning change; or
* deny the requested zoning change; or
* change the zoning designation on a portion of the property for which zoning is requested; or
* 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; or
* consider and approve any zoning classification in the adopted zoning ordinance having a lesser intensity and being more restrictive than the zoning designation requested by the applicant.
(from Sec. 17-429 of the City Code)

Sample Motions.
The motions provided below are examples, and you are not required to use them.

I make a motion to approve Ordinance 570.

I make a motion to deny Ordinance 570.

I make a motion to postpone consideration of Ordinance 570 until _____ (state what date you will consider the ordinance again).

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

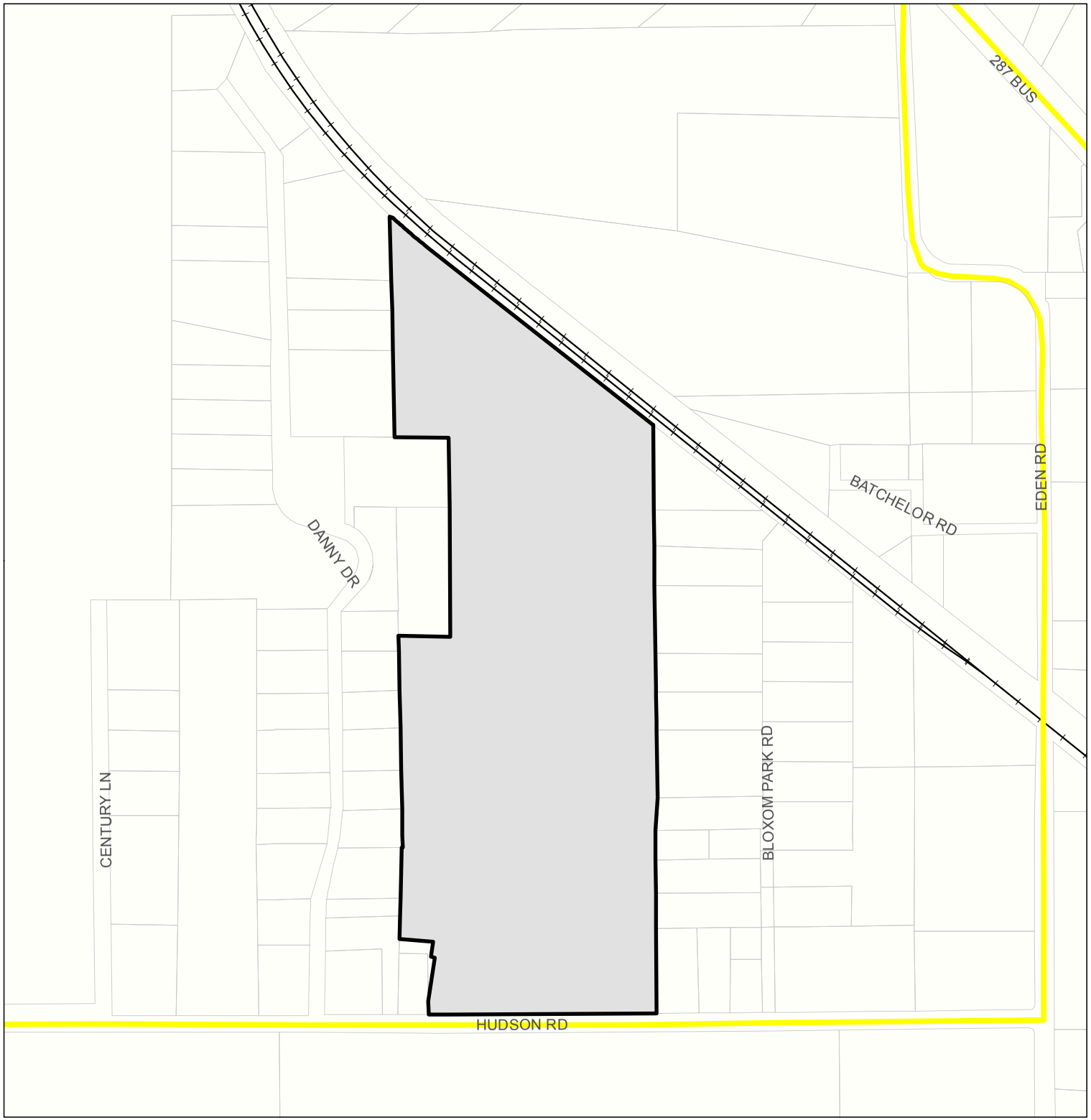
VII. Recommendation:
Approve

VIII. Alternative Actions:

IX. Attachments:

1.	PZ 15-04 site of request	PZ 15-04 site of request.pdf
2.	PZ 15-04 aerial view	PZ 15-04 aerial view.pdf
3.	PZ 15-04 surrounding land uses	PZ 15-04 surrounding land uses.pdf
4.	State Use Codes (TAD)	State Use Codes (TAD).pdf
5.	PZ 15-04 Ordinance 570	PZ 15-04 ordinance 570 FINAL.pdf

PZ 15-04
site of rezoning request



Symbols

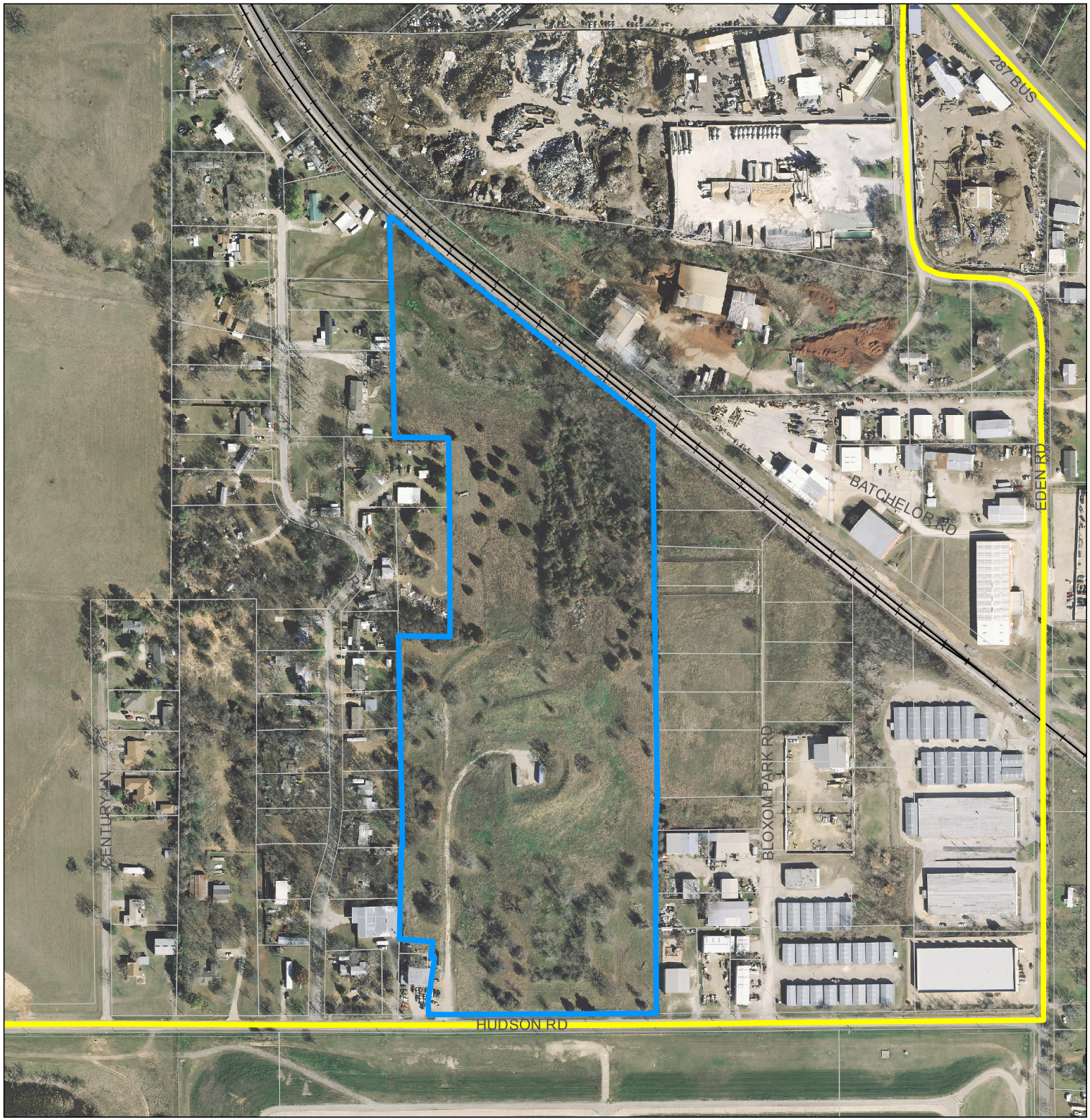
- PZ 15-04 site of request
- Parcel boundaries
- Kennedale city limits
- Rail line

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

0 150
Feet

N

PZ 15-04
site of rezoning request



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Feet

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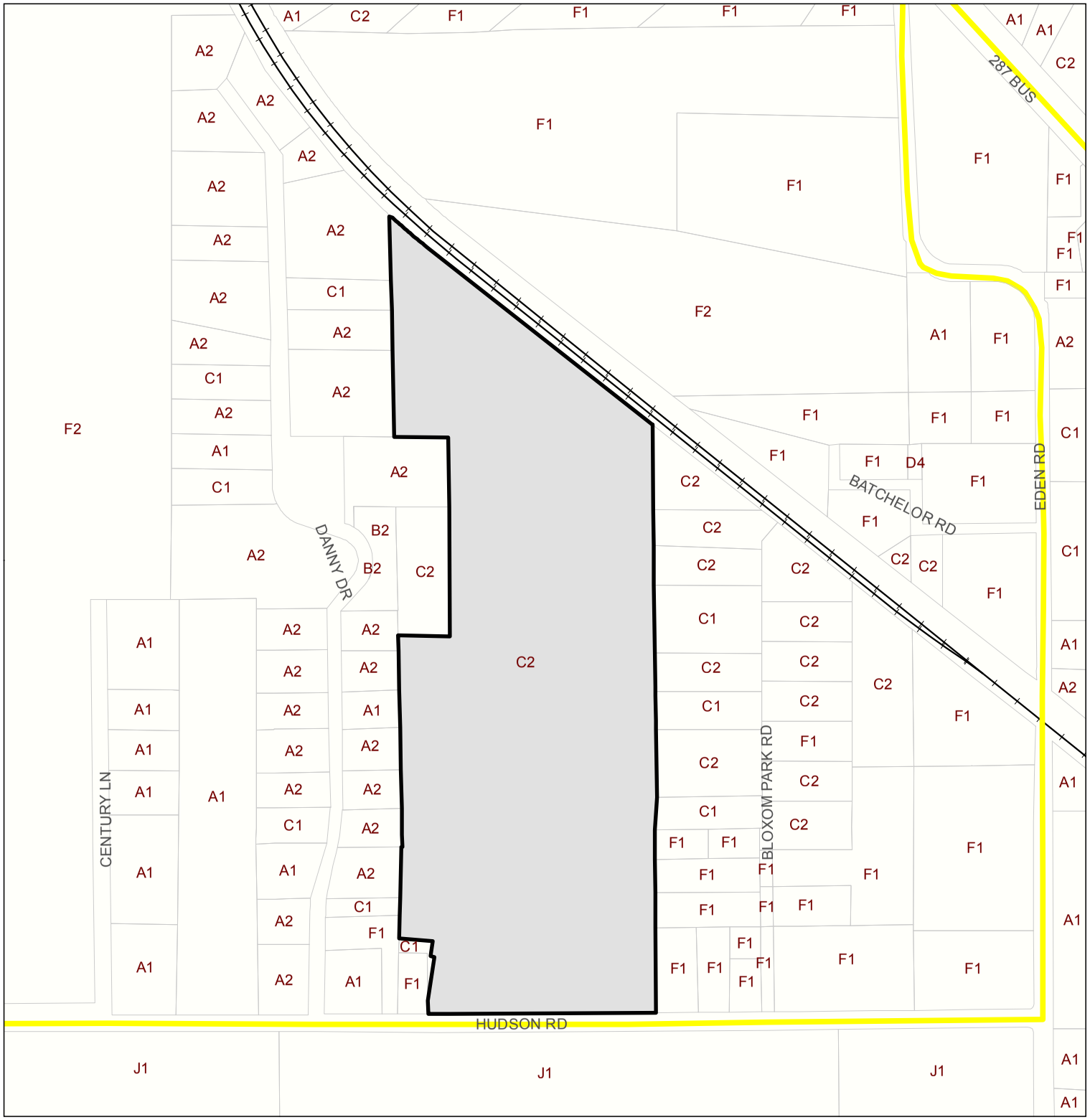
PZ 15-04
site of rezoning request



Symbols

- PZ 15-04 site of request
- Parcel boundaries
- Kennedale city limits
- Rail line

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

0 150
Feet

N

STATE USE CODES

A RESIDENTIAL	
A1	Single-Family
A2	Mobile Homes
A3	Condominiums
A4	Townhomes
A5	Planned Unit Development (PUD)
A9	Interim use

B RESIDENTIAL	
B1	Multi-Family
B2	Duplex
B3	Triplex
B4	Quadraplex

C VACANT PLATTED LOTS/TRACTS	
C1	Residential
C2	Commercial
C3	Rural
C6	Vacant Exempt (Right-of-Way)

D ACREAGE	
D1	Ranch Land
D2	Timberland
D3	Farmland
D4	Undeveloped

E FARM/RANCH	
E1	House + Limited Acres
E2	Mobile Home + Limited Acres
E3	Other Improvements

F COMMERCIAL/INDUSTRIAL	
F1	Commercial
F2	Industrial
F3	Billboards

G OIL/GAS/MINERAL RESERVES	
G1	Oil/Gas/Mineral Reserves

J UTILITIES	
J1	Water Systems
J2	Gas Companies
J3	Electric Companies
J4	Telephone Companies
J5	Railroads
J6	Pipelines
J7	Cable Companies
J8	Other

L COMMERCIAL/INDUSTRIAL	
L1	Commercial BPP
L2	Industrial BPP

M MOBILE HOMES	
M2	Private Aircraft
M3	Mobile Home
M4	Other Tangible PP

O RESIDENTIAL INVENTORY	
O1	Vacant
O2	Improved

ORDINANCE 570

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF KENNEDALE, TEXAS BY REZONING CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF KENNEDALE FROM "MH" MANUFACTURED HOME DISTRICT TO "C-2" GENERAL COMMERCIAL 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 initiated a rezoning of property consisting of approximately 27 acres of land described as Wade H. Hudson Survey, A-716, Tract 2, Tarrant County, Texas (hereinafter referenced as the "Property") from its present classification of MH Manufactured Home to C-2 General Commercial; and

WHEREAS, the City Council has determined that a commercial 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 April 2015 and by the City Council of the City of Kennedale on the 20th day of April 2015 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 27-acre tract in the Wade H Hudson Survey, being that same property conveyed by Warranty Deed from Luel and Allison Rash to Mike Wagner, instrument number D206017824, more particularly described as Wade H Hudson Survey A-716 Tract 2, Tarrant County, Texas ("the Property"), and more particularly described on Exhibit "A" attached hereto and incorporated herein, from “MH” Manufactured Home district to “C-2” General Commercial 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, Section 1, 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 20TH DAY OF APRIL, 2015.

_____
Mayor, Brian Johnson

ATTEST:

_____
City Secretary, Leslie Galloway

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

_____
City Attorney, Wayne K. Olson

Exhibit “A”

Legal Description

Metes and Bounds Description Attached as Exhibit A to Warranty Deed Filed in Tarrant County, Texas, D206017824

Exhibit A

25.61 acres of land out of the W.H. Hudson Survey, Abstract No. 716, Tarrant County, Texas, and being a portion of the tract of land conveyed to Frederick MacNeil Dielman and wife, Anne B. Dielman by deed recorded in Volume 3307, Page 116, Deed Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the centerline of Hudson Village Creek Road, being the southeast corner of said Dielman tract;

THENCE North 89 degrees 35 minutes 56 seconds West (called North 90 degrees 00 seconds West), with the centerline of Hudson Village Creek Road and the south line of said Dielman tract, 570.61 feet to a 60D nail found for the southeast corner of a called 0.28 acre tract conveyed to Bud DeWolf by deed recorded in Volume 10058, Page 433, Deed Records, Tarrant County, Texas;

THENCE North 00 degrees 50 minutes 43 seconds West, with the east line of said 0.28 acre tract, 27.75 feet (called 28.00 feet) to a 1/2 inch iron rod found in the apparent north right-of-way line of said Hudson Village Creek Road and at the south corner of a called 0.09 acre tract conveyed to Bud DeWolf by deed recorded in Volume 10000, Page 2123, Deed Records, Tarrant County, Texas;

THENCE North 07 degrees 54 minutes 28 seconds East, with the east line of said 0.09 acre tract, 113.65 feet (called 113.60 feet) to a 1/2 inch iron rod found;

THENCE North 85 degrees 35 minutes 30 seconds West, continuing along the east line of said 0.09 acre tract, 10.15 feet (called 10.00 feet) to a 1/2 inch iron rod found;

THENCE North 06 degrees 29 minutes 22 seconds East, continuing with the east line of said 0.09 acre tract, 39.12 feet (called 38.35 feet) to a 1/2 inch iron rod found for the most northerly northeast corner of said 0.09 acre tract;

THENCE North 86 degrees 28 minutes 19 seconds West, with the north line of said 0.09 acre tract, 95.17 feet (called 92.43 feet) to a 1/2 inch iron rod set in the west line of said Dielman tract and the east line of a tract recorded in Volume 13563, Page 83, Deed Records, Tarrant County, Texas, for the northwest corner of said 0.09 acre tract, from which a 1/2 inch iron rod found bears South 00 degrees 05 minutes 59 seconds East, 155.34 feet and North 90 degrees 00 minutes 00 seconds West, 185.00 feet;

THENCE North 00 degrees 05 minutes 59 seconds West (called North 00 degrees 00 minutes West), with the common west line of said Dielman tract and the east lines of the tracts recorded in Volume 13563, Page 83, Volume 11954, Page 2326, Volume 5980, Page 117, Volume 9005, Page 1849, Volume 5334, Page 787, Volume 5115, Page 48, Volume 6321, Page 94, Volume 5510, Page 229, Volume 8735, Page 1096 and Volume 13701, Page 130, Deed Records Tarrant County, Texas, 1105.70 feet to a 1/2 inch iron rod found for the northeast corner of said tract recorded in Volume 13701, Page 130, at the southwest corner of a tract of land conveyed to Gene Miller and Dorothy Miller by deed recorded in Volume 12211, Page 2406, and corrected in Volume 13315, Page 273, Deed Records, Tarrant County, Texas;

THENCE South 89 degrees 09 minutes 04 seconds East, with the south line of said Miller tract, 134.78 feet (called 135 feet) to a metal fence post for the southeast corner of said Miller tract;

THENCE North 00 degrees 05 minutes 59 seconds West, with the east line of said Miller tract, at 103.87 feet passing a 5/8 inch iron rod found a distance of 174.24 feet in all to a 3/8 inch iron rod found for the northeast corner of said Miller tract;

THENCE North 89 degrees 09 minutes 04 seconds West, 134.78 feet (called 135 feet) to a 3/4 inch iron pipe found in the west line of said Dielman tract for the northwest corner of said Miller tract and the

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southeast corner of a tract of land recorded in Volume 12844, Page 181, Deed Records, Tarrant County, Texas;

THENCE North 00 degrees 05 minutes 59 seconds West (called North 00 degrees 00 minutes West), with the common west line of said Dielman tract and east lines of the tracts recorded in Volume 12844, Page 181, Volume 14395, Page 454 and Volume 5898, Page 97, at 399.40 feet passing a 1/2 inch iron rod found, a distance of 563.60 feet in all to a 1/2 inch iron rod set for the northwest corner of said Dielman tract and the northeast corner of said tract recorded in Volume 5898, Page 97, in the southwest right-of-way of the H.& T.C. RR;

THENCE South 48 degrees 42 minutes 49 seconds East, with the common north line of said Dielman tract and southwest right-of-way line of said H. & T.C.RR, 250.90 feet to a 1/2 inch iron rod set;

THENCE South 50 degrees 34 minutes 58 seconds East, continuing with the common north line of said Dielman tract and southwest right-of-way line of said H. & T.C. RR, 616.05 feet to a 1/2 inch iron rod set for the northeast corner of said Dielman tract and northwest corner of a tract recorded in Volume 14518, Page 498, Deed Records, Tarrant County, Texas;

THENCE South 00 degrees 15 minutes 00 seconds West (record bearing), with the common east line of said Dielman tract and west lines of the tracts recorded in Volume 14518, Page 498, Volume 14251, Page 92, Volume 14777, Page 125, Volume 14518, Page 500, Volume 7917, Page 880, Volume 14777, Page 125,Volume 8055, Page 1910, Volume 13881, Page 302, Volume 10974, Page 992, Volume 10974, Page 996, and Volume 7168, Page 2022, Deed Records, Tarrant County, Texas, at 313.57 feet passing a 3/8 inch iron rod found, a total distance of 1475.59 feet (called 1472 feet) to the POINT OF BEGINNING and containing 25.61 acres of land, more or less.

SAVE AND EXCEPT the following tract which has been conveyed to Herbert Wood, by Deed dated February 22, 2005 and recorded under Clerk's file Number D205050630, filed February 23, 2005, and being more particularly described as follows:

BEING 1.000 acre of land out of the W.H. HUDSON SURVEY, Abstract No. 716, Tarrant County, Texas, and being a portion of the tract of land conveyed to Frederick MacNeil Dielman and wife, Anne B. Dielman by deed recorded in Volume 3307, Page 116, Deed Records, Tarrant County, Texas; also being a portion of a tract of land conveyed to Todd Rash by deed recorded in Volume 16472, Page 118, DRTCT, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found in the West line of said Dielman tract at the Northeast corner of a called 0.555 acre tract described by deed recorded in Volume 13701, Page 130, DRTCT, and in the South line of a tract recorded in Volume 13315, Page 273, DRTCT;

THENCE South 89 degrees 02 minutes 04 seconds East, with the South line of said tract recorded in Volume 13315, Page 273, 134.35 feet to a metal fence post for the Southeast corner of said tract;

THENCE South 00 degrees 05 minutes 59 seconds East, 324.28 feet to a 1/2" iron rod set for corner;

THENCE North 89 degrees 02 minutes 04 seconds West, 134.35 feet to a 1/2" iron rod set in the West line of said Dielman tract and in the East line of a tract recorded in Volume 8735, Page 1096, DRTCT;

THENCE North 00 degrees 05 minutes 59 seconds West, with the East line of said tract recorded in Volume 8735, Page 1096 and the East line of said 0.555 acre tract and the West line of said Dielman tract, 324.28 feet to the POINT OF BEGINNING and containing 1.000 acre of land, more or less.

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KENNEDALE
You're Here, Your Home
www.cityofkennedale.com

Staff Report to the Honorable Mayor and City Council

Date: April 20, 2015

Agenda Item No: REGULAR ITEMS - C.

I. Subject:
Consider the selection of LSL Planning to provide the Comprehensive Zoning Code and Subdivision Regulations Update, and authorize the City Manager to execute a contract in an amount not to exceed $140,000

II. Originated by:

Bob Hart

III. Summary:
The City received four proposals for preparing the an update for the city's comprehensive zoning code and subdivision regulations. The submittal included the following firms:

1. Bojorquez Law Firm and Anjali Naini, City Planner
2. Freese & Nichols
3. LSL Planning
4. SJR Planning with The Town Planner, and Clear Zoning

The staff evaluated the proposals and interviewed the top two rated firms – LSL and SJR, et al. Following the reference checks and a review of the typical final products, the staff recommends the award of the agreement to LSL. Key components is an online interactive zoning ordinance that is user friendly to professional users, as well as first time users. A copy of the LSL proposal is attached. Staff anticipates a final deliverable product during the spring of 2016.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Professional Qualifications for LSL Planning	Code Updates.pdf

Professional Qualifications for

Comprehensive Zoning Code and Subdivision Regulations Update

City of Kennedale, TX

LSL Planning
A SAFEbuilt. Company

Paul M. LeBlanc, AICP
Planning Manager
15 Ionia, SW
Grand Rapids, MI 49503
616.336.7772

LSL Planning
A SAFEbuilt. Company

March 12, 2015

Rachel Roberts, Community Development Director
City of Kennedale
405 Municipal Drive
Kennedale, TX 76060

Dear Ms. Roberts:

We want to be your planners, and we appreciate this opportunity to submit our proposal to develop a new set of land development regulations for Kennedale. In preparing our response, we have thoroughly reviewed your RFQ, the current regulations and your comprehensive plan.

To ensure every aspect of your project is addressed, we've organized an outstanding team of zoning specialists who are seasoned professionals with experience throughout the country. We believe the blend of our team's national experience with strong technical expertise is the needed combination essential to a successful outcome. While the attached information provides detail about our qualifications, approach and experience, the following highlights merit further emphasis:

Expertise. We are innovators in all aspects of code preparation and implementation – urban design, traditional zoning ordinances, form-based codes, overlay districts, public involvement, economic development, green/sustainable regulations, complete streets standards, parking, access management and historic preservation. In addition, our trademarked iZone™ format makes the final document extremely user-friendly.

Relevant Experience. LSL has its roots working in small and suburban communities, many of which are like Kennedale. We have addressed the challenges of balancing growth with preservation of home town character, as well as blending traditional concepts with contemporary trends. We also understand that regulations written decades ago for new, greenfield development may no longer address the realities of infill and redevelopment in a mature community.

Unmatched Perspective. LSL has authored over 80 zoning ordinances and development regulations. However, beyond that, LSL staff members have worked as zoning administrators, responsible for actually enforcing regulations. We frequently serve as expert witnesses in zoning litigation on behalf of our municipal clients. Having represented private developers and corporations in the zoning review and approval process, we also have the user's perspective on zoning. And several staff currently serve, or have served, as members of their local planning commission or zoning appeals board.

National Zoning Experience. Our team's zoning experience is widespread, including projects in South Carolina, Georgia, Virginia, Kentucky, Ohio, Indiana, Michigan, Maryland and Alaska. This broad perspective and extensive knowledge give the LSL team valued insights and creative solutions to share.

15 Ionia, SW, Ste. 450 Grand Rapids, MI 49503 Tel. 616.336.7750 Fax.248.586.0501
www.LSLPlanning.com

Project Team. While LSL maintains a reservoir of professional resources in a variety of planning and zoning specialties, a specific team whose skills and experience are perfectly matched to your needs has been organized. The team will be led by Paul LeBlanc, a founding partner at LSL and respected zoning authority.

Blend Visionary with Practical. While the process will be exciting, engage the community and lead to some bold initiatives that are consistent with the Comprehensive Plan, we will ensure expectations are balanced with economic, organizational, and political realities so the resulting regulations are ultimately implemented and successful.

We are confident our team is well qualified to successfully perform the services described in your RFQ. All of our staff and the resources required to perform the services will be made available over the life of the anticipated contract. Again, we sincerely appreciate you considering LSL for this important and exciting assignment. In the meantime, if you have any questions or need additional information, please let me know.

This letter of intent is valid and irrevocable for a period of 90 days beginning March 13, 2015 or until a final contract is approved, whichever occurs first.

Sincerely,
LSL PLANNING, INC.

Paul M. LeBlanc, AICP
Managing Partner
leblanc@lslplanning.com

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Qualifications

Our team brings together a reservoir of talented professionals focused on a single goal of providing the City of Kennedale with exceptional tools to support implementation of its comprehensive plan, enhance the usability of the regulations and facilitate project reviews.

All work will be performed by LSL Planning, a division of SAFEbuilt Company, whose zoning and land regulation experience has been honed on projects across the United States in communities of various sizes and complexity.

In addition to LSL's extensive experience advising communities regarding zoning and assisting them with amending, updating and completely revamping outdated regulations, we bring an unmatched perspective regarding zoning and land development regulation, administration, enforcement and decision-making. A brief summary of this experience and the perspective it affords the project team is provided below:

Ordinance Authors– LSL planners have authored more than 80 zoning ordinances and related codes since the firm was founded. Many of these regulations have been prepared for cities, similar to Kennedale. Geographically, we have spanned the country, having assisted clients with zoning challenges in South Carolina, Alaska, Georgia, Indiana, Kentucky, Michigan, Ohio and Virginia. In addition to authoring conventional ordinances and UDOs, our experience includes such specialized areas as:

- Form-based codes
- Overlay zones
- Downtown and mixed-use districts
- Design standards
- Historic district regulations
- Planned unit development
- Clustered open space development
- Natural features protection
- Coastal/shoreline protection
- Landscaping regulations
- Lighting regulations
- Parking regulations
- Sign ordinances
- Driveway/access management provisions
- Roadway design standards
- Wetland regulations
- Stormwater management
- Woodland protection

Zoning Administrators– Several LSL professionals have served as zoning administrators (including in South Carolina), performing the day-to-day tasks of enforcing and administering local regulations. This hands-on experience is invaluable in understanding and communicating code language.

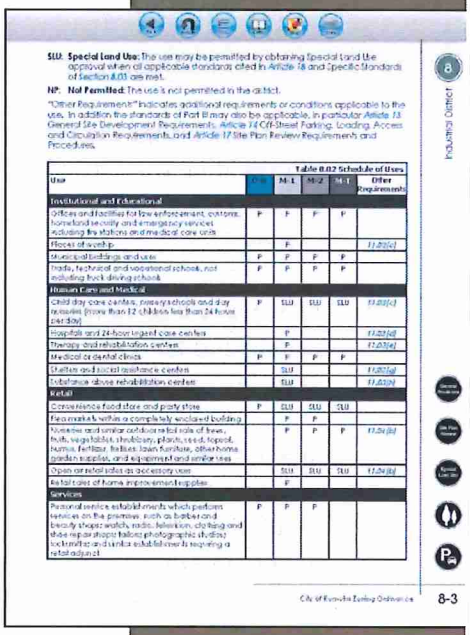
Expert Witnesses– Senior members of the firm are frequently called upon to serve as experts in zoning litigation. Not only is this evidence of our staff's expertise and the high regard in which they are held by municipal attorneys, but it provides a unique perspective about the do's and don'ts of zoning regulations and their defensibility.

Zoning Representation– While the large majority of LSL clients are local governments, the firm has represented select corporations and developers, assisting them in obtaining zoning approvals and helping them maneuver through complicated zoning procedures. Having seen zoning from the "users" perspective allows us to formulate more predictable, understandable and user-friendly regulations.

Zoning Innovators– LSL prides itself on the innovation and creativity we bring to the preparation of land use regulations. We are leaders in the formulation of Form-based Codes. We have created **iZone™**, a user-friendly digital format that facilitates navigating through a code. Our transportation planners are recognized experts in access management regulations. And we have assisted multiple jurisdictions in the creation and adoption of joint zoning ordinances.

Educators – Each year, LSL professionals are called upon to conduct training programs covering a full spectrum of zoning topics from basic to advanced. These workshops are sponsored by municipal organizations, state planning chapters, and individual communities. One of our most recent programs, *Getting a Shovel in the Ground*, focuses on improving zoning procedures and decision-making to facilitate, rather than impede, economic development.

Local Officials– Several LSL professionals currently serve or have served as members of their community's planning commission, board of zoning appeals or town council. Sitting as a decision-maker, responsible for voting on a variety of issues, offers rare insight when it comes to actually drafting a code.



SLU: Special Land Use: The use may be permitted by obtaining Special Land Use approval when all applicable standards cited in Article 18 and Specific Standards of Section 8.03 are met.

NP: Not Permitted: The use is not permitted in the district.

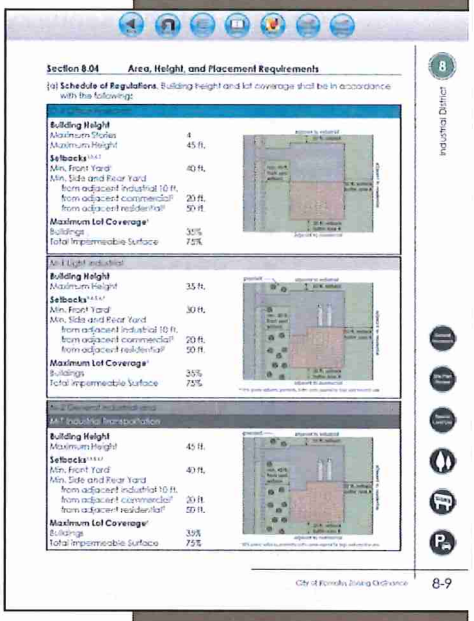
"Other Requirement" indicates additional requirements or conditions applicable to the use. In addition, the standards of Part III may also be applicable, in particular Article 13 General Site Development Requirements, Article 14 Off-Street Parking, Loading, Access and Circulation Requirements, and Article 17 Site Plan Review Requirements and Procedures.

Table 8.02 Schedule of Uses

Use	M-1	M-2	M-3	M-4	Other Requirements
Institutional and Educational					
Offices and facilities for law enforcement, customs, homeland security and emergency services including fire stations and medical care units	P	P	P	P	
Places of worship		P			11.20(c)
Municipal buildings and uses	P	P	P	P	
Trade, technical and vocational schools, not including truck driving schools	P	P	P	P	
Human Care and Medical					
Child day care centers, nursery schools and day nurseries (more than 12 children less than 24 hours per day)	P	SLU	SLU	SLU	11.20(c)
Hospitals and 24-hour urgent care centers		P			11.20(d)
Therapy and rehabilitation centers		P			11.20(e)
Medical or dental clinics	P	P	P	P	
Shelters and social assistance centers		SLU			11.20(g)
Substance abuse rehabilitation centers		SLU			11.20(h)
Retail					
Convenience food store and party store	P	SLU	SLU	SLU	
Flea markets within a completely enclosed building		P	P		
Nurseries and similar outdoor retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellises, lawn furniture, other home garden supplies, and equipment and similar uses		P	P	P	11.26(b)
Open air retail sales as accessory use		SLU	SLU	SLU	11.26(b)
Retail sales of home improvement supplies		P			
Services					
Personal service establishments which perform services on the premises, such as barber and beauty shops, watch, radio, television, clothing and shoe repair shops, tailors, photographic studios, locksmiths and similar establishments requiring a retail adjunct	P	P	P		

City of Farmville Zoning Ordinance 8-3

LSL's iZone™ allows interactive web browsing.



Section 8.04 Area, Height, and Placement Requirements

(a) **Schedule of Regulations.** Building height and lot coverage shall be in accordance with the following:

M-1 Light Industrial

Building Height	
Maximum Stories	4
Maximum Height	45 ft.
Setbacks	
Min. Front Yard	40 ft.
Min. Side and Rear Yard	
from adjacent industrial	10 ft.
from adjacent commercial	20 ft.
from adjacent residential	50 ft.
Maximum Lot Coverage*	
Buildings	35%
Total Impermeable Surface	75%

M-2 Light Industrial

Building Height	
Maximum Height	35 ft.
Setbacks	
Min. Front Yard	30 ft.
Min. Side and Rear Yard	
from adjacent industrial	10 ft.
from adjacent commercial	20 ft.
from adjacent residential	50 ft.
Maximum Lot Coverage*	
Buildings	35%
Total Impermeable Surface	75%

M-3 Industrial Transportation

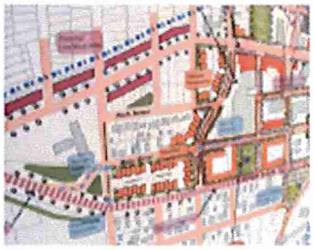
Building Height	
Maximum Height	45 ft.
Setbacks	
Min. Front Yard	40 ft.
Min. Side and Rear Yard	
from adjacent industrial	10 ft.
from adjacent commercial	20 ft.
from adjacent residential	50 ft.
Maximum Lot Coverage*	
Buildings	35%
Total Impermeable Surface	75%

City of Farmville Zoning Ordinance 8-9

Clear graphics can support text descriptions

LSL Planning

a SAFEbuilt Company



Great Solutions.
Great Communities.

Community Planning

Zoning and Form-Based Codes

Transportation Planning

Public Involvement and Visioning

Ongoing Planning Support

Core Values:

LSL Planning, a SAFEbuilt company, believes in a set of core values that provide a foundation for decisions and our professional approach:

Integrity

Improvement

Service

Teamwork

Respect

Principals:
Bradley K. Strader, Planning Director
Paul M. LeBlanc, Planning Manager

Corporate Status:
LSL Planning is a SAFEbuilt company organized as an S-Corp in the State of Delaware.
Federal ID: 27-131473

LSL became a SAFEbuilt company in 2013.

Metro Detroit
306 S. Washington Ave.
Suite 400
Royal Oak, MI 48067
248.586.0505

Grand Rapids
15 Ionia Avenue SW
Suite 450
Grand Rapids, MI 49503
616.336.7750

Since 1996, LSL Planning has become well known and highly respected for innovation in community planning . . . and so much more. LSL takes pride in working side-by-side with community leaders throughout the entire planning and implementation process.

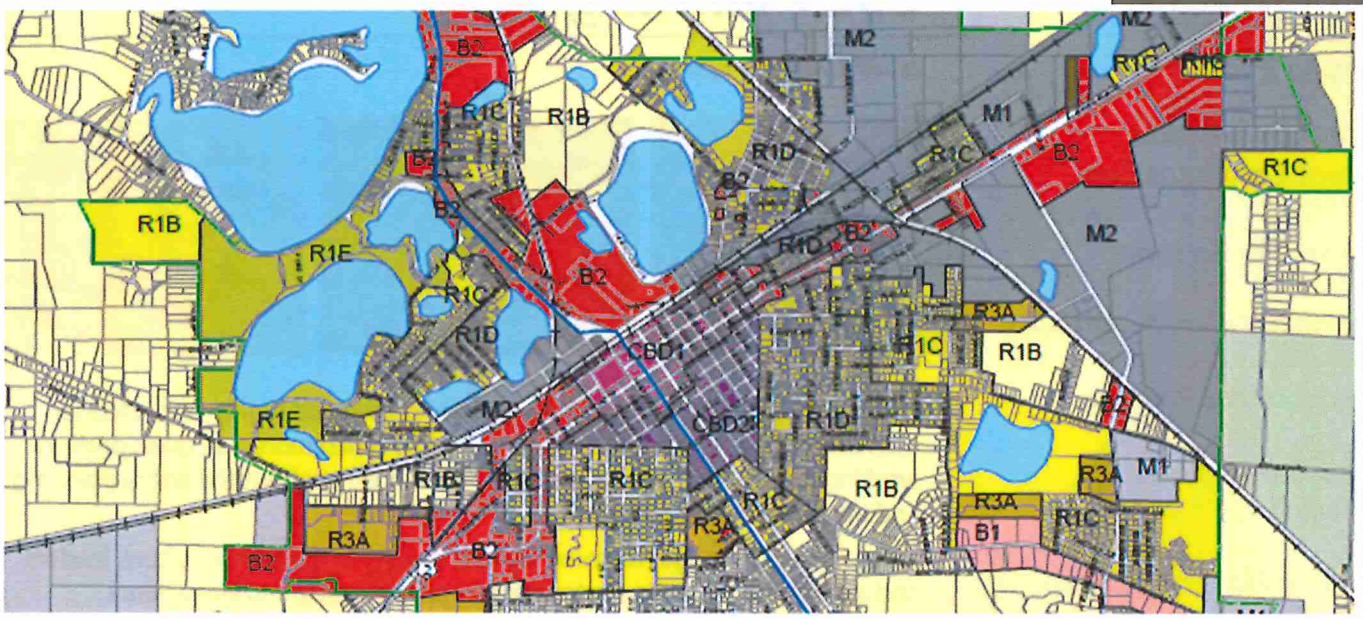
Before diving in we get to know the community— its history, culture, leaders and aspirations. Then we customize an approach, inspired by national best practices, to meet the unique needs of each community. Community engagement is a vital part of the process. We effectively apply a wide range of techniques to build consensus and enthusiasm.

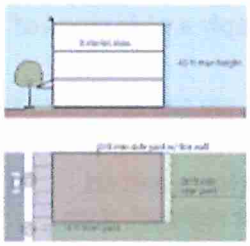
No matter which of our services a community might need, we can also serve as ongoing advisors, a role we provide to over 50 municipalities.

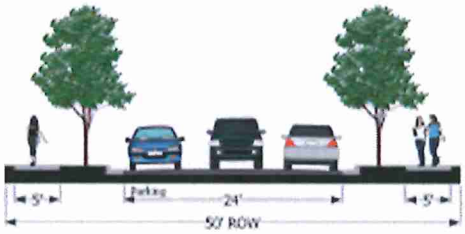
The LSL team has earned a reputation for advancing the science and art of community planning and is frequently asked to speak at regional, state and national conferences, webinars, seminars and workshops. Our team is comprised of community planners, designers, and transportation specialists that guide communities to envision, improve and build their own unique sense of place. What we provide:

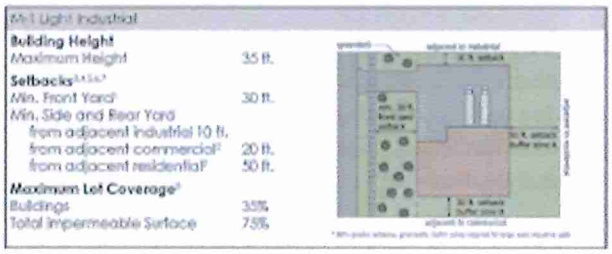
- Customized best-practice plans that meet the unique needs and culture of each community.
- Expertise in a wide range of planning including land use, comprehensive plans, subarea and corridor plans, transportation planning, downtown revitalization and planning, review of development proposals and development regulations.
- We craft and administer form-based codes and development regulations along with ongoing consulting and expert litigation assistance when needed.
- Management of project reviews, consultation with planning commissions and officials, leadership of public meetings and engagement programs.

We measure success by the continued satisfaction of our many clients. Nearly 95% of our clients have engaged us for multiple projects, and several have been with us since the year we opened. Professional and personal service are always quoted as highlights when clients are asked why they work with LSL Planning.









Zoning and Development Regulations

Representative Projects

Palmetto, GA
Zoning Ordinance and Form-Based Code

La Porte, IN
Joint City-County Zoning Ordinance

Midland, MI
Form-Based Code

Bluffton, SC
Unified Development Ordinance

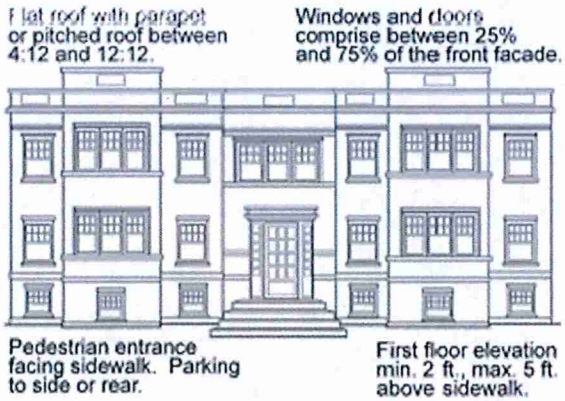
Kodiak, AK
Zoning and Land Management Ordinances

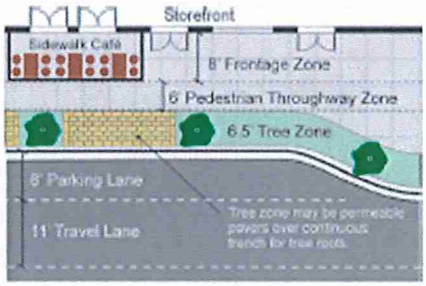
Grandville, MI
User-Friendly Ordinance

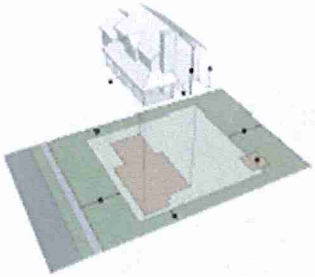
The complexion of land development regulation is changing. Modern zoning ordinances are no longer just about separating uses into discreet districts and imposing one-size-fits-all setback, parking and sign regulations. They are being structured to incentivize quality development, integrate land use regulation with storm water management, create sustainable development, balance the interests of the community with the individual freedoms of the property owners and make the processes of review less onerous.

LSL has crafted zoning, subdivision and unified development regulations for nearly 100 communities across the country, ranging from large central cities to rapidly growing suburbs to rural enclaves. In addition to employing a range of advanced techniques to achieve local goals, LSL ordinances are clear, well organized and concise…in other words, user-friendly. We understand the benefits of making development regulations less intimidating and easier to interpret and apply. LSL's iZone™ formatting brings user-friendly to a new level, making the ordinances digitally interactive, with cross-referencing as easy as a mouse click.

CBD: Specific Building Requirements: Apartment Buildings	
Floor Area	
Minimum	700 sq. ft. for each residential unit
Façades	
Window Transparency Area	25% to 75% of front façade of each residential unit shall consist of windows and doors
Entrances	At least one usable door facing front lot line
Front stoop	
Each dwelling shall have a front stoop with steps	
Minimum depth	4 ft.
Minimum area	32 sq. ft.
Garages	
Off-street parking lots and carports or garages shall be located in the side or rear yard.	







Form-Based Codes

Representative Projects

Birmingham, MI
Triangle District FBC

Leesburg, VA
Crescent District FBC

Fremont, MI
Citywide Code

Midland, MI
Downtown Transition Area Code

One of the freshest zoning concepts to be introduced in decades, Form-Based Code (FBC) is gaining widespread attention from local officials, interested citizens, and the development community. Form-Based Codes rely on design concepts and patterns intended to preserve the best of a community, creating more sustainable places. FBC emphasizes the physical form of the building and its relationship to the street and adjacent buildings. Compatibility of uses is achieved through design and orientation, instead of strict land use separation. The result is development in harmony with the established or desired character of a district supported by mixed uses, pedestrian-friendly systems and complementary scale.

LSL has helped many communities, large and small, achieve their goals for downtown, corridor and neighborhood improvement by incorporating Form-Based Code as an element of traditional zoning or as a community-wide regulatory approach.

Public Involvement and Visioning

Representative Projects

Kalamazoo, MI
Comprehensive Plan

Peters Twp, PA
Design Charrette

Leesburg, VA
Ordinance Public Workshops

Stone Mountain, GA
Smart Growth Public Workshops

Effective planning cannot occur in a vacuum, nor can solutions be imposed on a community. A truly successful plan must evolve from a collaborative process that engages all stakeholders in open communication. LSL has repeatedly demonstrated its ability to bring the community into the process. Our experienced professionals have proven their skill at consolidating divergent opinions into a single vision or common set of objectives. Whether the focus is land use, transportation or special projects, we have earned a reputation as expert facilitators who listen, document ideas, and provide prompt follow-up.

Recognizing that there is no "one size fits all" formula for eliciting input, LSL draws from a menu of proven techniques, tailoring a program to the specific needs of the client and the project. Examples include:

Open houses | Design workshops/charrettes | MindMixer online engagement program | Agency days | Stakeholder focus groups | Surveys | Targeted events like "Kidspeak" or "College Nite" | Facebook | Media relations | Traditional town meetings and public hearings | LSL's trademarked Public Workshop in a Box™ | Interactive, self-directed "games" and activities

LSL Planning
A SAFEbuilt Company

iZone
Interactive Zoning

Let LSL bring your zoning ordinance into the digital age with a clear, affordable and user-friendly document. Your code will be web-ready, look great, and with links to application forms the entire process can be electronic. At the same time LSL can audit your current code, make organizational improvements, and add links to route users to other web pages. The results enable a clear and concise development process.

iZone | Interactive Zoning transforms ordinances into a fully interactive digital user interface. Gone are the days of fumbling through a thick binder or scrolling through static files. iZone uses advanced document production software to create interactive PDF files. This makes it easy for officials and the public to navigate complex regulations digitally.

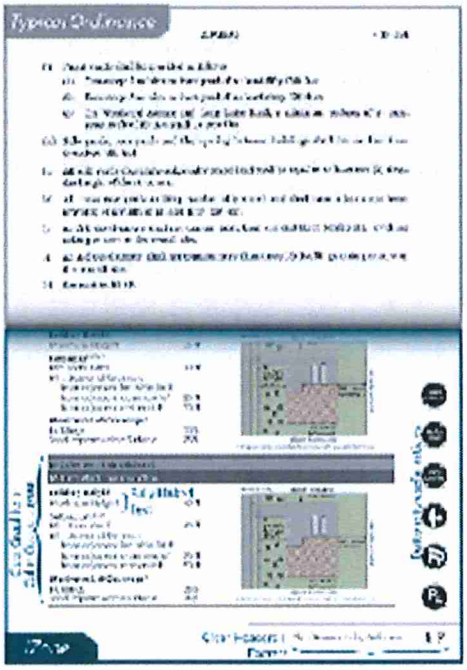
User friendly. Fully interactive.

Key Features of iZone:
- Clear, color-coded layout
- Hyperlinks and buttons
- Web-ready

Add-ons:
- Concise graphics
- Links to online application forms
- Zoning ordinance audit
- Complete code rewrite

What is iZone?

iZone is an enhanced electronic format that can help transform an ordinance into a fully interactive digital user interface. But iZone isn't just a user-friendly document - it also reformats regulations, adding color-coded district pages, use tables, and color illustrations.



How it Works

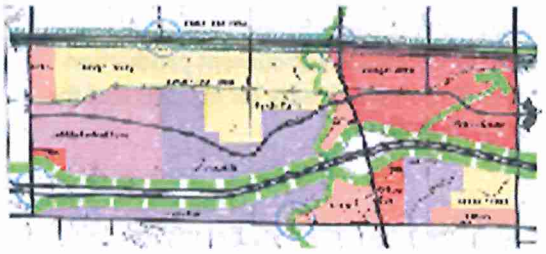
iZone marries traditional zoning ordinances with web pages. Its in-text links, icons, and buttons provide functions similar to an internet browser, allowing easy navigation to topics like definitions and terms, section references, and graphics. Links even allow navigation to other web pages and e-documents.

Want to Learn More?

Go to http://www.lslplanning.com/services/izone.html
The "experience iZone" button will take you to a web page that includes a fully functioning version of a recent iZone for Palmetto, GA to take a test drive. We'd love to speak with you more about how iZone can help your community.

experience iZone

Contact zoning expert, Paul LeBlanc for more Info:
leblanc@lslplanning.com



Comprehensive Planning

Representative Projects

Kalamazoo, MI

Bluffton, SC

Midland, MI

Charleston, WV

Steubenville, OH

Peters Twp, PA

While most communities share some similarities, each is unique with respect to issues, values, and long-range vision. Community planning must respect this individuality. Planning is an art requiring skilled guidance from knowledgeable professionals in concert with the enthusiastic participation of local officials, civic leaders, property owners, and residents. You provide the enthusiasm; we provide the leadership and experience; and together we can achieve your unique and particular goals.

Having served dozens of communities throughout the United States, the LSL staff brings a varied perspective and fresh insights to each project. Central cities, suburbs, rural towns, townships, and counties have all called on LSL for assistance in charting their future direction, counting on the varied perspective and creative ideas we bring to each assignment. LSL's broad experience is as diverse as the communities we serve.

Project Descriptions

LSL has assisted dozens of communities and counties with the preparation of complete new zoning codes, subdivision control ordinances, form-based codes, unified development ordinances and extensive revisions to provisions such as sign ordinances, planned unit development regulations and corridor overlay districts. Examples of a few of the projects most relevant to Kennedale are provided on the following pages.

Comprehensive Plan and Zoning Ordinance
Bluffton, SC

Key Elements

Comprehensive Plan

Growth Management

Access Management

Waterfront Planning

Zoning Ordinance

iZone | Interactive Ordinance

Plan Audit | Progress Report

Contact

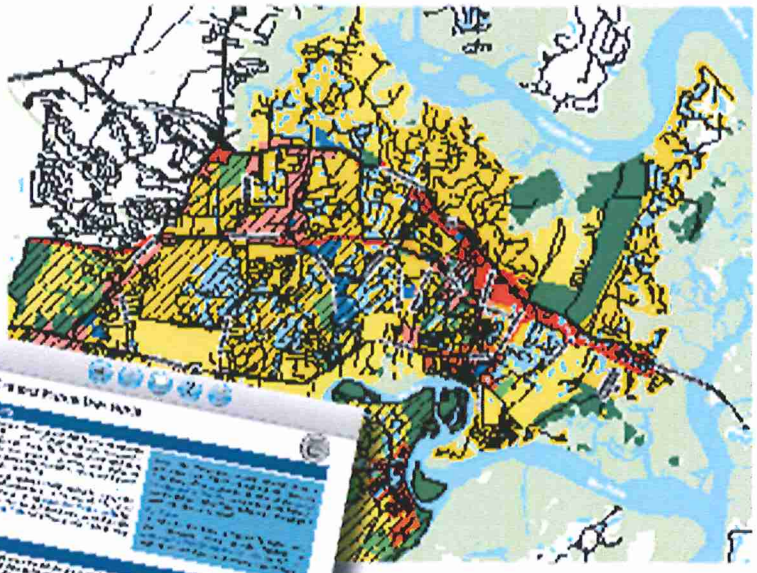
Mark Orlando, Town Manager
Town of Bluffton
PO BOX 386
Bluffton, SC 29910
morlando@townofbluffton.com
843.706.4510

Located in the heart of the Lowcountry, in southeastern South Carolina, just outside Hilton Head, this once quaint One Square Mile coastal town has surged to an area of over 53 square miles. LSL assisted Bluffton in preparing a plan that focused on managing growth. The plan is sensitive to the delicate balance between the intensity and location of land uses, while at the same time protecting its fragile environment and ensuring an adequate transportation system and public services.

Once the Plan was updated, LSL Planning led a team to rewrite the zoning and subdivision regulations into a Unified Development Ordinance. This new ordinance integrates many of the "best practices" promoted in the Plan – compact development, mixed use, multi-modal streets, green infrastructure and transfer of development rights. Incentives are provided to entice developers to provide desired elements like LEED design, affordable housing and open space. LSL formatted the ordinance into a user-friendly iZone | Interactive Ordinance with a user guide. In addition, LSL worked with town staff to streamline the application process with a user manual and interactive PDF forms. Five years after the plan was adopted, LSL Planning prepared an "audit" as required by South Carolina State Law. This process examined the high degree of accomplishments since the plan was prepared, along with the framework for some chapters that will be refreshed.

"You have given us just what we needed in our Comp Plan. The shared vision we needed on policies for our officials and the specifics we need for staff reports on rezonings and PUD's"

- Marc Orlando, Assistant Town Manager, Bluffton SC



Bluffton's iZone | Interactive Ordinance and Application Manual User Guide make it easy for users to navigate materials

Unified Development Code

Hilliard, OH

Key Elements

Design Standards

Zoning and Subdivision Codes

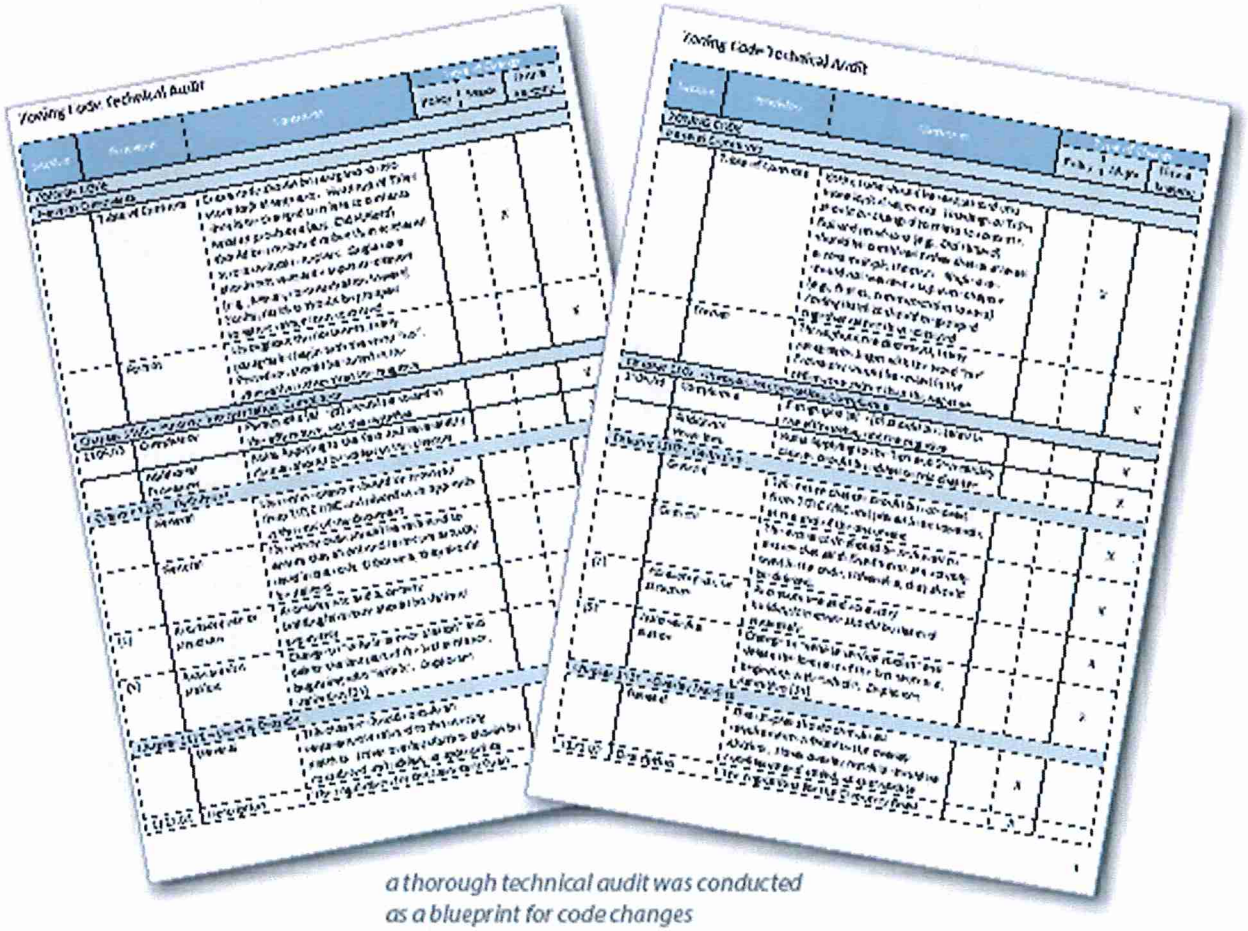
Streamlined Procedures

Contact

John Talentino, City Planner
614.334.2444
jtalentino@hilliardohio.gov

This Columbus suburb has experienced steady and diverse growth for decades. Its recently completed comprehensive plan laid out a visionary path for the community, recognizing the need to retain strong identity areas, such as the Old Hilliard business district, while ensuring that new development would be properly accommodated. While the plan presented an exciting vision, the City realized that its decades-old land development regulations were inadequate to make that vision reality. As a result, the City Council authorized a multi-phased restructuring of the zoning and subdivision codes and design standards.

Working with city staff, the consultant team completely overhauled the land development standards and regulations to fully integrate them into a cohesive whole, make them user-friendly and ensure that they are entirely supportive of the comprehensive plan's direction. The resulting UDC streamlines procedures, introduces standards to make reviews more consistent and predictable, and eliminates unnecessary regulations.



a thorough technical audit was conducted as a blueprint for code changes

Zoning Ordinance and Form-Based Code
Palmetto, GA

Key Elements

Zoning Ordinance

Form-Based Code

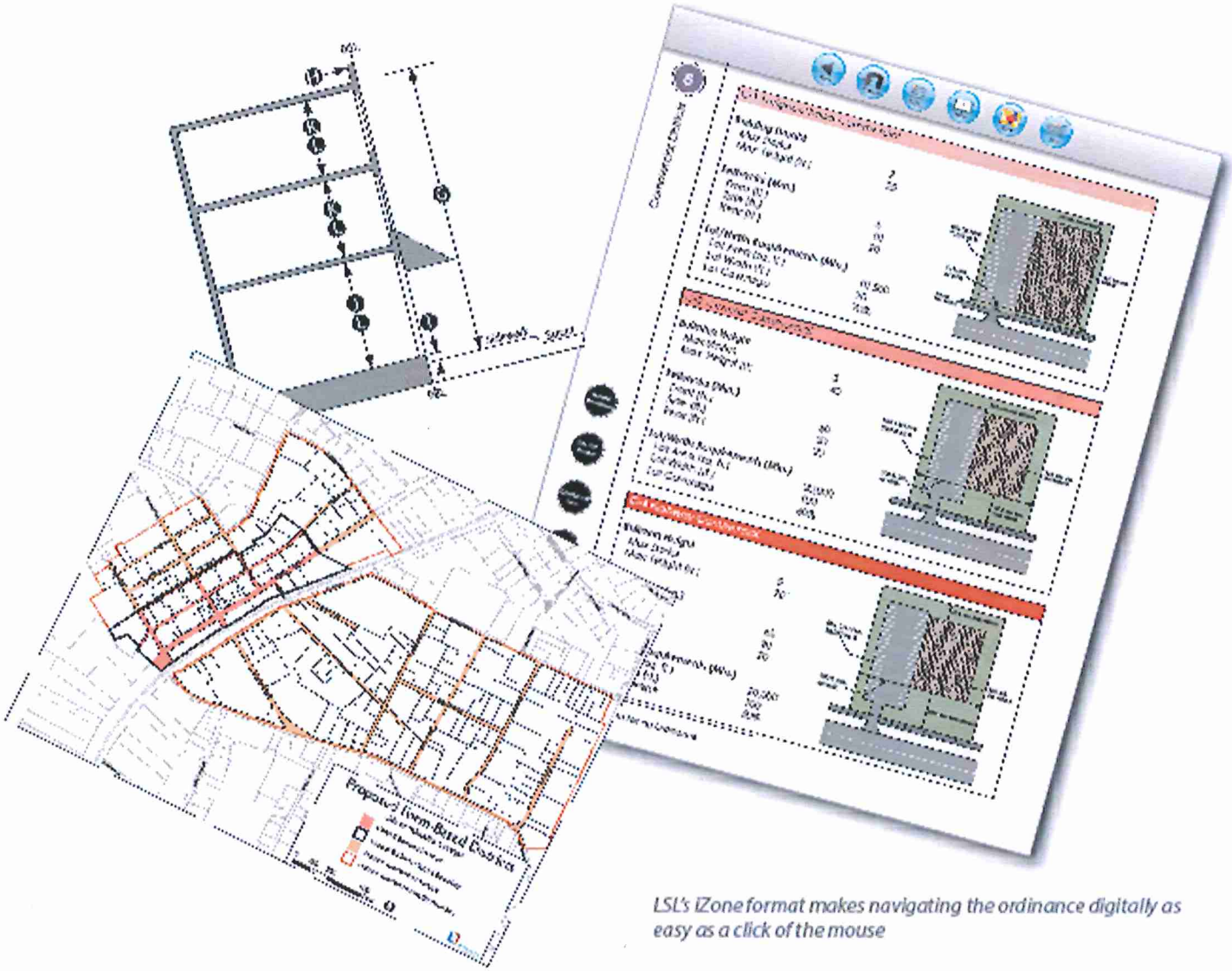
iZone | Interactive Zoning

Contact

Terry Todd, City Manager
John Miller, Mayor
City of Palmetto
770-463-3377
terrytodd@citypalmetto.com

A small Atlanta suburb, Palmetto has big ambitions. Following completion of its new comprehensive plan, the city launched into a rewrite of its zoning regulations with assistance from LSL. Like many communities, Palmetto's regulations were dated and suffered from conflicting provisions, ambiguity and other shortcomings, making further amendment impractical and inhibiting the city's ambitious plans.

Working closely with a team of city officials and citizens, LSL prepared a new ordinance to support the comprehensive plan and provide clarity, readability and predictability. Two innovative features of the ordinance include introducing elements of form-based code for select areas and using LSL's iZone™ format to make the ordinance simple to use and understand.



LSL's iZone format makes navigating the ordinance digitally as easy as a click of the mouse

Gaslight Village Downtown
East Grand Rapids, MI

Key Elements

Private Development

PUD

Rezoning

Coordination

Public and Media Relations

Contact

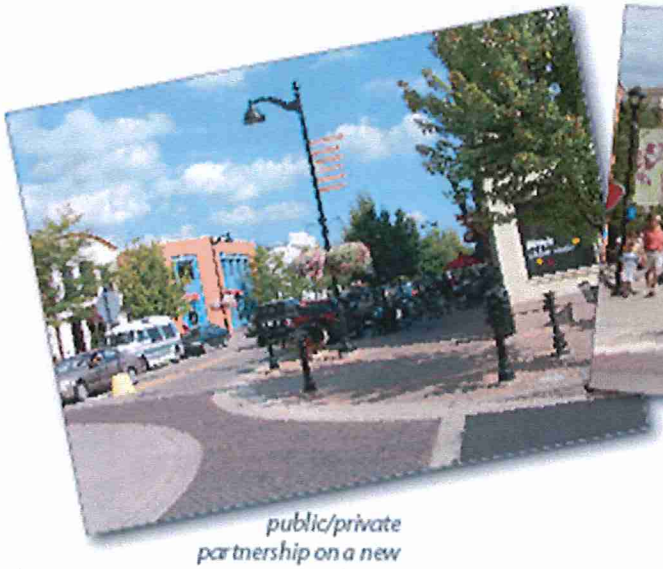
Brian Donovan, City Manager
City of East Grand Rapids
616.949.2110

East Grand Rapids is a classic "streetcar" suburb of Grand Rapids, with great neighborhoods but had a declining downtown, "Gaslight Village," faced with the loss of its anchor uses. A revitalization plan was needed.

LSL first prepared the Gaslight Village Subarea Plan, conducting design charrettes and workshops to elicit merchant and resident opinions about urban design principles, building height, signs, and transitions to adjoining neighborhoods. LSL led a tour by city officials to other "best places." A new code was crafted.

Once the plan was in place, LSL helped guide a major redevelopment project, replacing a vacated department store building and parking structure with new retail, offices, a store-lined new plaza, and four planned mid-rise condominium buildings. The redevelopment was complemented by an enhanced streetscape and a new City Hall and Library. While the redevelopment continues, Gaslight Village has reclaimed it prominence as a shopping and entertainment destination.

views of the existing, dull parking structure were enhanced with art, a fountain, plaza, and other elements



public/private partnership on a new streetscape

fun and innovative stormwater design elements where new buildings replaced a vacated department store

Zoning Ordinance and Form-Based Code
Grandville, MI

Key Elements

Form-Based Code

Public Involvement

Web-Ready

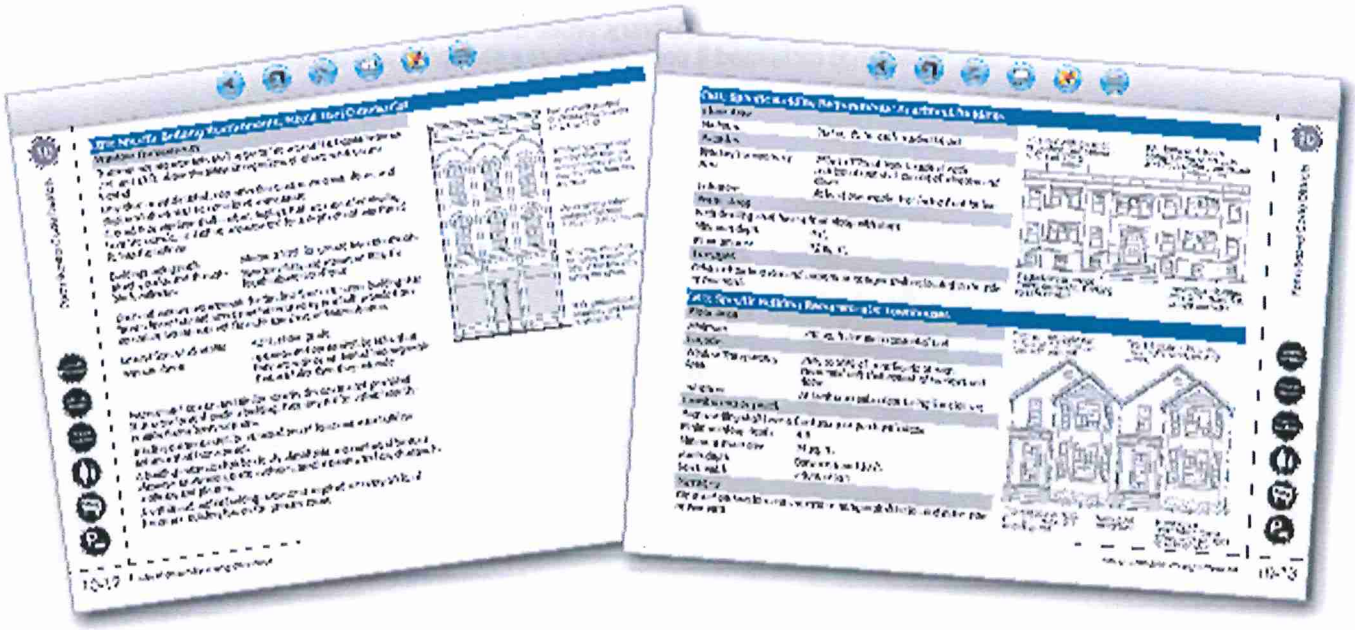
iZone formatting

Contact

Matt Butts
Assistant to the City Manager
616.530.4981
buttsm@cityofgrandville.com

A vibrant inner ring suburb with little vacant land, Grandville crafted a master plan that focused on key subareas and their development character. The plan concluded that the protection and long-term health of the downtown and surrounding 1920s bungalow neighborhoods were essential and could best be achieved by adopting a form-based code. The balance of the city, however, was well suited to more traditional, though reorganized and updated, zoning regulations.

Using LSL's iZone | Interactive Zoning, an enhanced electronic format, Grandville was able to create a fully interactive document marrying the zoning ordinance with the functionality of web pages. Its in-text links, icons, and buttons function similarly to an internet browser, allowing mouse-click navigation to definitions and terms, section references, and graphics. The use of color-coded district pages, use tables, and illustrations further enhanced the readability and usability of the ordinance.



City of Kennedale - Core Team Availability		
Core Team	Lead Role	
Paul LeBlanc, AICP	Project management, principal author, client liaison	45%
David Jirousek, AICP	Project support, co-author, assist with meetings	35%
Brian Shorkey, AICP	Project support	40%
TJ Dlubac, AICP	Project support	30%

Key Staff

The core team organized to assist you is highly experienced in all facets of planning and land use regulation. Each has worked with communities of similar size and character to the City of Kennedale and understands the challenges faced by the City.

- **Paul LeBlanc, AICP – Project Manager.** Paul is the planning division manager. He will lead the project and actively participate in all aspects. He has written and managed numerous zoning ordinances for counties and municipalities. He is frequently retained as an expert in zoning litigation, evidence of his reputation in this arena. He also regularly conducts training workshops for elected officials, planning commissions and appeals boards; is a former member of a city planning commission; and is currently an elected official. Among his current assignments, Paul is assisting Fort Mill (SC) with preparation of a new Unified Development Ordinance; preparing various ordinance revisions for the City of East Grand Rapids (MI); and drafting an extensive attached residential ordinance for the City of Bay Village (OH.

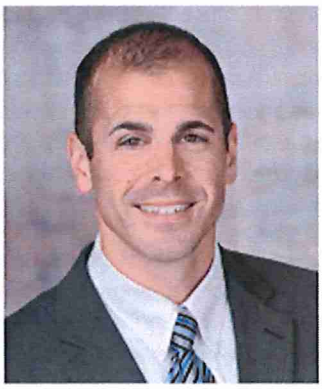
- **David Jirousek, AICP – Senior Planner.** Another experienced member of LSL's staff and a former planning director, David has worked for both communities and county agencies in his 12 year career. Much of his experience has been specifically related to zoning enforcement and administration. He will bring practical insights to the project, as well as a diverse perspective gained from working in communities that have experienced considerable expansion and those facing the challenges of infill and redevelopment. Presently, he is working with Delta Township (MI) to revise their entire sign ordinance, Suttons Bay (MI) to rewrite their zoning ordinance, and Richmond Hill (GA) to perform a technical audit of their subdivision regulations. He will perform much of the technical review of the Kennedale regulations and be responsible for drafting portions of the new regulations, as well as attending stakeholder meetings.

- **Brian Shorkey, AICP – Project Planner.** Brian has worked for municipal, county and regional agencies during his career. Much of that work has been directly related to current planning and zoning, including enforcement, project reviews and preparation of land use regulations. He currently assists a variety of LSL clients with day-to-day zoning challenges and project reviews. Brian will assist with the preparation of specific elements of the City's new zoning and subdivision regulations.

- **TJ Dlubac, AICP – Project Planner.** Another experienced and knowledgeable professional, TJ has worked as a planning director and zoning administrator responsible for ordinance preparation, project reviews, zoning administration and the day-to-day contact with applicants. He will provide support to the team and assist with reviewing the draft ordinances and drafting various components.

David Jirousek, AICP

Senior Planner



EXPERIENCE
Since 2001

LSL EXPERIENCE
Since 2013

EDUCATION
Master of Community Planning, University of Cincinnati, 2003

Bachelor of Arts in Environmental Studies, Minor in History, Allegheny College, 2001

PROFESSIONAL ASSOCIATIONS
American Institute of Certified Planners

American Planning Association

Michigan Chapter of the American Planning Association

David Jirousek has 12 years of town, county and regional planning experience in both private sector consulting and public sector planning. Prior to joining LSL, David served as a planning consultant, County Director of Planning and Building Services, Senior Town Planner and Regional Planner. Current assignments include development review and ongoing zoning administration, master plan updates, zoning ordinance revisions, special projects and plan implementation.

In addition to long range planning and special projects, David has managed capital projects from concept to successful completion, including CDBG water and sewer lines, roads, buildings, parking lots and parks. In the capacity of development reviewer, David ensured development compliance by enforcing codes, inspecting construction sites and providing clear guidance to the construction community. His planning experience covers the spectrum of the field, including development agreements, planned development concept and master plans, development plans, subdivisions, zoning map and text amendments, and all other land development applications.

Partial Listing of Experience

Comprehensive Plans and Long Range Plans

Robinson Township (MI) Subarea Plan | Village of Pentwater (MI) | Bluffton (SC) | City of Otsego (MI) | City of Hart (MI) | Danby Township (MI) | Jasper County (SC) Solid Waste Management Plan | Jasper County (SC) Comprehensive Plan | Point South (SC) Improvement District and Redevelopment Plan | Town of Bluffton (SC) Comprehensive Plan | South Carolina 46 Corridor Management Plan | Lowcountry Region (SC) Natural Hazard Mitigation Plan | Beaufort County (SC) Southern Beaufort County Regional Plan | Lowcountry (SC) Regional Solid Waste Management Plan | Lowcountry (SC) Regional Transportation Plan | Marine Corps Air Station Beaufort (SC) Joint Land Use Plan

Zoning Ordinances and Land Development Regulations

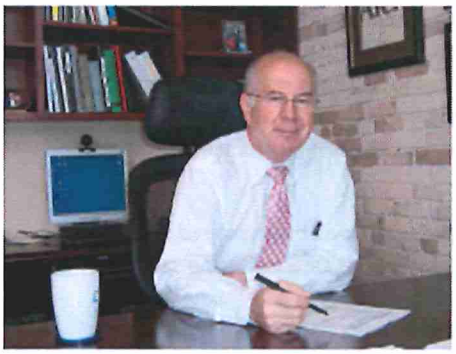
Village of Suttons Bay (MI) Zoning Code | Town of Bargersville (IN) Zoning Code and Subdivision Ordinance | Delta Township (MI) Sign Code | Richmond Hill (GA) Technical Review | Sherman Township (MI) Zoning Code | Grand Haven Township (MI) Zoning Code |City of Hilliard (OH) Zoning Code and Subdivision Regulations | Jasper County (SC) Zoning and Land Development Regulations Updates | Jasper County (SC) Stormwater Ordinance and Design Manual | Town of Bluffton (SC) Unified Development Ordinance | Town of Bluffton (SC) Form-Based Code

Ongoing Zoning Administration and Other Consultation Services

Brooks Township (MI) Consultation Services | Keeler Township Consultation Services | Antwerp Township (MI) Consultation Services | Bertrand Township (MI) Consultation Services | Byron Township (MI) Consultation Services | Cannon Township (MI) Consultation Services | City of Ferrysburg (MI) Consultation Services | City of East Grand Rapids (MI) Consultation Services | City of Hart (MI) Consultation Services | City of Otsego (MI) Consultation Services | Pentwater Village (MI) Consultation Services | Sullivan Township (MI) Consultation Services

Paul LeBlanc, AICP

Planning Manager



EXPERIENCE
Since 1971

LSL EXPERIENCE
Since 1996

EDUCATION
B.A., Urban Analysis, University of Wisconsin

M.P.A., Public Administration, Western Michigan University

PROFESSIONAL ASSOCIATIONS
American Institute of Certified Planners

American Planning Association

Georgia APA

Michigan APA

Indiana APA

Member, GPA Legislative Committee

Paul is the planning manager in LSL's Grand Rapids office. His background in all aspects of community planning is extensive, having worked throughout the country with a multitude of public and private-sector clients. During his distinguished career, Paul has performed in a variety of general and specialized areas of planning practice – comprehensive planning, corridor studies, zoning, project reviews, parks & recreation, and public involvement, making him a valuable contributor on many varied assignments.

Prior to co-founding LSL, Paul was a Principal with a prominent design firm and before that was Vice President for a large architectural/ engineering firm, managing its Planning, Landscape Architecture, and Civil Engineering groups. He has also served in a variety of staff positions with county and regional planning agencies.

Most recently, Paul has been actively involved in a wide array of projects for county and municipal clients in Pennsylvania, Indiana, Kentucky, Ohio, Georgia, Tennessee, Alaska, and Michigan. In recognition of this extensive experience, he is frequently called upon to testify as an expert in zoning litigation.

Partial Listing of Experience

Comprehensive and Master Plans

Peters Twp (PA) Comprehensive Plan | Valdosta (GA) Moody AFB Joint Land Use Study | Park Twp (MI) Comprehensive Plan | City of Belding (MI) Comprehensive Plan | Town of Cedar Lake (IN) Comprehensive Plan | Village of Fowlerville (MI) Master Plan | City of Richmond (IN) Comprehensive Plan | City of Portage (MI) Comprehensive Plan | City of Ludington (MI) Waterfront Plan (Planning Award Recipient) | Town of Lapel (IN) Comprehensive Plan | Town of Whiteland (IN) Comprehensive Plan | LaGrange Co. (IN) Subarea Plan | Isabella Co. (MI) Master Plan | Gratiot Co. (MI) Master Plan | Cass County (IN) Comprehensive Plan | Johnson County (IN) Comprehensive Plan

Zoning

Yellow Springs (OH) Zoning Ordinance | Porter County (IN) US 6 Overlay District | City of Palmetto (GA) | City of Wyoming (MI) | Town of Cedar Lake (IN) | Lexington/Fayette Co. (KY) Zoning Analysis| Kodiak Island Borough (AK) | Porter County, IN - US 6 Corridor Overlay | Cannon Twp. (MI) | City of Rockford (MI) | City of Kentwood (MI) | La Porte Co. (IN) | City of New Buffalo (MI) | Georgetown Township (MI) | Niles Township (MI) | Spring Lake Township (MI) | Steuben Co. (IN) | Oldham Co. (KY) PUD Analysis | Gratiot Co. (MI) | Ogemaw Co. (MI) | Isabella Co. (MI) | Ionia Co. (MI)

Business District Plans

City of Crown Point (IN) Downtown Parking/Circulation/Traffic Study | City of DePere (WI) Downtown Development Plan | City of East Grand Rapids (MI) Gaslight Village Master Plan | Lexington/Fayette Urban County Government (KY) Non-residential Infill & Redevelopment Study

Corridor Plans

City of Elkhart (IN) | Grand Rapids (MI) 28th Street Corridor Plan | Kentwood/Wyoming (MI) 44th Street Corridor Plan | Rockford (MI) Ten Mile Road Corridor Plan | Georgetown Twp. (MI) Chicago Drive Corridor Plan

TJ Dlubac, AICP

Planner

With a strong background in municipal planning and development review, TJ brings a wide array of community development and project management experience to the LSL team. TJ's experience in the public and private sector has allowed him to develop a well-rounded approach that is rooted in reaching practical solutions. Before joining the LSL team, TJ managed over 120 Federal Transit Administration grants for over 30 rural transit agencies while at the Colorado Department of Transportation. Prior to working for the State of Colorado, TJ was a community development director where he was responsible for overseeing and managing long range planning, current planning, development review, building department services, and code enforcement. TJs broad experience in land use and zoning policy has afforded him a clear understanding of the web of impacts policy decisions have on communities.

EXPERIENCE
Since 2005

LSL EXPERIENCE
Since 2014

EDUCATION
Bachelor of Arts in Geography, University of Connecticut

Master of Urban & Regional Planning Candidate, University of Colorado at Denver

Certificate in Planning and Facilities Management, The Ohio State University

PROFESSIONAL ASSOCIATIONS
American Institute of Certified Planners

American Planning Association

Colorado Chapter of American Planning Association

Alliance for Innovation

Partial Listing of Experience

Government Planning Services

TJ has managed numerous land use, zoning, and parks projects for local government. He has extensive experience with development review, intergovernmental agreements, and developer negotiations to ensure community character and vision are embodied with each development application. His portfolio of projects include master planning, transportation network connectivity, land use code rewrites, public engagement strategies, transit feasibility analysis, and existing conditions studies and analysis.

Land use & Zoning Policy

TJ has developed zoning ordinance, subdivision regulation, and municipal code updates to better implement the vision and goals of the community and address its unique needs. Also, TJ has conducted visioning sessions with elected and appointed commissions. Relevant projects have included research and ordinance updates related to: sign regulations, excess weight vehicle, medical marijuana standards, lot coverage, residential and commercial design standards, and process improvements.

Transit Planning, Transportation, and Access Management

He coordinated and managed transit grants for rural Colorado communities while working in Colorado Department of Transportation's Division of Transit and Rail and refined transportation network standards and guidelines while a municipal planner. Projects include complete streets corridor analysis, walkability audits, accessibility studies, and enhancing street and trail networks for safe and efficient mobility.

Public Involvement and Community Engagement

TJ has successfully managed community engagement plans as part of a larger project or to simply solicit input or share information. He has facilitated public meetings, design charrettes, open houses, public hearings, surveys, town hall meetings, and visioning exercises.

Brian Shorkey, AICP

Project Planner II

EXPERIENCE
Since 2000

LSL EXPERIENCE
Since 2015

EDUCATION
Bachelor of Science in Physical Geography, University of Michigan

Master of Science in Geography, Eastern Michigan University

PROFESSIONAL ASSOCIATIONS
American Institute of Certified Planners

American Planning Association

Michigan Chapter of the American Planning Association

PUBLICATIONS
"Planning for Protection of Kentucky's Dry Run Watershed"
Practicing Planner, Volume 8, Number 2, 2010

Brian has 15 years of city and county planning experience. Prior to joining LSL, he served in various public-sector capacities as a Zoning Administrator, Planning Director, Transportation Planner, and Analyst. Current assignments include development review and ongoing zoning consultation, master planning, zoning ordinance revisions, special projects, and plan implementation.

In addition to long range planning and special projects, Brian has successfully authored Federal transportation grant applications and has been involved in non-motorized and emergency management projects. In the capacity of development reviewer, he ensured development compliance by enforcing codes, inspecting construction sites, and providing clear guidance to the construction community. His extensive planning experience includes ordinance enforcement, community master planning, development plans, zoning, capital improvement plans, retail analysis, and review of land development applications.

Partial Listing of Experience

Comprehensive and Long Range Plans

Comstock Township (MI) | Boone County (KY) | Houston – Donaldson Small Area Study (KY) | Gunpowder Creek (KY) Watershed Management Plan | Georgetown – Scott County (KY) | Washtenaw County Road Commission Five-Year Capital Improvement Plan (MI) | Dexter Bridge Study, Washtenaw County Road Commission (MI) | Putnam Township (MI) | Marian Township (MI) | Livingston County (MI)

Zoning Ordinance and Land Development Regulations

Boone County (KY) Zoning Code | City of Georgetown (KY) Sign Ordinance | Village of Pinckney (MI) Zoning Code | Putnam Township (MI) Private Road Ordinance | Comstock Township (MI) Garage Sale Sign Code | Comstock Township (MI) Collection Box Ordinance

Other Planning Services

Zoning Enforcement, Comstock Township (MI) | Federal Transportation Grant Author, Boone County (KY) | Zoning Enforcement, Georgetown – Scott County (KY) | Phase II Stormwater Permit Maintenance, Washtenaw County Road Commission (MI) | East Delhi (MI) Environmental Assessment | Seven Mile Road (MI) Environmental Assessment

Understanding

Kennedale's challenges are not unique. Many communities wrestle with the frustration of working with outdated regulations that have been patched and tweaked over the years...many times to address recurring issues, unique dilemmas or unanticipated opportunities. At some point, such as the adoption of a new comprehensive plan, those communities realize that existing tools that may have served the community well in the past are no longer adequate to support the plan or accommodate the new realities.

The issues listed in the RFQ are evidence that Kennedale has reached that point. In order to support the recently adopted comprehensive plan, the current regulations need an overhaul. The band-aides no longer cover the wounds. Minor blemishes have become significant irritants that need to be addressed in a comprehensive fashion. Many of the required "fixes" will be fairly straightforward – reorganizing the ordinances to make them flow better, deleting outdated terms and legalese to make them more readable and converting lengthy text that into tables to add clarity. Other changes will require more discussion and may necessitate a policy shift in philosophy – delegating more decision-making to staff to expedite reviews, offering incentives (density, height, coverage, etc.) to achieve the type of development the comprehensive plan envisions or imposing design requirements on a resistant business community.

A major part of a successful process should be aimed at working with the city and stakeholders to understand the community, the regulatory philosophy and the type of regulation that is appropriate and supportable. The revised ordinances cannot be warmed-over versions of what worked elsewhere. The ordinances must be tailored to the City of Kennedale, reflecting the needs, issues and goals of your community; recognizing the resources available to enforce the rules; and understanding the balance to be struck between community interests and individual property rights.

While the specific scope of work would be negotiated with the City, the following describe a suggested approach and scope of work that we are confident will give the City the results it seeks.

Approach

Support the Plan – Zoning must be built on a solid foundation, i.e., the comprehensive plan. Too often, outdated zoning regulations do not afford the community the tools needed to achieve its vision. Creative mechanisms are needed to move the community in the desired direction. It is essential that modern tools be available to effectively manage development.

User Friendly – The current ordinances, like so many, are difficult to maneuver through. They are largely comprised of lengthy pages of text and difficult-to-understand provisions. LSL strives to simplify language and the organization of ordinances. The extensive use of graphics, tables, and even color greatly enhances the appeal and readability of the regulations. To further facilitate their use, the ordinances can be prepared in a web-ready format, making maneuvering through the provisions as easy as a mouse click.

Defensible – While innovation is desirable, the ordinances must be well supported on a strong legal foundation. Relating the ordinance provisions to specific elements of the comprehensive plan is key. In addition, the regulations must relate to valid public purposes to sustain potential legal challenges. No ordinance is immune from challenge, but crafting an ordinance that can withstand a challenge is an important goal.

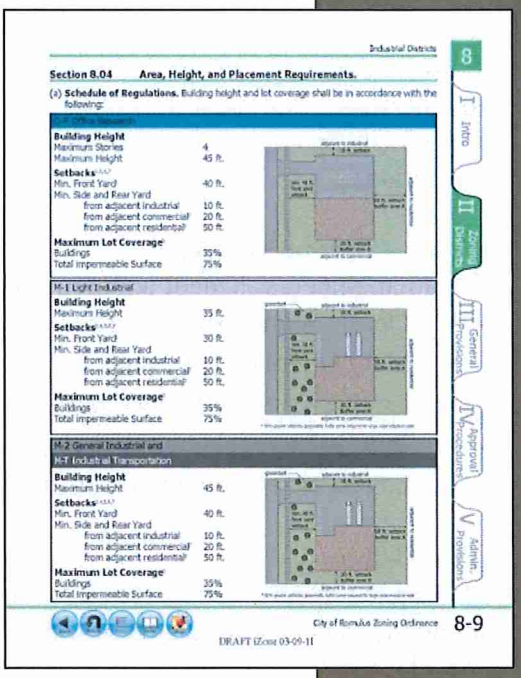
Innovative – Though the ordinances must be technically and legally sound, specific circumstances may require a more innovative course than may be commonly used. Best practices should be introduced to ensure the community's competitiveness. LSL is known for its "out-of-the-box" creativity. The combined technical and design expertise on the project team will assure the City of imaginative, but defensible, approaches.

Working Partnership – The City's new UDO must be tailored to the conditions, issues and philosophy of Kennedale. It cannot be a cut-and-paste version of another community's regulations. Our project approach includes extensive interaction between the LSL team and City officials and stakeholders. Frequent meetings, personal interviews, focus groups, roundtable discussions, open houses and other proven techniques should be employed to engage the community in a process designed to yield regulations that not only meet, but exceed your expectations.

Elements of User-Friendly Ordinances

The end product must be a well-organized, user-friendly code that incorporates graphics, charts and tables, as well as concise, easy-to-understand language. We can also format the document as a web-ready interactive code using our I-Zone™ format, which incorporates hyperlinks allowing easy maneuvering through the regulations and quick information retrieval. See www.townofbluffton.sc.gov/Documents/izone.pdf for an example of a UDO in this format. Other tools that will make the code user-friendly include:

- **Organization:** Organizing articles and text in a logical and consistent sequence.
- **Table of Contents:** Grouping related sections (districts, development standards, general provisions, subdivision regulations, administration and procedures).
- **Graphics:** Generously using graphics and charts to help the reader with definitions and requirements, especially where a picture is more understandable than complex text.
- **Color:** Incorporating color into tables and charts to make them easier to read and add interest to the text. Colors on district use tables can match the corresponding category on the zoning map.
- **Districts and Uses:** Grouping districts by category – residential, commercial, industrial, etc. – and listing uses and requirements in tables.
- **Definitions:** Consolidating definitions into a single article and resolving inconsistencies and contradictions. Where practical, definitions will be based upon the International Code Council's recommended definitions and common usage in the region. Regulatory language will also be removed from definitions.
- **Procedures:** Reviewing application and review procedures to ensure they reflect current practices and introducing more efficient procedures where appropriate.
- **Tables and Checklists:** Placing information in easy-to-access and read tables or checklists, rather than long lists.
- **Redundancies and Inconsistencies:** Eliminating any current inconsistencies and/or redundancies.
- **Cross References:** Making sure cross references are relevant and correct and, if desired, hyperlinked.
- **Digital/ Web-ready Format:** Posting the code on the City's web site in a user-friendly digital format.


Industrial Districts

8

Section 8.04 Area, Height, and Placement Requirements.

(a) **Schedule of Regulations.** Building height and lot coverage shall be in accordance with the following:

Building Height	
Maximum Stories	4
Maximum Height	45 ft.
Setbacks	
Min. Front Yard	40 ft.
Min. Side and Rear Yard	
from adjacent industrial	10 ft.
from adjacent commercial	20 ft.
from adjacent residential	50 ft.
Maximum Lot Coverage	
Buildings	35%
Total Impermeable Surface	75%

M-1 Light Industrial

Building Height	
Maximum Height	35 ft.
Setbacks	
Min. Front Yard	30 ft.
Min. Side and Rear Yard	
from adjacent industrial	10 ft.
from adjacent commercial	20 ft.
from adjacent residential	50 ft.
Maximum Lot Coverage	
Buildings	35%
Total Impermeable Surface	75%

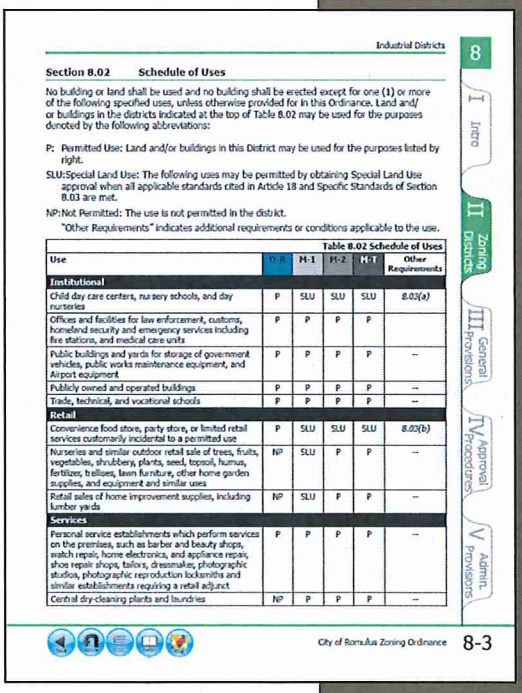
M-2 General Industrial and M-T Industrial Transportation

Building Height	
Maximum Height	45 ft.
Setbacks	
Min. Front Yard	40 ft.
Min. Side and Rear Yard	
from adjacent industrial	10 ft.
from adjacent commercial	20 ft.
from adjacent residential	50 ft.
Maximum Lot Coverage	
Buildings	35%
Total Impermeable Surface	75%

I Intro | II Zoning Districts | III General Provisions | IV Approval Procedures | V Admin. Provisions

City of Romulus Zoning Ordinance 8-9

DRAFT (Zone 03-09-11


Industrial Districts

8

Section 8.02 Schedule of Uses

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of Table 8.02 may be used for the purposes denoted by the following abbreviations:

P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.

SLU: Special Land Use: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards cited in Article 18 and Specific Standards of Section 8.03 are met.

NP: Not Permitted: The use is not permitted in the district.

"Other Requirements" indicates additional requirements or conditions applicable to the use.

Table 8.02 Schedule of Uses

Use	O-R	M-1	M-2	M-T	Other Requirements
Institutional					
Child day care centers, nursery schools, and day nurseries	P	SLU	SLU	SLU	*8.03(a)*
Offices and facilities for law enforcement, customs, homeland security and emergency services including fire stations, and medical care units	P	P	P	P	
Public buildings and yards for storage of government vehicles, public works maintenance equipment, and Airport equipment	P	P	P	P	--
Publicly owned and operated buildings	P	P	P	P	--
Trade, technical, and vocational schools	P	P	P	P	--
Retail					
Convenience food store, party store, or limited retail services customarily incidental to a permitted use	P	SLU	SLU	SLU	*8.03(b)*
Nurseries and similar outdoor retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellises, lawn furniture, other home garden supplies, and equipment and similar uses	NP	SLU	P	P	--
Retail sales of home improvement supplies, including lumber yards	NP	SLU	P	P	--
Services					
Personal service establishments which perform services on the premises, such as barber and beauty shops, watch repair, home electronics, and appliance repair, shoe repair shops, tailors, dressmaker, photographic studios, photographic reproduction locksmiths and similar establishments requiring a retail adjunct	P	P	P	P	--
Central dry-cleaning plants and laundries	NP	P	P	P	--

I Intro | II Zoning Districts | III General Provisions | IV Approval Procedures | V Admin. Provisions

City of Romulus Zoning Ordinance 8-3

Scope of Work

The following work plan is suggested to achieve the objectives represented in your RFQ. However, specifics can be revised to more closely address local needs and priorities, as desired.

I. Organize

It is essential to begin the project with a clear understanding of roles, responsibilities and objectives. This initial step in the process will establish the working relationship between City and consultant, provide an orientation to the LSL team and define expectations.

Task 1.1 – Start-up Meeting:
LSL team members will meet with the Kennedale team to accomplish the following:

- Clearly define expectations
- Identify preliminary issues
- Establish clear lines of communication and authority
- Determine regular meeting days/times for project coordination
- Collect all relevant materials (ordinances, plans, forms, meeting minutes, etc.)

Task 1.2 –Tour
Following the initial meeting, LSL team members and City staff/officials will tour the community to familiarize the team with current conditions, range of land uses, quality of development, and issues previously discussed at the start-up meeting.

II. Understand

To ensure that the project proceeds on solid footing, it is critical that we begin with a good understanding of current conditions and issues to be addressed. This will be achieved through a review of existing documents and targeted input from key stakeholders. As a result, LSL will have a good grasp of the current regulations, as well as the perceptions of those who use those regulations, both from the enforcement side and the user's side.

Inevitably when talking to stakeholders, such as developers and engineers who use the ordinances, the issue of predictability is raised. Contrary to popular perception, developers are not opposed to regulation. In fact, many view it as desirable to protect their investment in the community. However, they also want to know that decisions will be fair and consistently applied, based on specific standards in the ordinance. Terms such as "suitable landscaping", "acceptable open space", or "sufficient lighting" have no place in land use regulations and only lead to arbitrary, unpredictable and indefensible decisions.

Task 2.1 – Review Current Regulations and Plans
The LSL team will review the current zoning, subdivision and related land development regulations, the comprehensive plan, application forms, and meeting minutes (past 12 months) of the Planning Commission and Board of Zoning Appeals.

Task 2.2 – Technical Audit
As part of the above review, LSL will prepare a detailed technical audit of the current zoning and subdivision regulations. This audit will address organization, overlap,

inconsistencies, conflicts with Texas law and recent court opinions, support for the comprehensive plan and other short-comings to be addressed. These findings will be incorporated into the Blueprint document (Task 3.1).

Task 2.3 – Interviews
Up to eight individual interviews will be conducted with local officials and others identified by the City who have a familiarity with zoning and development in Kennedale. The purpose of the interviews will be to identify specific concerns related to the regulations and the review processes. A summary of the interview results will be provided.

Task 2.4 – User Groups
A series of user group discussions will also be organized to provide another opportunity for key stakeholders to be involved early in the process. It is likely that four groups of eight to ten people each will be identified to participate. Possible groups to be represented may include:

- Land developers
- Major employers
- Business owners
- Neighborhood associations
- Large land owners
- Local engineers and surveyors

The LSL team will lead the user group discussions. Attendance by staff and other officials would be welcomed to observe the discussion. A summary of findings will be provided.

Task 2.5 – Public Open House
At this point in the process, the consulting team will be reasonably familiar with the ordinances and have heard specific comments from key stakeholders. The next step, therefore, will be to offer an opportunity to the community to weigh in on the state of regulation in the community. A presentation will be prepared to explain zoning, the project objectives and general scope of the project. Work stations and exhibits will be set up around the room to give attendees an opportunity to identify likes and dislikes regarding the character of development and other land use issues within the scope of the new regulations.

III. Articulate

Translating the wealth of information obtained earlier into a workable, readable, usable, predictable set of regulations is the challenge of this series of tasks.

Task 3.1 –Blueprint
Our proposed process emphasizes an "up front" effort to develop a blueprint for the new regulations before we begin drafting the language. This blueprint is intended to serve as a guide and reminder of where attention is to be focused, and to build

consensus on changes so there are no surprises at the end of the process. The blueprint will address the following:

- Potential new format and organization
- Technical audit of the current ordinances
- Style guide, to determine document standards such as fonts, capitalization, use of comma vs. semi-colons, etc.
- Style of graphics, tables and illustrations to be used
- Agreement, chapter-by-chapter, on the extent of changes to be made
- Agreement on how changes and policy issues will be illustrated or identified throughout the process, especially at the public hearing
- Outline concepts for new regulations identified through previous staff discussions, review of supportive plan goals and recommendations, such as:

    - Defining the intent and purpose of each district. It may be discovered that some districts are not needed or should be altered to make them more useful. Other district designations or some other techniques could be used in lieu of such districts to accomplish desired ends.
    - Relating to the comprehensive plan's community-wide recommendations, yet is sensitive to and responds to the character of individual districts. These may range from a Form-Based approach for specific neighborhoods or subareas to a more traditional (Euclidean) approach designed to retain the small town character.
    - Reviewing the ordinance's current review provisions and standards and determining if they should be strengthened to support comprehensive plan goals and recommendations.
    - Introducing standards and requirements in the ordinances that support sustainability.
    - Reviewing current sign regulations and determining if they are generally compatible with comprehensive plan objectives.
    - Reviewing current landscaping requirements and establishing a consistent baseline for future landscape improvements.
    - Reviewing zoning regulations and determining if they effectively manage vehicular access.
    - Examining subdivision review and approval procedures for efficiency.
    - Identifying City design standards that are outdated, insufficient or lacking.

One of the objectives is to improve the overall "usability" of the ordinance. During our initial staff meeting (with those who regularly use the ordinance) we will solicit input regarding the perceived "user-friendliness" of the document, including a presentation of various organizational options. There are many possible techniques that can be used to help a reader maneuver through and understand an ordinance. The Kennedale ordinances will be enhanced through improved organization, document layout and extensive use of graphics and tables. See the Bluffton UDO, referenced earlier, as an example.

Task 3.2 –Review
The Blueprint will be reviewed with City staff and the Planning Commission (or steering committee) to achieve consensus regarding the issues, objectives and priorities. One result of this meeting will be agreement on the sequence of output for individual sections/chapters.

Task 3.3 – City Council/Planning Commission Meeting
A presentation will be made to the Council (and Planning Commission) to describe the findings of the technical review, discuss the City's regulatory philosophy and summarize the input received to date.

Task 3.4 – Working Draft
LSL will begin drafting the new regulations, based on direction received from the prior task. The purpose of this draft will be to provide modified text and a reorganized document for internal staff and committee (steering committee or Planning Commission) review and comment. This initial draft will consist of text but will not include graphics or final formatting in anticipation of substantive revisions. A revised zoning map, if needed, will also be part of this task.

Task 3.5 –Review
The document or priority sections will be provided for review and comment. An agreed upon protocol will be established to ensure that comments and edits are provided to the consultant team from a single client source. The review comments submitted to the consulting team should represent a consensus of the review team. A series of five review meetings will be held between the review committee and LSL team to discuss revisions, possible options and other considerations to be incorporated into the formal draft.

Task 3.6 – Formal Draft
A second draft ordinance will be prepared, incorporating agreed-upon changes from the prior review of the working draft. This "formal" draft will be formatted and contain all graphics and illustrations that will be part of the final document. The purpose of this draft is to elicit input from stakeholders and the general public.

Task 3.7 – Public Forum
Input regarding the formal draft ordinances and zoning map will be actively solicited. While a specific plan will be worked out in conjunction with the City, it is likely that several of the following activities would be part of that effort:

- Web site: the draft ordinances would be posted on the City's web site or a special project site to afford broad public access to the document (LSL subscribes to Mind-Mixer which could be employed throughout this process).
- Social web sites: In order to reach a diverse representation of citizens, our team may utilize the internet to help inform, excite and involve residents. City staff, with our input, could establish a Facebook and/or Twitter account dedicated to the

project. These pages could be used to spread the word, particularly to those that don't often participate in traditional workshops.

- User Groups: the user groups brought together at the outset of the project could be reconvened for the purpose of reviewing and commenting on the formal draft. This would serve as a reality check to determine if and to what extent the concerns expressed at the outset of the project have been addressed.
- Public forum: a public open house could be conducted to present the ordinances, describe significant changes and obtain comments from the public.

Task 3.8 – Planning Commission Presentation
The consultant team will present the draft regulations to the Planning Commission (or a joint Council/Planning Commission meeting), review the process and summarize the public and stakeholder input. LSL will prepare a summary of public input obtained from the various efforts in Task 3.7 and present the results. The input will be discussed and decisions made on revisions to be made to the formal draft.

Task 3.9 – Final Draft
Following the decisions regarding changes to the formal draft, LSL will prepare a "final draft" (including map) to be submitted for public hearing and adoption.

IV. Adopt

This final stage of the process involves the formal review, refinement and approval of the zoning and subdivision ordinances.

Task 4.1 – Public Hearing
LSL team members will attend the public hearing to present the proposed ordinance and respond to questions and comments, as appropriate. City staff will be responsible for posting all required public notices for the hearing.

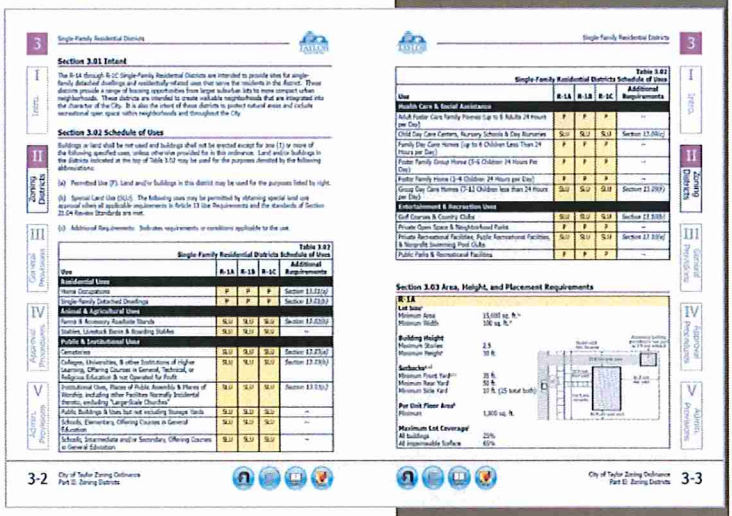
Task 4.2 – Review
Following the hearing, the Planning Commission and staff will discuss comments received from the public hearing process and decide upon any refinements to be made. A list of reasonable changes and/or a marked up version of the draft will be provided to LSL.

Task 4.3 – Planning and Zoning Commission Recommendation
An addendum of changes, supplementing the final draft, will be provided to the Planning Commission to be recommended and forwarded to the City Council for final approval.

Task 4.4 –Council Adoption
The final ordinance and the addendum of changes will be submitted to the Council for adoption. Following adoption, LSL will prepare the full documents, as adopted. Both digital and hard-copy versions, including all graphics, will be provided.

Optional Digital Format

LSL can offer the ordinances in an enhanced digital interface. The final ordinances will be in a PDF format, along with the original Word files, to reduce the file size for viewing and downloading on the web, make them viewable for anyone with internet access, easily navigable with bookmarks, and to ensure formatting and appearance on any computer are consistent with the actual document.



iZone™ results in an Ordinance that is easy to read and allows for quick navigation to related sections

LSL can also develop the ordinances as a new enhanced interactive format, iZone™. This method of code creation uses Adobe graphic software that results in a more user-friendly interface. iZone™ takes interactivity to a whole new level, with an interactive web-ready PDF that allows users to easily navigate between sections, definitions, tables, and the zoning map. It incorporates hyperlinking as described above, but to a greater extent and with more graphic appeal, similar to a website. With this option, the final ordinances would be prepared with Adobe's InDesign software. We invite you to view the Bluffton, SC UDO as an excellent example of this format (http://www.townofbluffton.sc.gov/Documents/izone.pdf).

Schedule

Project timing will be determined in conjunction with the City. However, typically, a project of this scope would be completed over a period of about 12 months. This allows ample time for the various public engagement activities, as well as ensuring that the review committee has ample time to review the draft documents and make comments.

References

Town of Bluffton, SC
Marc Orlando, Town Manager
(843) 706-4510

City of Palmetto, GA
John Miller, former Mayor
(770) 866-5911

City of East Grand Rapids, MI
Brian Donovan, City Manager
(616) 949-2110

City of Hilliard, OH
John Talentino, City Planner
(614) 334-2444

City of Grandville, MI
Matt Butts, Assistant City Manager
(616) 530-4983

Commitments

LSL has earned a reputation of excellence based on nearly 20 years of serving clients throughout the United States. Over 90 percent of all our clients are repeat clients and many have been with us since the inception of the firm in 1996. We do not take our relationships lightly. We enter every assignment with a commitment to do our best; to provide outstanding service; and to exceed the client's expectations. Otherwise, we do not pursue the project.

One reason why LSL is so highly respected among our clients (and even non-clients) is our desire to bring creativity to each assignment. We want to push the envelope and seek new, exciting challenges for the betterment of our client communities and to retain our dynamic professional staff.

This is our commitment to the City of Kennedale. We want to be your planners! Your project poses an exciting opportunity for us and we are confident that we will help you achieve the success you desire with modern, fresh, user-friendly and defensible land development regulations. The staff we propose to work with you are senior-level, experienced zoning professionals who will be led by one of LSL's founding partners.

Our approach and suggested scope include regular meetings with your staff and decision-makers throughout the course of the project. In addition, we will be available, as needed, to consult in order to make sure the project flows as smoothly as possible and the City of Kennedale is added to the long list of LSL satisfied clients. You will have the direct phone number and cell phone number of the project manager to ensure total access when needed.

The following pages contain excerpts from a technical audit of a zoning ordinance. This was recently performed for another client but provides a sample of the level of detail and specificity contained in our analysis of the City's current regulations (as proposed in Task 2.2).

Section	Provision	Comment	Type of Change		
			Policy	Major	House-keeping
(c)	Commission issuance of ZC	seems to confuse issuance of permits with site plan review function. The P&ZC should not be issuing permits or certificates.			
1109.04	Conditions for a zoning certificate	Most communities would subject these items to site plan review, usually by the P&ZC. We suggest a site plan review procedure be established, with the P&ZC responsible for major projects and ZI given authority for minor items (some building expansion, change of use, minor alteration of parking, etc.)	X		
1109.05	Application for zoning certificate	The required information to be provided should be examined. More specifics and detail should be added. It should be noted that incomplete applications will not be reviewed.	X		
1109.07 (c)	Fee exemption	This allows substantial discretion without any standards to guide the decision to exempt an organization from paying a fee. What is a "charitable organization" and why are they exempt? What constitutes "sole benefit of the City"? Revise	X		
1109.99	Penalty	Expand this section to define the penalties			X
Chapter 1111 – Board of Zoning Appeals					
	General	This chapter should be moved to the end of the code, along with all other administrative and legal provisions.			X
1111.01 (b)	Hearings and rules	Move references to "hearings" to sec. 1111.06			X
1111.02 (a)(2)	Jurisdiction	Does the BZA have authority over the "structural code"? Reference to "temporary use" should be removed from the "variance" discussion. Temporary use provisions should be elsewhere in the code.			X
1111.03	Appeals	It should be noted in this section that an appeal must be based on the solely on the record. No new evidence can be introduced.			X
1111.04 (b)	Standard of review	Revise and clarify. This paragraph references "area variances" but then refers to "permitted use". Dimensional and use variances are two different matters. Further, the paragraph refers to			X

Section	Provision	Comment	Type of Change		
			Policy	Major	House-keeping
		"practical difficulties" as a standard, but the definition of "variance" refers to "hardship". These are different legal tests.			
1111.04 (c)	Temporary uses	This should be a separate section, consistent with "administrative appeals" and "variances"			X
Chapter 1113 – Amendments, Annexation and Limited Overlay					
1113.01	Application	All paragraphs should be numbered or lettered for ease of reference, i.e. (a), (b), (c), (d). This section should be renamed to "Amendments" and only address changes to the text and/or zoning map. All other actions described in the third and fourth paragraphs should be addressed within the applicable sections of the code dealing with those items.			X
1113.02 (a)	Notice and hearing	In the last line, suggest that wording be changed to note than incomplete applications will not be considered, rather than "grounds of denial."	X		
1113.02 (c)	Notice of public hearing	This requires a public hearing for all applications. A formal hearing may not be appropriate in some situations (e.g., development plan reviews). Suggest changing this to state that these notification procedures will be followed whenever a hearing is required.	X		
1113.02 (d)	Commission action	Paragraph (1) should note that this relates only to code amendments. Paragraph (2) should be deleted.			X
1113.03	Annexation	Move this section to a new chapter titled "Mapped Districts"			X
1113.04	Limited Overlay	This type of provision is typically referred to as "Conditional Rezoning". Several paragraphs are redundant and/or awkwardly written and should be revised.			X
1113.04 (b)	Application	The last line states a fee may be imposed. Suggest that since this involves a rezoning, review by two bodies and two public hearings, a fee should not be optional.	X		
1113.04 (j)	Effect of approved development plan	Add a requirement that the restrictions shall be recorded with the land.	X		
Chapter 1119 – Districts Established; Zoning Map and Boundaries					
1119.01	Districts	The full range of existing zoning districts	X		

Section	Provision	Comment	Type of Change		
			Policy	Major	House-keeping
		should be reviewed to determine their purpose and whether they're needed, can be consolidated or if new districts should be added. In addition, the Purpose statement for each of the districts should be revised to more clearly distinguish one from another and relate them to the Comprehensive Plan			
1119.02 (a)	S-1, Special District	The purpose of this district is not clear. If retained, perhaps the name should be changed to Conservation.	X		
1119.02 (b)	A-1, Agricultural	Is an agricultural district still needed in the city? Is ag preservation a goal of the comp plan? Consider deleting and possibly consolidating with the RR district.	X		
1119.03	Residential districts	The number of R districts appears to be excessive. These should be reviewed and consolidated, if possible.	X		
1119.03 (a) - (b)	R-1 & R-1a	There are no apparent differences between these two districts. R-1a should be deleted.	X		
1119.03 (e)	R-4, Apartment district	This should be changed to "high density" district to be consistent with the terminology used in the other districts. Also the last sentence in the purpose statement should be deleted. This is regulatory and not appropriate as part of the purpose.	X		
1119.03 (f)	R5-1, 2, 3. 4	Why are there four separate planned residential districts listed? Consolidate.	X		
1119.03 (g)	RR district	Is this district needed? Can the A-1 district be combined with this?	X		
1119.04	Business districts	These should be reviewed to determine relevancy and relation to comp plan	X		
1119.05	Industrial districts	Five industrial districts may not be needed. Review to determine relevancy and relation to comp plan.	X		
1119.05 (b)	M-2, Limited industrial	This seems to be a highly specialized district that could be combined with M-3	X		
1119.05 (d)	M-4, Mineral extraction	Are there any mining sites in the city now? Any likely future mining? This district could be deleted and mining allowed as a conditional use in other districts.	X		
1119.05	M-5, Planned	Consider deleting as part of complete	X		

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Staff Report to the Honorable Mayor and City Council

Date: April 20, 2015

Agenda Item No: REGULAR ITEMS - D.

I. Subject:
Discuss and approve calendar for FY2015-2016 budget preparations.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:
The Property Tax Code (tax) and Local Government Code (budget) provides for specific legal requirements in which a taxing unit must comply in order to adopt both their tax rate and budget. In an effort to comply with the aforementioned codes, the City has set the budget/tax schedules as outlined below:

05/16/15 Special Session
-Strategic Planning For Upcoming Budget Process

08/07/15 Special Session
-Submit certified roll and calculations.
-Budget Workshop (Submittal Of Proposed Budget)
-Vote to Place Proposal On Future Agenda (Will Only Occur If Two Public Hearings Are Needed)

09/10/15 Special Session
-Conduct Public Hearing On Budget
-Conduct 1st Public Hearing On Tax Increase (Will Only Occur If Two Public Hearings Are Needed)

09/17/15 Special Session
-Conduct 2nd Public Hearing On Tax Increase (Will Only Occur If Two Public Hearings Are Needed)

09/21/15 Regular Session
-Adopt Budget, Adopt Tax Rate, Ratify Tax Increase Reflected In Budget

09/30/15
-Last Day To Adopt Budget

10/20/15
-Approve MMD Tax Assessment & Levy

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: April 20, 2015

Agenda Item No: EXECUTIVE SESSION - A.

I. Subject:
The City Council may meet in closed session at any time during the work session or the regular 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 on any item posted on the agenda and the following items:

1. Amortization Status
2. Development Agreement Status
3. Economic Development Agreement for 1298 W. Kennedale Parkway
4. Plat Filing

II. Originated by:

III. Summary:
At this time the City Council will meet in executive session.

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: April 20, 2015

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, lease, or value of real property

1. Land acquisition at 780 W. Kennedale Parkway and 1001 E. Kennedale Parkway

II. Originated by:

III. Summary:
At this time the City Council will meet in executive session.

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: April 20, 2015

Agenda Item No: EXECUTIVE SESSION - C.

I. Subject:
The City Council will meet in closed session pursuant to Section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

1. City Manager's Annual Evaluation

II. Originated by:

III. Summary:
At this time the City Council will meet in executive session.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	City Manager Annual Evaluation Form	City Manager Evaluation.doc
2.	2014 Ends Statement with Sub-ends	Ends Statement with subends 2014.docx
3.	Governance Policies	governance policies.docx

Manager Performance Evaluation[1]

INSTRUCTIONS

This evaluation form presents ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the manager's performance.

5 = Excellent (almost always exceeds the performance standard)

4 = Above average (generally exceeds the performance standard)

3 = Average (generally meets the performance standard)

2 = Below average (usually does not meet the performance standard)

1 = Poor (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

This evaluation form also contains a provision for entering narrative comments, including responses to specific questions and any observations you believe appropriate and pertinent to the rating period.

Please write legibly. Leave all pages of this evaluation form attached. Initial each page. Sign and date the cover page. On the date space of the cover page, enter the date the evaluation form was submitted. All evaluations presented prior to the deadline identified on the cover page will be summarized into a performance evaluation to be presented by the elected body to the manager as part of the agenda for the meeting indicated on the cover page.

PERFORMANCE CATEGORY SCORING

1. INDIVIDUAL CHARACTERISTICS

_____ Diligent and thorough in the discharge of duties, "self-starter"

_____ Exercises good judgment

_____ Displays enthusiasm, cooperation, and willingness to adapt

_____ Exhibits mental and physical stamina appropriate for the position

_____ Exhibits composure, appearance, and attitude appropriate for executive position

Add the values from above and enter the subtotal _____ **÷ 5 =** _____ score for this category

2. PROFESSIONAL SKILLS AND STATUS

_____ Maintains knowledge of current developments affecting the practice of local government management

[1] Adapted from City Manager Performance Evaluation, University of Tennessee Institute for Public Service

_____ Demonstrates a capacity for innovation and creativity

_____ Anticipates and analyzes problems to develop effective approaches for solving them

_____ Willing to try new ideas proposed by elected body members and/or staff

_____ Sets a professional example by handling affairs of the public office in a fair and impartial manner

Add the values from above and enter the subtotal _____ **÷ 5 =** _____ score for this category

3. RELATIONS WITH MEMBERS OF THE ELECTED BODY

_____ Carries out directives of the body as a whole as opposed to those of any one member or minority group

_____ Sets meeting agendas that reflect the guidance of the elected body and avoids unnecessary involvement in administrative actions

_____ Disseminates complete and accurate information equally to all members in a timely manner

_____ Assists by facilitating decision making without usurping authority

_____ Responds well to requests, advice, and constructive criticism

Add the values from above and enter the subtotal _____ **÷ 5 =** _____ score for this category

4. POLICY EXECUTION

_____ Implements elected body actions in accordance with the intent of council

_____ Supports the actions of the elected body, both inside and outside the organization, after a decision has been reached

_____ Understands, supports, and enforces local government's laws, policies, and ordinances

_____ Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness

_____ Offers workable alternatives to the elected body for changes in law or policy when an existing policy or ordinance is no longer practical

Add the values from above and enter the subtotal _____ **÷ 5 =** _____ score for this category

5. REPORTING

_____ Provides regular information and reports to the elected body concerning matters of importance to the local government, using the charter as guide

_____ Responds in a timely manner to requests from the elected body for special reports

_____ Takes the initiative to provide information, advice, and recommendations to the elected body on matters that are non-routine and not administrative in nature

_____ Produces reports that are accurate, comprehensive, concise, and written to their intended audience

_____ Produces and handles reports so as to convey the message that affairs of the organization are open to public scrutiny

Add the values from above and enter the subtotal _____ **÷ 5 =** _____ score for this category

6. CITIZEN RELATIONS

_____ Is responsive to requests from citizens

_____ Demonstrates a dedication to service to the community and its citizens

_____ Maintains a nonpartisan approach in dealing with the news media

_____ Meets with and listens to members of the community to discuss their concerns, and strives to understand their interests

_____ Makes an appropriate effort to maintain citizen satisfaction with services

Add the values from above and enter the subtotal _____ **÷ 5 =** _____ score for this category

7. STAFFING

_____ Recruits and retains competent personnel for staff positions

_____ Applies an appropriate level of supervision to improve any areas of substandard performance

_____ Stays accurately informed and appropriately concerned about employee relations

_____ Manages the compensation and benefits plan professionally

_____ Promotes training and development opportunities for employees at all levels of the organization

Add the values from above and enter the subtotal _____ **÷ 5 =** _____ score for this category

8. SUPERVISION

_____ Encourages heads of departments to make decisions within their jurisdictions with minimal manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff

_____ Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level

_____ Develops and maintains a friendly and informal relationship with the staff and workforce in general, yet maintains the professional dignity of the manager's office

_____ Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback

_____ Encourages teamwork, innovation, and effective problem solving among the staff members

Add the values from above and enter the subtotal _____ **÷ 5 =** _____ score for this category

9. FISCAL MANAGEMENT

_____ Prepares a balanced budget to provide services at a level directed by council

_____ Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively

_____ Prepares a budget and budgetary recommendations in an intelligent and accessible format

_____ Ensures that actions and decisions reflect an appropriate level of responsibility for financial planning and accountability

_____ Monitors and manages fiscal activities of the organization appropriately

Add the values from above and enter the subtotal _____ **÷ 5 =** _____ score for this category

10. COMMUNITY

_____ Shares responsibility for addressing the difficult issues facing the community

_____ Avoids unnecessary controversy

_____ Cooperates with neighboring communities and the county

_____ Helps the council address future needs and develop adequate plans to address long-term trends

_____ Cooperates with other regional, state, and federal government agencies

Add the values from above and enter the subtotal _____ **÷ 5 =** _____ score for this category

NARRATIVE EVALUATION

What would you identify as the manager's strength(s), expressed in terms of the principal results achieved during the rating period?

What performance area(s) would you identify as most critical for improvement?

What constructive suggestions or assistance can you offer the manager to enhance performance?

What other comments do you have for the manager (e.g., priorities, expectations, goals, or objectives for the new rating period)?

Ends Statement

Kennedale is a family-oriented community (**1.0**) providing a refuge (**2.0**) from the hectic pace of the Dallas/Fort Worth Metroplex. Open spaces, green belts, and trails enhance our serenity (**3.0**), quality of life (**4.0**) and community (**5.0**). With easy access (**6.0**) from major roadways, Kennedale is economically prosperous, business friendly and conveniently located, providing opportunities to shop, work and play (**7.0**).

Sub-ends

1.0 Residents are engaged in community, civic activities, & events.

1.1 Kennedale TownCenter is a community gathering point for events and retail services

1.2 Residents proactively receive accurate, timely dissemination of general information and emerging issues

1.3 Services are in place to support families

1.4 Kennedale is promoted locally, regionally, and nationally as desirable for home and work

1.5 Well planned community following sustainable principles

1.5.1 Kennedale has excellent neighborhoods and a wide range of home options

1.5.2 Residents have views of natural landscapes

1.5.3 Residents have access to adequate medical care, healthy foods, and opportunities to incorporate physical activity as part of their daily routines

1.5.4 Residents enjoy community based activities

1.6 Business uses are compatible with residential areas

1.7 Kennedale has excellent educational services

1.7.1 Residents enjoy excellent library services

1.7.2 KISD is an exemplary school system

1.7.3 Fellowship Academy is a highly regarded private school within a Christian atmosphere

1.7.4 Home-school opportunities and networks are available

2.0 Kennedale entry points are pastoral and serene

2.1 The north entry point is defined by Village Creek as a natural open space

2.2 Kennedale Parkway is physically attractive

2.2.1 Annexation activity

2.3 Sidewalks and landscaping are integral to the community

2.4 Trees and natural spaces are preserved

3.0 Kennedale has an outstanding parks system that includes neighborhood parks, a comprehensive linear park system, and recreational facilities located throughout town.

3.1 Hike and bike trails run throughout Kennedale and are connected to the regional trail system

4.0 Kennedale residents receive excellent municipal services with a staff that is proactive and responsive to residents needs

4.1 The Kennedale municipal government is well governed

4.2 Residents and stakeholders feel safe at home and at work in Kennedale.

4.2.1 Fire and EMS, police, and animal control services are provided promptly and skillfully

4.2.2 Residents enjoy a safe environment free from the threat of natural, technological, or man made threats

4.3 Fiscal Resources are managed productively, responsibly, and ethically.

4.4 Kennedale has a quality water, sewer, stormwater drainage, and solid waste utility system

4.5 Residents and visitors receive fair treatment through the municipal court system

4.6 Buildings are constructed and maintained in compliance with national codes

4.7 Kennedale city government is financially responsible and sustainable

4.8 City staff maintains cooperative and collaborative working relationships based on an Integrative work culture consistent with the core values of integrity, accountability, teamwork, innovation, and commitment

4.8.2 Intergovernmental relationships

5.0 Kennedale is a well planned community based on principles of a connected city, economic prosperity, and a thriving community

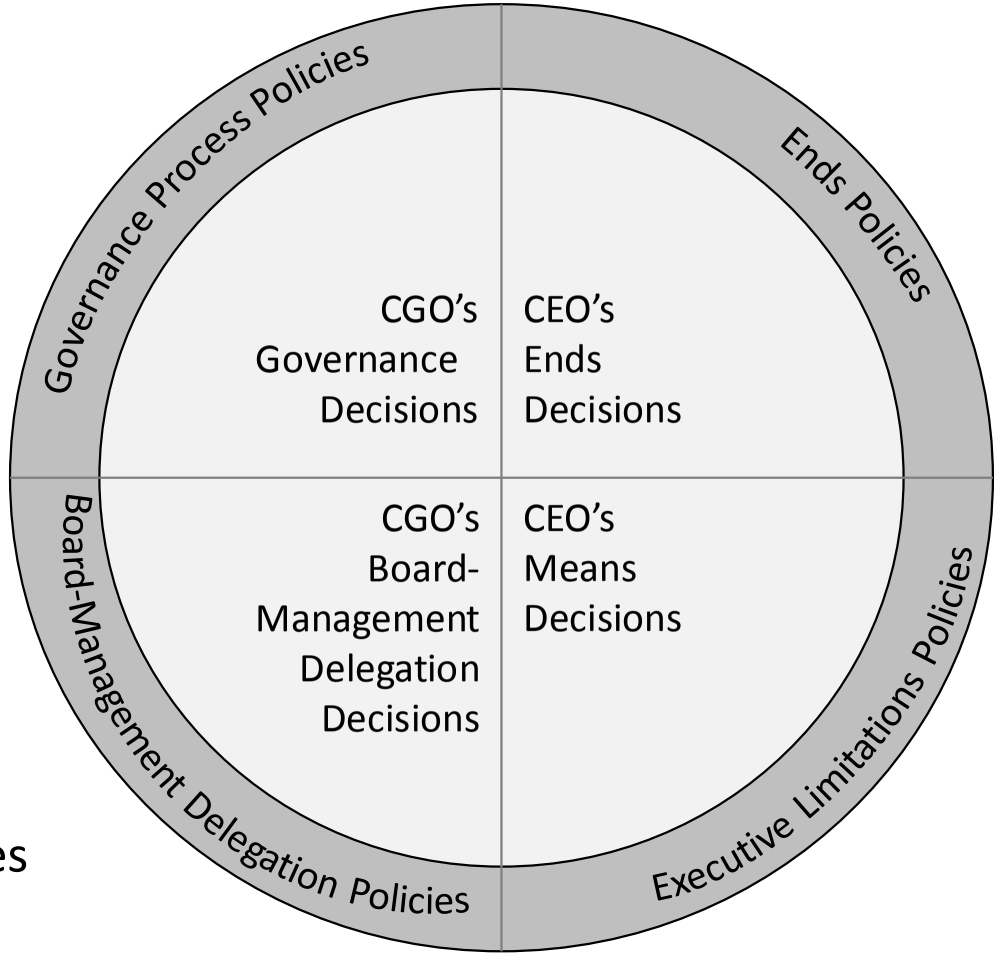
6.0 Kennedale is a connected city with a multi-modal transportation system designed and maintained to reduce auto congestion, increase accessibility, and accommodate pedestrians and cyclists safely and comfortably.

7.0 Kennedale is economically prosperous with an excellent business climate to support light industrial, employment centers, and distribution facilities which are compatible with the Kennedale vision.

Board Policies Completed in All Four Categories

Governance Process Issues

Ends Issues



Board-Management Delegation Issues

Staff Means Issues

EXECUTIVE LIMITATIONS

Global Executive Constraint…… 1
Treatment of Customers of City Services……..1
Treatment of Staff……..1
Financial Planning/Budgeting……2
Financial Condition and Activities……2
Asset Protection……..3
Emergency City Manager Succession……..3
Compensation and Benefits……4
Communication and Support to the City Council……4

GOVERNANCE PROCESS

Global Governance Process……6
Governing Style……6
Council Job Description……..7
Council Members' Code of Conduct……..7
City Council Engagement……8
Annual Planning……9
Mayor's Role……9
Council Committee Principles……10
Cost of Governance……11

BOARD-MANAGEMENT DELEGATION

Global Board-Management Delegation……12
Unity of Control……..12
Accountability of the City Manager……12
Delegation to the City Manager……12
Monitoring Executive Performance……13
Reporting schedule……..14

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.

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.

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.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: FINANCIAL PLANNING/BUDGETING

The City Manager shall not cause or allow financial planning for any fiscal year or the remaining part of any fiscal year that deviates materially from Council Ends priorities, risks financial jeopardy, or is not derived from a multiyear plan.

The City Manager will not allow budgeting which:

1. Risks incurring those situations or conditions described as unacceptable in the Executive Limitations policy entitled "Financial Condition and Activities."

2. Omit credible projection of revenues and expenses, separation of capital and operational items, cash flow analysis, and disclosure of planning assumptions.

3. Provide less than the amount determined annually by the Council for the Council's direct use during the year.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: FINANCIAL CONDITION AND ACTIVITIES

With respect to the actual, ongoing financial condition and activities, the City Manager may not cause or allow the development of fiscal jeopardy or a material deviation of actual expenditures from Council priorities established in Ends policies.

The City Manager will not

1. Expend more funds than have been received in the fiscal year to date unless the Council's debt guideline is met.

2. Incur debt in an amount greater than can be repaid by certain and otherwise unencumbered revenue with 60 days.

3. Use any long-term reserves.

4. Conduct inter-fund shifting in amounts greater than can be restored to a condition of discrete fund balance within 30 days.

5. Allow payables or receivables not to be settled within a reasonable time frame.

6. Allow tax payments or other government-ordered payments or filings to be overdue or inaccurately filed.

7. Make a single purchase or commitment of greater than $50,000. Splitting orders to avoid this limit is not acceptable.

8. Acquire, encumber or dispose of real estate.

9. Issue expense checks to himself or herself without the signature of a Council-approved signatory who has been provided with appropriate documentation and receipts.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: ASSET PROTECTION

The City Manager may not allow the City's assets to be unprotected, inadequately maintained, or unnecessarily risked.

The City Manager will not

1. Insure the organization's assets for less than one hundred percent of replacement value against theft, fire and casualty losses or insure against liability losses to Council members, staff, volunteers and the organization itself for less than the average for comparable organizations.

2. Allow personnel access to material amounts of funds.

3. Subject facilities and equipment to improper wear and tear or insufficient maintenance.

4. Unnecessarily expose the organization, its Council, or staff to claims of liability.

5. Receive, process or disburse funds under controls that are insufficient to meet the Council-appointed auditor's standards.

6. Make any purchase: (a) wherein normally prudent protection has not been given against conflict of interest; (b) of more than $3,000 without having obtained comparative process and quality; (c) of more than $10,000 without a stringent method of assuring the balance of long-term quality and cost. Orders shall not be split to avoid these criteria.

7. Allow property, information and files to be unprotected from loss or significant damage.

8. Invest or hold operating capital in insecure instruments, including uninsured checking accounts and bonds of less than an acceptable rating, or in non-interest bearing accounts except where necessary to facilitate ease in operational transactions.

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.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: COMPENSATION AND BENEFITS

With respect to employment, compensation, and benefits to employees, consultants, contract workers and volunteers, the City Manager shall not cause or allow jeopardy to fiscal integrity or public image.

The City Manager will not

1. Change the City Manager's own compensation and benefits, except as those benefits are consistent with a package for all other employees.

2. Promise or imply permanent or guaranteed employment.

3. Establish current compensation and benefits that deviate materially from the geographic or professional market for the skills employed.

4. Create obligations over a longer term than revenues can be safely projected.

5. Establish or change pension benefits so as to cause unpredictable or inequitable situations, including those that:

   a) Incur unfunded liabilities,

   b) Provides less than some basic level of benefits to all full-time employees, though differential benefits to encourage longevity are not prohibited,

   c) Allow any employee to lose benefits already accrued from any foregoing plan, and

   d) Treat the City Manager differently from other key employees.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: COMMUNICATION AND SUPPORT TO THE CITY COUNCIL

The City Manager shall not cause or allow the city council to be uniformed or unsupported in its work.

The City Manager will not

1. Neglect to submit monitoring data required by the Council according to its policy "Monitoring CM Performance" in a timely, accurate, and understandable fashion, directly addressing provisions of Council policies being monitored, and including City Manager interpretations consistent with the "Delegations to the City Manager" policy, as well as relevant data.

2. Let the Council be unaware of any significant incidental information it requires including anticipated adverse media coverage, threatened or pending lawsuits, and material internal and external changes.

3. Allow the Council to be unaware that, in the City Manager's opinion, the Council is not in compliance with its own policies on Governance Process and Council-Management Delegation,

particularly in the case of Council behavior which is detrimental to the work relationship between the Council and the City Manager.

4. Allow the Council to be without decision information required periodically by the council or let the council be unaware of relevant trends.

5. Present information in unnecessarily complex or lengthy form or in a form that fails to differentiate among information of three types: monitoring, decision preparation, and other.

6. Allow the Council to be without a workable mechanism for Council, officer, or committee communications.

7. Deal with the Council in a way that favors or privileges certain Council members over others, except when (a) fulfilling individual requests for information or (b) responding to officers or committees duly charged by the board.

8. Allow the Council to be unaware of any actual or anticipated noncompliance with any Ends or Executive Limitations policy of the Council regardless of the Council's monitoring schedule.

9. Endanger the city's public image, credibility, or its ability to accomplish Ends.

POLICY TYPE: GOVERNANCE PROCESS
POLICY TITLE: GLOBAL GOVERNANCE PROCESS

The purpose of the City Council, on behalf of the residents of Kennedale, is to see to it that the City of Kennedale (a) achieves appropriate results for appropriate persons at an appropriate cost (as specified in council Ends policies), and (b) avoids unacceptable actions and situations as prohibited in Council Executive Limitations policies.

POLICY TYPE: GOVERNANCE PROCESS
POLICY TITLE: GOVERNING STYLE

The City Council will govern lawfully, observing the principles of the Policy Governance model, with an emphasis on (a) outward vision rather than an internal preoccupation, (b) encouragement of diversity in viewpoints, (c) strategic leadership more than administrative detail, (d) clear distinction of Council and city manager roles, (e) collective rather than individual decisions, (f) future rather than past or present, and (g) proactivity rather than reactivity.

Accordingly,

1. The Council will cultivate a sense of group responsibility. The council, not the staff, will be responsible for excellence in governing. The Council will normally be the initiator of policy, rather than reacting to staff's proposals. The Council will not use the expertise of individual members to substitute for the judgment of the Council, although the expertise of individual members may be used to enhance the understanding of the Council as a body.

2. The Council will direct, control, and inspire the organization through the careful establishment of broadly written policies reflecting the Council's values and perspectives. The Council's major policy focus will be on the intended long-term external impacts of the organization.

3. The Council will enforce upon itself whatever discipline is needed to govern with excellence. Discipline will apply to matters such as attendance, preparation for meetings, policy-making principles, respect of roles, and ensuring the continuance of governance capability. Although the council can change its governance process policies at any time, it will scrupulously observe those currently in force.

4. Continual Council development will include orientation of new members in the Council's governance process and periodic Council discussion of process improvement. The Council will provide mechanisms for educating others about their governance process.

5. The Council will monitor and discuss the Council's strategic (rather than administrative) process and performance at each meeting. Self-monitoring will include comparison of Council activity and discipline to policies in the Governance Process and Council-Management Delegation categories.

6. The Council will allow no officer, individual or committee of the Council to hinder or be an excuse for not fulfilling group obligations.

POLICY TYPE: GOVERNANCE PROCESS
POLICY TITLE: COUNCIL JOB DESCRIPTION

Specific job outputs of the City Council, as an informed agent of the ownership, are those that ensure appropriate organizational performance.

Accordingly, the Council will provide

1. The linkage between the ownership and the operational organization.

2. Written governing policies that realistically address the broadest levels of organizational decisions and situations.

   a. *Ends:* Organizational impacts, benefits, outcomes, recipients, beneficiaries, impacted groups, and their relative cost or priority.
   b. *Executive Limitations:* Constraints on executive authority that establish the prudence and ethical boundaries within which all executive activity and decisions must take place.
   c. *Governance Process:* Specification of how the Council conceives, carries out, and monitors its own tasks.
   d. *Council-Management Delegation:* How power is delegated and its proper use monitored; the City Manager's role, authority, and accountability.

3. Assurance of successful organizational performance on Ends and Executive Limitations.

POLICY TYPE: GOVERNANCE PROCESS
POLICY TITLE: COUNCIL MEMBERS' CODE OF CONDUCT

The Council commits itself and its members to ethical, businesslike and lawful conduct, including proper use of authority and appropriate decorum when acting as Council members.

1. Members must have loyalty to the resident's ownership, un-conflicted by loyalties to staff, other organizations, and any personal interest as a consumer.

2. Members must avoid appearance of impropriety conflict of interest with respect to their fiduciary responsibility.

   a. There must be no self-dealing or business by a member with the organization. Members will annually disclose their involvements with other organizations, with vendors, or any associations that might be or might reasonably be seen as being a conflict.

   b. When the Council is to decide upon an issue about which Council member has an unavoidable conflict of interest, that member shall withdraw without comment not only from the vote, but also from the deliberation.

c. Council members will not use their positions to obtain employment in the organization for themselves, family members or close associates. A Council member who applies for employment must wait two years following their service on the Council.

3. Council members may not attempt to exercise individual authority over the organization.

   a. Members' interaction with the City Manager or with staff must recognize the lack of authority vested in individuals except when explicitly Council authorized.

   b. Members' interaction with public, press or other entities must recognize the same limitation and the inability of any Council member to speak for the Council except explicitly stated Council decisions.

   c. Except for participation in Council deliberation about whether the City Manager has achieved any reasonable interpretation of Council policy, members will not express individual judgments of performance of employees of the City Manager.

4. Members will respect the confidentiality appropriate to issues of a sensitive nature.

5. Members will be properly prepared for Council deliberation.

6. Members will support the legitimacy and authority of the final determination of the Council on any matter, irrespective of the members' personal position on the issue.

POLICY TYPE: GOVERNANCE PROCESS
POLICY TITLE: CITY COUNCIL ENGAGEMENT

Based upon the necessity of regional, statewide and national involvement the council shall engage/participate in external organizations and activities which promote the ends of the City.

Accordingly,

1. The Mayor shall at minimum, participate in the following activities: Mayor's Council, SETTP

2. The Mayor Pro-Tem shall at a minimum, participate in the following activities:

   a. Mayor's Council and SETTP in place of Mayor when not available, NLC policy committee or council, TRTC

3. Councilmember's based upon availability shall participate in regional and national activities such as NLC, TML Regional meetings, TRTC, TML legislative policies, State legislative activities, NCTCOG, City Chamber Luncheon, Fort Worth Builders Association, North Texas Commission, Vision North Texas, Tex 21.

POLICY TYPE: GOVERNANCE PROCESS
POLICY TITLE: ANNUAL PLANNING

To accomplish its job with a governance style consistent with Council policies, the Council will follow an annual agenda that (a) Completes a re-exploration of Ends policies annually (b) Continually improves Council performance through Council education and enriched input and deliberation.

1. The cycle will conclude each year no later than the last day of May so that administrative planning and budgeting can be based on accomplishing a one-year segment of the most recent statement of long-term Ends.

2. The cycle will start with the Council's development of its agenda for the next full year.

    a. Consultations with selected groups in the ownership or other methods of gaining ownership input will be determined and arranged in the first quarter, to be held during the balance of the year.
    b. Governance education and education related to Ends determination (e.g. presentations by industry experts, advocacy groups, staff and so on) will be arranged in the third quarter, to be held during the balance of the year.
    c. Upon the request of two Council members, a request for an item for Council discussion may be submitted to the Mayor no later than ten days before the council meeting.

3. Throughout the year, the Council will attend to consent agenda items as expeditiously as possible.

4. City Manager compensation and evaluation will be decided during the month of March after a review of monitoring reports received in the previous year.

5. City Manager monitoring will be on the agenda based upon reports received since the previous meeting, or if plans must be made for direct inspection monitoring, or if arrangements for third-party monitoring must be prepared.

POLICY TYPE: GOVERNANCE PROCESS
POLICY TITLE: MAYOR'S ROLE

The Mayor, a specially empowered member of the City Council, assures the integrity of the Council's process and, secondarily, represents the Council to outside parties.

1. The assigned result of the Mayor's job is that the Council behaves consistently with its own rules and those legitimately imposed upon it from outside the organization.

    a. Meeting discussion content will be only those issues which, according to board policy, clearly belong to the Council to decide or to monitor.
    b. Deliberation will be fair, open, and thorough, but also timely, orderly, and kept to the point.

c. Information that is for neither monitoring performance nor Council decisions will be avoided or minimized and always noted as such.

2. The authority of the Mayor consists of making decisions that fall within the topics covered by Council policies on Governance Process and Council-Management Delegation with the exception of (a) Employment or termination of the City Manager (b)Where the Council specifically delegates portions of this authority to others. The Mayor is authorized to use any reasonable interpretation of the provisions in these policies. The Mayor is authorized to use any reasonable interpretation of the provisions in these policies.

   a. The Mayor is empowered to chair Council meetings with all the commonly accepted power of that position (e.g. ruling, recognizing).

3. The Mayor has no authority to make decisions about policies created by the Council within Ends and Executive Limitations policy areas. Therefore, the Mayor has no authority to supervise or unilaterally direct the City Manager.

   a. The Mayor may represent the Council to outside parties in announcing Council-stated positions and in stating Mayoral decisions and interpretations within the areas delegated to him or her. It is expected that this latter authority would be exercised sparingly and only in such times as the Council cannot timely deliberate the issue and is subject ultimately to Council review.
   b. The Mayor may delegate this authority, but will remain accountable for its use.

POLICY TYPE: GOVERNANCE PROCESS
POLICY TITLE: COUNCIL COMMITTEE PRINCIPLES

Council committees, when used, will be assigned to help the Council do its job, to reinforce the wholeness of the Council's job and so as never to interfere with delegation from Council to City Manager.

1. Council committees are to help the Council do its job, not to help or advise the staff. Committees ordinarily will assist the Council by preparing policy alternatives and implications for Council deliberation. In keeping with the Council's broader focus, Council committees will normally not have direct dealings with current staff operations.

2. Council committees may not speak or act for the Council except when formally given such authority for specific and time-limited purposes. Expectations and authority will be carefully stated in order not to conflict with authority delegated to the City Manager.

3. Council committees cannot exercise authority over staff. The City Manager works for the full Council, and will therefore not be required to obtain approval of a Council committee before an executive action.

4. Committees will be used sparingly and ordinarily in an ad-hoc capacity.

5. This policy applies to any group that is formed by Council action whether or not it is called a committee and regardless of whether the group includes Council members. It does not apply to committees formed under the authority of the City Manager.

POLICY TYPE: **GOVERNANCE PROCESS**
POLICY TITLE: **COST OF GOVERNANCE**

The Council will invest in its governance capacity.

1. Council skills, methods, and supports will be sufficient to ensure governing with excellence.

    a. Training and retraining will be used liberally to orient new Council members and candidates for Council membership, as well as to maintain and increase existing Council member skills and understandings.
    b. Outside monitoring assistance will be arranged so that the Council can exercise confident control over organizational performance. This includes, but is not limited to, financial audit.
    c. Outreach mechanisms will be used as needed to ensure the Council's ability to listen to owner viewpoints and values.

2. Costs will be prudently incurred, though not at the expense of endangering the development and maintenance of superior capability.

3. The Council will establish its cost of governance budget or the next fiscal year during the month of August.

POLICY TYPE: COUNCIL-MANAGEMENT DELEGATION
POLICY TITLE: GLOBAL BOARD-MANAGEMENT DELEGATION

The Council's sole official connection to the operational organization, its achievements, and conduct will be through a chief executive officer, titled the City Manager.

POLICY TYPE: COUNCIL-MANAGEMENT DELEGATION
POLICY TITLE: UNITY OF CONTROL

Only officially passed motions of the Council are binding on the City Manager.

1. Decisions or instructions of individual Council members, officers, or committees are not binding on the City Manager except in rare instances when the Council has specifically authorized such exercise of authority.

2. In the case of Council members or committees requesting information or assistance without Council authorization, the City Manager can refuse such requests that require, in the City Manager's opinion, a material amount of staff time or funds, or are disruptive.

POLICY TYPE: COUNCIL-MANAGEMENT DELEGATION
POLICY TITLE: ACCOUNTABILITY OF THE CITY MANAGER

The City Manager is the Council's only link to operational achievements and conduct, so that all authority and accountability of staff, as far as the Council is concerned, is considered the authority and accountability of the City Manager.

1. The board will never give instructions to persons who report directly or indirectly to the City Manager.

2. The Council will not evaluate, either formally or informally, any staff other than the City Manager or other direct Council Appointees.

3. The Council will view City Manager performance as identical to organizational performance, so that organizational accomplishment of Council-stated Ends and avoidance of Council-proscribed means will be viewed as successful City Manager performance.

POLICY TYPE: COUNCIL-MANAGEMENT DELEGATION
POLICY TITLE: DELEGATION TO THE CITY MANAGER

The Council will instruct the City Manager through written policies that prescribe the organizational Ends to be achieved, and describe organizational situations and actions to be avoided, allowing the City Manager to use any reasonable interpretation of these policies.

1. The Council will develop policies instructing the City Manager to achieve specified results, for specified recipients, at a specified cost. These policies will be developed systematically from the broadest, most general level to more defined levels, and will be called Ends policies. All issues that are not ends issues as defined here are means issues.

2. The Council will develop policies that limit the latitude the City Manager may exercise in choosing the organizational means. These limiting policies will describe those practices, activities, decisions, and circumstances that would be unacceptable to the board even if they were to be effective. Policies will be developed systematically from the broadest, most general level to more defined levels, and they will be called Executive Limitations policies. The Council will never prescribe organizational means delegated to the City Manager.

3. As long as the City Manager uses *any reasonable interpretation* of the Council's Ends and Executive Limitations policies, the City Manager is authorized to establish all further policies, make all decisions, take all actions, establish all practices, and develop all activities. Such decisions of the City Manager shall have full force and authority as if decided by the Council.

4. The Council may change its Ends and Executive Limitations policies, thereby shifting the boundary between Council and City Manager domains. By doing so, the Council changes the latitude of choice given to the City Manager. But so long as any particular delegation policy is in place, the Council and its members will respect and support the City Manager's choices.

POLICY TYPE: COUNCIL-MANAGEMENT DELEGATION
POLICY TITLE: MONITORING EXECUTIVE PERFORMANCE

Systematic and rigorous monitoring of City Manager job performance will be solely against the only expected City Manager job products: organizational accomplishment of Council policies on Ends and organizational operation within the boundaries established in Council policies on Executive Limitations.

1. Monitoring is simply to determine the degree to which Council policies are being met. Information that does not do this will not be considered to be monitoring data.

2. The Council will acquire monitoring information by one or more of three methods:

   a. By INTERNAL REPORT: in which the City Manager discloses interpretations and compliance information to the Council.
   b. By EXTERNAL REPORT: in which an external, disinterested third party selected by the council assess compliance with Council policies.
   c. By DIRECT COUNCIL INSPECTION: in which a designated Council member or members of the Council assess compliance with the City Manager's interpretation of the appropriate policy criteria.

3. In every case, the Council will judge (a) the reasonableness of the City Manager's interpretation and (b) whether data demonstrate accomplishment of the interpretation.

4. The standard for compliance shall be *any reasonable City Manager interpretation* of the Council policy being monitored. The Council is final arbiter of reasonableness, but will always judge with a "reasonable person" test rather than with interpretations favored by Council members or by the Council as a whole.

5. All policies that instruct the City Manager will be monitored at a frequency and by a method chosen by the Council. The Council can monitor any policy at any time by any method, but will ordinarily depend on a routine schedule as follows:

Policy	Method	Frequency	Month
Global Executive Constraint	Internal	Annually	March
Emergency City Manager Succession	Internal	Annually	March
Treatment of Customers	Internal	Annually	May
Treatment of Staff	Internal	Annually	May
Ends	Internal Balanced Scorecard reporting	Quarterly & Annually	May
Communication and Support	Direct Inspection	Annually	June
Financial Planning/ Budgeting	Internal	Quarterly	June - August
Compensation and Benefits	Internal External	Annually	June - August
Asset Protection	Internal	Annually	August
Financial Condition and Activities	Internal (Budget) External (Audit)	Annually Annually	August March