

KENNEDALE CITY COUNCIL AGENDA
REGULAR MEETING
January 18, 2016
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION at 5:30 PM
REGULAR SESSION at 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 to discuss the Uniform Development Code with the Planning and Zoning Commission and LSL Planning, Inc. representatives

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
- C. Updates from the City Manager

X. MONITORING INFORMATION

- A. Monthly Financials - November and December 2015
- B. Executive Limitations
- C. Ends Review - Balanced Scorecard

XI. INCIDENTAL ITEMS

- A. Review and accept the Police Department 2015 Racial Profiling Report
- B. Review the Charter Review Committee report and consider directing staff to call an election

XII. REQUIRED APPROVAL ITEMS (CONSENT)

All matters listed under required approval items (consent) 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 December 14, 2016 meeting
- B. Consider adopting Resolution 475, amending authorized representatives of TEXPOOL local government investment pool
- C. Consider adopting Resolution 476, amending authorized representatives of Texas short term asset reserve program (TEXSTAR) local government investment pool
- D. Consider adopting Resolution 477, amending authorized representatives of Texas Term/Texas Daily local government investment pool
- E. Consider authorizing the city manager to execute a contract with Linebarger, Goggan, Blair, and Sampson, LLP to collect delinquent taxes for the City
- F. Authorize filing a statement of correction with the Tarrant County Clerk's Office correcting errors made in a plat abandonment recorded in D214210746 and approve abandonment of a portion of the Swiney Estates plat.
- G. Approval of beer and wine sales at the Brickworks Festival
- H. Approve Schedule of Investment Activity for quarter ending December 31, 2015

XIII. DECISION ITEMS

- A. **CASE # PZ 15-13** Public hearing and consideration of approval of Ordinance No 587 regarding a request by Kennedale Economic Development Corporation for a zoning change from "AG" Agricultural to "PD" Planned Development zoning district for single family residential use for that approximately 8-acre portion outside the floodplain of an approximately 15.6 acre tract, belonging to Ethel Swiney and located in the David Strickland Survey A-1376, Tarrant County, Texas. The property is mostly located east of the former Williamson Drive as shown on the plat abandonment recorded in Tarrant County Clerk's instrument number D214210746. Addresses include 1201, 1305, & 1307 Bowman Springs Rd.
 - 1. Staff presentation
 - 2. Applicant presentation
 - 3. Public Hearing
 - 4. Applicant response
 - 5. Staff response and summary
 - 6. Action by the City Council

B. **CASE # PZ 15-16** Public hearing and consideration of approval of Ordinance 588 regarding a city-initiated rezoning from "C-2" General Commercial District to "AG" Agricultural District on a 29.43 acre lot located at 3925 Kennedale New Hope Rd., legal description of Joel Snider Survey A1448 Tr 1A.

1. Staff presentation
2. Public hearing
3. Staff response and summary
4. Action by the City Council

C. Present recommended rate schedule and approve Water and Sewer Rates Ordinance 589 effective for bills paid in March.

XIV. EXECUTIVE SESSION

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

1. 5401 High Ridge Road
2. 5400 and 5404 Kennedale Road

B. 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. Floodplain amortization and remediation
2. Land use amortization (6727 Hudson Village Cemetery Road)
3. Municipal setting designation (MSD)
4. Corp of Engineers Section 205 CAP land acquisition parameters
5. Eminent domain with environmental cleanup guidelines

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

XVI. 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 January 18, 2016, 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, City Secretary



Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: WORK SESSION - A.

I. Subject:

Joint Work Session to discuss the Uniform Development Code with the Planning and Zoning Commission and LSL Planning, Inc. representatives

II. Originated by:

III. Summary:

LSL Planning will give a presentation on the blueprint for the zoning code update (Unified Development Code) with Council and the Planning and Zoning Commission.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Code Update Blueprint	Kennedale UDC Blueprint 1-8-16 w-o Audit.pdf
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Unified Development Code Blueprint

Task 3.1



January 8, 2016



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January 8, 2016

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

Subject: Task 3.1 Unified Development Code Blueprint

Ms. Roberts:

We have reviewed the city's current zoning code, subdivision ordinance and all other development related documents. Enclosed within this project "Blueprint" are materials that will serve as the basis for revising the existing ordinances and creating the Unified Development Code ("UDC"). The Blueprint document includes our recommendations concerning the direction of the project, an outline of the overall structure of the UDC, a summary of stakeholder and public input, and a full technical audit of the city's ordinances. Additionally, we have included a style guide and sample article layout to show proposed formatting, style and grammar.

We look forward to discussing this information and the proposed structure of the UDC with you and city officials on January 18. While we anticipate changes and revisions during the steering committee review meetings and expect that a number of important decisions will be made later in the process, our primary goal is to achieve consensus on the general direction, focus and structure of the UDC. Once this occurs, we will swiftly proceed into the core of the project scope – creating and writing the initial working draft text (Task 3.4).

Sincerely,
LSL PLANNING/A SAFEBUILT COMPANY

A handwritten signature in black ink, appearing to read 'Paul M. LeBlanc'.

Paul M. LeBlanc, AICP
Planning Manager

A handwritten signature in blue ink, appearing to read 'David M. Jirousek'.

David M. Jirousek, AICP
Senior Planner

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I. Introduction

Overview

We have made significant progress during the initial stages of the UDC project. A full technical audit has been finalized and we have prepared recommendations and a template for the new UDC. This “Blueprint” document requires careful review and consensus concerning the design, layout and content of the future document before we actually begin drafting the new ordinance (Task 3.4).

Kennedale, like most communities, has a long list of ordinances and requirements dealing with land use, development, traffic, environmental protection and other matters related to the protection of public health, safety and welfare. This menu of regulations and standards is intended to protect the interests of the community and has been added to and revised over many years as needs change and new issues emerge. As recent as 2015, the second phase of the Employment Center District and the interim Neighborhood and Urban Village Overlay Districts were prepared and adopted.

Because of numerous amendments over the years, conflicts have arisen between various ordinances; procedural complications have become apparent; interrelated requirements are scattered among dissimilar ordinances; and originally well-intentioned rules may now impede progress. While each amendment served an important purpose, the intent of this project is a comprehensive update to the ordinances within a “unified” ordinance.

LSL completed a review of the city’s ordinances and standards related to community development, resulting in a detailed technical assessment of the requirements, procedures, overlap and conflicts, along with recommended changes to address these items (Task 2.2). Aside from initial on-site reconnaissance, interviews and surveys, this was the most significant assessment to-date. The following ordinances were reviewed:

- Fencing and Screening, Chapter 4, Article VIII
- In General, Chapter 17, Article I
- Planning and Zoning Commission, Chapter 17, Article II
- Erosion and Sediment Control, Chapter 17, Article III
- Flood Damage Prevention, Chapter 17, Article IV
- Subdivisions, Chapter 17, Article V
- Zoning, Chapter 17, Article VI (including Employment District Code and NV/UV Overlays)
- Signs, Chapter 17, Article VII
- Landscape Standards, Chapter 17, Article VIII
- Related Ordinances (Amusement Machine Establishments, Sexually Oriented Businesses, Secondary Metal Recyclers, Garage Sales, Alcoholic Beverages, Manufactured Homes/RVs, Natural Resources Management, Post Construction Runoff, Sewers and Sewage Disposal, Stormwater Protection, Wellhead Protection Areas)

Each of the documents was broadly reviewed initially relative to content, structure, overlap and gaps. Additionally, the ordinances were evaluated in greater detail, section by section, to

identify specific shortcomings and how the regulations relate to one another. General findings show the need to:

- Create a consolidated code that incorporates related development regulations.
- Simplify and clarify wording.
- Reorganize the ordinance structure.
- Eliminate redundancy and conflicts.
- Revise review procedures to create uniformity and predictability.
- Incorporate more detailed decision-making standards/criteria.
- Modify specific requirements.
- Develop specific zoning tools to implement the Comprehensive Plan (form-based code).
- Repeal or amend existing related ordinances and include regulations within the UDC.

These challenges are not unique to Kennedale. The first step in addressing them is to identify them and sort out the solutions. This report is intended to provide the city leaders and staff with a comprehensive review of the various community development-related regulations and to identify obstacles that may be inhibiting their effectiveness.

Just as important as a cleanup and reorganization of the code, this report also includes recommendations and potential tools for the implementation of the Comprehensive Plan. The existing regulations do not allow the city to consider and approve new development scenarios and achieve the vision consistent with the Comprehensive Plan. Specifically, true form-based districts will implement the Neighborhood and Urban Village future land use recommendations and will help create more walkable and compact mixed-use development. A combination of selected form-based elements, design guidelines and architectural requirements may apply to corridors and other priority areas such as the Employment Center District and the Old Town.

This document summarizes recommendations related to each of the ordinances and documents that were reviewed and a detailed technical assessment of the zoning, subdivision and related ordinances. While it is detailed, the review is not exhaustive. It is intended to offer guidance to staff and decision-makers for improving the regulations, addressing inconsistencies, strengthening requirements and making the city's procedures more user-friendly. Ultimately, this assessment will guide the creation of the UDC.

What's in the Blueprint?

The Blueprint will not only serve as the guide for the new UDC, but it will help focus policy discussions related to necessary changes. The Blueprint addresses the following:

- **Part II. General Recommendations.** While many very specific recommendations are included in the Technical Audit (Part VIII), broader recommendations for new districts, consolidation, changes and procedures are highlighted in this section of the report.
- **Part III. Table of Contents.** A draft table of contents has been prepared that illustrates how the UDC will be organized. It is broken down into "parts" and "articles." While not included in the Blueprint, detailed regulations within each article will be further

divided into “sections.” The table of contents within this Blueprint is considered a first draft of the overall structure and it is likely to evolve as we proceed.

- **Part IV. Stakeholder Input.** Over a two-day period, LSL conducted a number of one-on-one interviews with representatives of the community, developers and business interests. Additionally, a focus group session was facilitated with HOA representatives. The purpose of these sessions was to seek additional community background information and to identify priorities and issues relating to the use of land and development. A summary of the significant comments and observations derived from these individuals and groups has been provided in this report.
- **Part V. Sample Article Layout.** A sample layout has been provided to show how a typical article will look and be organized. This example is not intended to be reviewed for its content, but rather is an illustrative example of the proposed UDC format. Color schemes and basic design elements can be revised to meet the visual preference of city officials.
- **Part VI. Style Guide.** This section defines the layout, organization and grammar to be used in the new ordinance. If the city wishes to modify or deviate from this style guide, now is the time to do so. Any changes must be agreed upon and established before we proceed to prepare the reorganized document. The style guide will establish the format for the UDC.
- **Part VII. Summary Survey Results.** A general community survey was open for about two months. Additionally, based on a low turnout at the public workshop on October 12 (Task 2.5), an extra visual preference survey was prepared and posted online for another opportunity for public input. Summary input from the survey has been provided and key preferences from the visual survey are included in this section. The visual preferences will be carefully assessed as they relate to the development of the Neighborhood and Urban Village form-based districts.
- **Part VIII. Technical Audit.** An audit of the current land development regulations has been completed and offers suggestions based on experience with other communities, zoning ordinances and litigation, familiarity with “best zoning practices,” and innovative zoning techniques. Many of the suggested changes are considered minor “house-keeping” items that can be addressed with the concurrence of city staff. Others are identified as “major,” or significant, and will require careful consideration by the steering committee and staff. Finally, there are substantive “policy” proposals that may take city council concurrence because they suggest a new direction, a change in philosophy or could affect a sizeable segment of the community.

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II. General Recommendations

Overview

The following substantive recommendations, in addition to those cited in the technical audit, are offered as a result of the audit, stakeholder input, interviews, surveys, meeting minutes and field observations. While there are many options for achieving the general objectives for improving the city's land development regulations, the technical audit and input from stakeholders and staff suggest several substantive recommendations for consideration. The extent to which some or all of these recommendations are supported will determine the overall framework and key provisions of the deliverable. These include:

Unified Development Code Format and Outline

It is assumed that there is general, perhaps unanimous, agreement that the city would be best served by consolidating all existing land development regulations into a Unified Development Code. The UDC would be designed to:

- Be more readable, the use of legalese throughout the city ordinances should be eliminated. The use of legalese is typically a symptom of complicated and convoluted statements or paragraphs. The UDC should be written in clear and concise language, understandable to the everyday resident.
- Eliminate redundancy and conflicting provisions.
- Be organized to facilitate its usability.
- Establish standards to guide decisions and improve predictability.
- Combine zoning, subdivisions and development-related ordinances.

Section III of the Blueprint includes the overall proposed outline and content of the UDC. As we move forward with the initial draft, an "annotated" outline will be maintained that notes the existing section numbers and the location of existing language in the new UDC. Where gaps and needs are evident, new materials and sections will be prepared and proposed to the steering committee.

Employment Center District

Many of the requirements of the current Employment Center District such as lighting, landscaping, signs, sidewalks and screening can be incorporated into the UDC for more general application citywide. Overall, the Employment Center District should be significantly reduced to its core elements-land use regulations, building requirements and dimensional/spatial standards.

Additionally, we recommend that the entire approach to the Employment District Master Plan be implemented by a single mixed-use district. To implement the Master Plan with several "sub-districts" adds unnecessary layers to the UDC and extra complication. Additionally, the trend of the Employment Center District is becoming one of single-purpose and specialized districts to implement the specific land use recommendations of the Master Plan. Implementation of the entire concept could be accomplished by a flexible mixed-use district that includes intent statements and requirements that are tied directly to the Master Plan.

The relationship between the mixed-use district and the Master Plan would be direct- the list of land uses for the new district would be consistent with the desired uses. Development applications would be required to be consistent with the Master Plan. Therefore, a comprehensive mixed-use district could accomplish the same general intent as single-purpose zoning districts or sub-districts, but without the added layers and complication of new districts. Setbacks and other dimension requirement could be continued to be regulated by street type.

One note of caution, we specifically recommend the elimination of the Green Corridor Sub-District 1. If the Zoning Map is amended to adopt this sub-district to the full extent of the Employment District Master Plan, entire parcels of land would be undevelopable strictly based on a zoning district prohibiting all use. Understanding the intent is to protect the escarpment from development, we recommend “steep slope” or “hillside” development regulations that could be specific to any development on land over a certain slope with the city, or specific to steep topography within the Employment Center District.

Zoning Districts

Each of the current districts should be carefully considered during the update process. Unused or limited use districts should be removed, especially if there is overlap between allowed uses and dimensional/spatial requirements. At this point, we do not recommend deleting any particular zoning districts outside the Employment Center District, but there could be the potential to delete one residential and one commercial district. In either case, the remaining districts should be revised to better define their purpose and we must ensure that allowed uses are consistent with that purpose. Additionally, dimensional requirements must remain relevant to current conditions.

Corridors

The Comprehensive Plan also indicates a desire to create more pedestrian-friendly, mixed-use corridors. While a laudable goal, based on our experience elsewhere and knowledge of current national retail trends, there is a limit to the amount of retail development Kennedale, or any community, can support. While form-based codes are an effective tool for regulating infill development to reinforce and enhance places that are already inherently compact, walkable, and mixed use, they have less applicability to corridors that are anticipated to remain substantially as they are, primarily single-use and auto-oriented, such as the Kennedale commercial corridors.

Rather than rezoning large corridors to be mixed-use or form-based districts, it may be preferable to improve the pedestrian realm through new signage and streetscape standards (including street trees). Basic development standards can also be improved, with an emphasis on building orientation and the location (and amount) of parking.

Form-Based Districts for UV and NV Centers

Implementing the Comprehensive Plan through Form-Based Standards

Form-based codes focus primarily on the physical character, relationship to the street, design elements, appropriate scale and intensity of development, rather than focusing (almost) exclusively on land use. They also define the public realm, with an emphasis on the relationship between private development and public streets and other public spaces. Form-based codes may include basic architectural standards, but these are frequently “style neutral” with an emphasis on quality building

materials and building elements that breakdown the scale of buildings to make them pedestrian-oriented. We believe they will be particularly appropriate for creating the new Neighborhood and Urban Villages envisioned in the Comprehensive Plan.

To this end, a form district typically applies different standards to its more intense or core areas than to its edges — placing an emphasis on compatible building forms and scale transitions to adjacent areas, rather than the conventional Euclidean zoning custom of requiring “buffers” between them, which actually works against compact development by increasing separation and reducing walkability.

We anticipate developing a “menu” of building form standards across a range of intensity and street frontage types to accommodate mixed-use buildings, some of which may require retail shopfronts on the ground level, as well as some that would allow retail without requiring it. In addition, some form standards should also accommodate single-uses, whether offices or urban residential forms, in the village core, or “missing middle” residential forms, in a less intense scale such as townhouses, to transition from the village edges to surrounding neighborhoods. The key is that regardless of building form, the district standards establish a relationship between buildings and the street and between other individual buildings. Similarly, the street type standards may vary from those with wide sidewalks, street trees, and on-street parking to accommodate shopping and restaurants; to others that may have a more “green” character with narrower sidewalks and continuous planting strips between the sidewalk and curb, recognizing that they will play a different role within the future village.

Another important feature of form-based development districts is the reduction of minimum parking requirements and a move towards shared parking. The concept of the new Neighborhood and Urban Villages being “park once” districts will be fundamentally important to creating a bicycle- and pedestrian-friendly environment that is also “transit-ready”.

Applicability

The current context—both the existing character of the built environment and the existing development regulations (standards and processes)—is key. Where and how will the new form district standards apply? Although the designated Neighborhood and Urban Villages in the Comprehensive Plan should be the priority locations, they may not all be equally situated (economically, politically, strategically, environmentally) for redevelopment. Where is new growth anticipated or redevelopment desired? What is the desired character and intensity of each area? How strong is the market? In addition, the villages have been designated in such a general manner that the exact location/boundaries will need to be determined and officially mapped before any new development standards can be used. Answers to these questions will be based on our initial review, feedback and reconnaissance.

Approach

The new form-based district development standards (generally building form, street types, and parking standards) are recommended for a targeted number of villages that are “ripe” for redevelopment based either on key geographic location or when the property owners in the designated Village locations are ready to redevelop. These boundaries of these areas will be mapped and the core and edges of the districts will be determined.

Alternatively, the Neighborhood and Urban Village form-based districts will be available as an optional code, for owners of land within other areas designated within the Comprehensive Plan, but are “less ripe” for development. Individual owners can choose whether to use their existing underlying

zoning or to opt to use the new form standards. We anticipate that rezoning and developing under the option code in the secondary target areas would be more desirable for landowners to be an incentive over traditional zoning designations.

Subdivisions

One of the primary issues and concerns with the subdivision ordinance is the lack of a clear process for construction and bonding as it relates to approval and recording of a final plat. We work with a number of communities that require that all site improvements are finalized and accepted prior to the approval and recording of a final plat. On the contrary, other communities have clear infrastructure bonding requirements and timelines for project completion. The former approach ensures that an individual purchasing a lot is able to apply for a building permit upon closing and occupy a structure without concern for the timing of infrastructure completion. The latter approach allows one to purchase a lot, however, permitting and occupancy are directly affected by the timing and success of completion. Both approaches are intended to protect the purchasers of lots.

Infrastructure bonding can help to ensure completion, but we have experienced extremely long and drawn out processes for actually pursuing payout or requiring completion of the infrastructure and improvements by bonding companies. Bonds rarely account for contingencies, administration and legal fees associated with enforcement. Therefore, we recommend that site improvements be completed before final plat approval or recording. However, should the city wish to allow the bonding process, it should be limited to minor elements that would not directly affect a lot owner or cause significant detriment or unsafe conditions if delayed or not completed. A very clear, predictable and enforceable process and set of requirements should be developed in this project.

Plan Reviews

While all applicants receive a high level of customer service and staff assistance, the review and amendment processes, timeframes, requirements and approval authorities must be clarified in the UDC. There are varying requirements and expectations for the plans received from developers and landowners. We recommend greater uniformity and consistency between site plan requirements for various type of applications. For example, two “levels” of plans are recommended:

1. Preliminary Site Plans: A less detailed site plan is recommended for all PD sizes, during review of preliminary plats and potentially for special exception review by the board of adjustment. However, all plans should be professionally prepared and show roads, parking, buildings and landscaping. Additionally, plans should include initial stormwater, grading and utility plans. A preliminary site plan should include sufficient information for all reviewing parties to make informed “policy” decisions concerning PDs and to ensure special exceptions and plats meet the review standards.
2. Final Site Plans: Detailed site plans are a significant investment by a developer and landowner so they should be required after PD and special exception approval. Final site plans are typically reviewed by the administrator and engineer to ensure compliance with the UDC standards and construction requirements. A final site plan would also be appropriate for planning and zoning commission and city council review of conditional use permits. Final site plans should include all final locations of site improvements and all final stormwater, grading and utility plans. Additionally, final site plans should be approved for developments prior to final plat approval.

While there could be slight variations in requirements for different review processes, a “two-level” approach is generally recommended to strive for uniformity and consistency among the expectations of developers and applicants. The code, however, could make the preliminary plan optional, allowing the applicant to submit the more detailed (and costly) plan initially in the interest of saving time. Additionally, projects with minimal improvements could be reviewed as “sketch plans” with basic submittal requirements.

Planned Developments

While planned development is a valuable tool in zoning, the current PD regulations should be overhauled. The overall process is unclear and the intent should be focused on implementing the Comprehensive Plan and achieving a recognizable public benefit through flexibility and incentives. The rezoning to PD should be a policy decision based on a preliminary set of plans. After the zoning map is amended and the associated PD preliminary development plan approved, final site plans should be approved administratively. Additionally, the PD article should outline the following elements:

1. Qualifying conditions.
2. Conditions/standards of approval.
3. Expiration and extension.
4. Appeals and variances.

Applicability and Consolidation

There are a number of requirements within different sections of the Zoning Ordinance, Overlay Districts, Employment Center District, Fencing and Screening Ordinance and other related ordinances that overlap, creating both redundancies and conflicts. For instance, general landscaping, buffering and screening is addressed in multiple locations, with varying applicability. It is recommended that many of these individual provisions be extracted and consolidated to be applicable on a citywide basis. Other topics such as lighting and parking should also be consolidated to ensure consistency between districts and developments. Even with such consolidation, however, there may still be some variation among districts. Buffers, for example, may be regulated by a “sliding scale” depending on the intensity of a zoning district.

Consolidation of Specific Land Use Requirements

Throughout the Zoning Ordinance, Employment Center District and related ordinances, various requirements for permitted uses are listed. One consolidated article is recommended in which specific conditions applicable to all individual uses would be contained. Regardless if a land use is permitted by-right, by special exception or as a conditional use, restructuring to consolidate these individual requirements in one place will create a more user-friendly and streamlined ordinance.

Access Management Standards and Traffic Impact Analysis

Although the number of lanes and width of the Kennedale Parkway can accommodate large volumes of traffic, the proliferation of driveways along the corridor can contribute to confusion, congestion and clutter. Requirements for driveway spacing, number of driveways, shared drives and alternate access should be incorporated into the ordinance. Access management standards, based on the street classification and future land use, should be developed. Additionally, the UDC should contain specific requirements for a Traffic Impact Analysis (TIA), including when it is required and what it must contain.

Land Use Regulation

Many ordinances include exhaustive lists of potential land uses, a common but antiquated practice. For example, in Kennedale, there are over 45 “stores or shops” that can be grouped into a simple “general retail category” with indoor/outdoor variations. Further distinction can be made between small and large structures with a size threshold. The primary recommendation is to consolidate uses into broad categories. Even with over 300 uses currently listed in the Zoning Ordinance, many will inevitably be omitted and others will require interpretation or amendment.

A limited number of broad categories and uses are recommended and should be incorporated into a table format for ease of understanding. As a result, discrepancies and overlap among districts can be more readily identified as we draft the UDC. Each term will be clearly defined in the appendix to cover the full spectrum of potential land uses. Additionally, we recommend including a “similar use provision” that would allow the Administrator to classify a use based on standards, or to forward that determination to the board of adjustment to make a determination.

Land Use Regulation- Categories and Uses (Example)	
Accessory Uses	
Accessory structure	
Drive-through	
Home based business	
Home occupation	
Keeping of animals, hobby farm	
Outdoor display and sales	
Outdoor storage	
Accommodations, Hospitality, Entertainment	
Banquet hall	
Bed and breakfast	
Boarding house	
Distillery, small	
Hotel/motel	
Micro-Brewery	
Private club	
Recreation facility, campground	
Recreation facility, commercial indoor (arcade, bowling lanes, shooting range)	
Recreation facility, commercial outdoor (amusement park, mini golf)	
Recreation facility, golf course	
Restaurant	
Restaurant with drive-through	

Restaurant with micro-brewery
Restaurant with outdoor dining
Short-term rental
Tavern
Theater, indoor
Winery, small
Vehicle racing
Agricultural Uses
Agritourism, ancillary uses and activities
Farms, farming and farm operation
Farmers market
Greenhouses and nursery, accessory landscape businesses
Micro-winery, with vineyard
Roadside stand
Rodeo ground, arena (public)
Stable, commercial
Stables, private
Industrial, Manufacturing, Assembly
Brewery, distiller, winery
Manufacturing, processing and packaging- light (clothing, crafts, furniture, fixtures, food and beverage packaging)
Manufacturing, processing and packaging- heavy (chemicals, concrete, plaster, glass, petroleum products, rubber, plastics, food processing, canning, pulp, textile, fireworks, synthetics)
Salvage operations, vehicle impounding
Warehousing
Wholesale and distribution, small
Wholesale and distribution, large
Mini-warehouse/self-storage
Infrastructure, Transportation, Communications
Airstrip
Bus terminal
Essential service (general public utilities, lines, poles, mains, pump station, lift stations, substations, water storage tank)
Helicopter landing pad
Infrastructure and utilities- regional (major- water and sewer treatment plants, gathering station, water well)
Parking facility, public or commercial
Railroad freight terminal, yard
Waste management facility (transfer, recycling)
Wind energy turbines
Wireless communications (towers, antennas, accessory structures).
Institutional/Civic
Cemetery or mausoleum
Community oriented cultural facility (auditorium, theatre amphitheater, library)
Community public safety (police, fire, penitentiary)
Government office (local, county, state, federal)
Meeting facility
Parks, playgrounds, outdoor recreation areas (athletic fields, courts, stadium)

Place of worship (and all ancillary uses)
Recreation facility, community-based
School, college or university
School, public or private
School, specialized/training
Offices and Services
Animal services, animal clinic/hospital (indoor)
Animal services, kennel/shelter
Athletic or fitness club, gym
Body branding, piercing and tattoo facility
Child care center
General offices and services
General offices and service with a drive through facility
Offices and services, such as landscaping and tree removal companies, exterminators, carpet cleaners, contractors' offices (with outside storage)
Medical services, clinics and medical offices
Vehicle repair, major
Vehicle repair, minor
Vehicle wash
Vehicle wash, trucks and heavy equipment
Residential
Day care, adult day care home
Day care, child care center
Day care, family day care (children)
Day care, group day care home (children)
Dwelling, accessory
Dwelling, multi-family
Dwelling, single-family detached
Dwelling, single-family attached
Dwelling, temporary
Dwelling, two-family
Foster care (adult)
Foster care (children)
Group home
Halfway house
Housing, independent and assisted living
Home, convalescent or nursing
Manufactured home community
Retail
General retail, indoor, small (sales and stores)
General retail, indoor, large (sales and stores)
Liquefied Petroleum Gas (LPG) Sales
Service Station
Vehicle sales and rental, automobiles, light trucks, boats
Vehicle sales and rental, heavy equipment, trucks, RVs and manufactured homes
Other
Temporary uses (construction offices, model homes)
Similar uses

III. Table of Contents

Unified Development Code Chapter

Part I Introduction

Article 1	Title
Article 2	Purpose and Intent
Article 3	Interpretation
Article 4	Conflict

Part II Zoning Districts and Use Regulation

Article 5	Zoning Districts and Map
Article 6	Agricultural and Residential Districts
Article 7	Old Town
Article 8	Neighborhood and Urban Villages
Article 9	Commercial and Industrial Districts
Article 10	Employment Center Mixed Use District
Article 11	Overlay Districts
Article 12	Planned Development District
Article 13	Floodplain District

Part III Site Development Provisions

Article 14	General Provisions for All Districts
Article 15	Specific Use Requirements
Article 16	Parking and Loading
Article 17	Landscaping and Lighting
Article 18	Signs
Article 19	Building Design and Materials

Part IV Review Procedures and Requirements

Article 20	Site Plans
Article 21	Special Exceptions
Article 22	Conditional Uses
Article 23	Subdivisions
Article 24	Erosion and Sediment Control
Article 25	Post Construction Runoff
Article 26	Flood Damage Prevention
Article 27	Stormwater Protection

Part V Administration

Article 28	Authorities
Article 29	Nonconformities
Article 30	Amendments
Article 31	Administration and Enforcement
Article 32	Enactment Provisions

Part VII Appendices

Appendix A	Definitions
Appendix B	Checklists

IV. Stakeholder Input

Overview

A series of seven individual interviews and two focus group sessions was conducted on August 11-12 with various stakeholders identified by city staff. Participants included long-time residents, real estate developers, engineers, HOA representatives and local business owners. The following summarizes the comments received during the discussions. Numbers in parentheses refer to the number of instances groups or persons expressed the same view.

General

- Parks and open space are appreciated in developments. (1)
- Old Town's "hometown" feel should be preserved. (1)
- There is a general appreciation of efforts to remove sexually oriented businesses. (1)
- Code enforcement efforts should be increased (parking, structure and property maintenance). Attached housing developments have deteriorated over time. (3)
- ETJ limits may be shown incorrectly on the future land use plan. (1)
- Emergency services should recognize the potential for intersection blocks when trains stop in the city. Three of four crossings could be compromised and the southwest half of the city would be cut-off temporarily. (1)
- The city gateways should be a priority for cleanup and beautification. (2)

History

- Most, if not all, historic structures have been demolished (neglect, natural hazards, or fire). The WPA-built wall near the school is one of the last historic structures in addition to the oldest home in the city, located at Corey Edwards and 3rd. (1)
- Historic preservation efforts focus on preservation of written history, record keeping and cemetery preservation. (1)
- KHS was involved with the development of the OT district and residential building types and the group is supportive. (1)
- Keep Kennedale Beautiful focus is landfill issues (litter), recycling, gardening (butterfly and hummingbird gardens), citywide clean up and tree planting. (1)

Race Tracks

- Kennedale has been a home to racing and automotive-related uses since incorporation. (1)
- Long-time residents feel the noise associated with racing is part of their history and culture. Local businesses rely on race events for business. Amortization should be less aggressive. (2)
- Newer residents do not appreciate the noise and support aggressive efforts to amortize the uses. (1)

Zoning and Development Review

- Overall review process works, but internal operations and procedures should be tightened. (1)
- Incorporate flow charts into the subdivision article, showing options and varying courses of action. (1)
- Clear processes for decision-making are necessary - requirements, findings of fact, standards and authorities. (2)
- The distinction between a “requirement” and a suggestion must be clearly stated in the development review process. Conditions of approval can be required, but should be stated clearly and relate to the intent of the code. Review processes and project decisions have been “reactionary” and not based on plans and standards. (2)
- Enforcement and interpretation must be consistent and predictable. (2)
- Interdepartmental reviews should be concurrent (not linear) to expedite the process. (1)
- Final plats can be approved and lots sold without improvements or sureties in place. (1)
- Rezoning and development decisions should be based on infrastructure availability. (1)
- Processes and procedures should be addressed as they relate to delegation of duties, for instance, the “similar use” provision that requires special exception. This should be the role of the zoning administrator. (1)
- COG manual includes information “how to construct.” The manual can be used as base for a future city manual. (1)
- Avoid causing existing development to be nonconforming. (1)
- Eliminate legalese and focus on plain text. (1)
- Lessen the number of zoning districts. (1)
- The requirements for site/building upgrade for change of use must be clearly stated - parking, landscaping, fire code. (1)

Residential Development

- If multi-family is to be considered, it must be held to high standards and would be more acceptable near development nodes. (1)
- There is no general support for attached housing. (4)
- Kennedale is a bedroom community and is convenient to a number of other jurisdictions. (1)
- Many areas remain unserved with utilities (assuming the southwest). This will present challenges for future development feasibility. (1)
- Sidewalks should be incorporated into developments and as capital projects, especially promoting connections to parks and community facilities. (1)

Commercial Development

- What are the form-based standards? What are the development characteristics that will be regulated? Target areas must be identified and prioritized. (3)
- Landscape requirements should recognize xeriscaping based on climate and drought. (1)
- A centrally located grocery store is desired but rooftops are needed to support it. Rooftops are necessary to support commercial development. (3)
- Old Town needs a critical mass of development to succeed. (1)

- The City should be selective in terms of future development; quality development over “any” development is the general sentiment. Do not compromise on quality. (2)
- Development should be consistent and compatible. (1)

Industrial Development

- Reassess lot coverage requirements for industrial and commercial development to maximize development potential. Many of the available and existing sites are smaller and businesses may not be able to expand. (2)
- There are no large-lot industrial subdivisions with 10-acre sites. (1).
- Zoning must consider early hours of operation, considering Texas climate. (1)
- Very clear requirements must be developed, for example outdoor “storage” versus “display” (cars, lumber, and landscape materials). The code must be clear and defensible. (1)
- Requirements should reflect industry standards. For example, a cyclone fence is typically 8-10 feet so a six (6) foot requirement in an industrial area is not appropriate. (1)
- Salvage yard screening is minimal and unmaintained. (1)
- The angular direction of 287 Business as it relates to the north/south grid has created irregular parcels and intersections. Development on some of these parcels becomes impossible without variances, as zoning requirements cannot be met. (1)
- Fort Worth Tower received a 10-year, 100% tax abatement and caused the extension of essential utilities to the intersection area. (1)
- Fort Worth Tower is located in a highly visible area that was better suited for retail, hospitality and accommodations, not industrial. (1)

Roads

- City roads must be regularly maintained to protect contents of delivery trucks. (1)
- City roads and design should consider larger trucks. Some roads are not rated for delivery trucks. (1)

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V. Sample Article Layout

Note this is an example of a possible format. Specific provisions are not recommendations for Kennedale. District names, uses, dimensional requirements and all other specifics are for illustrative purposes only.

Commercial and Industrial Districts

Article 9

Section 9.1 Purpose

- A. *Restricted Commercial (C-1)*. The C-1 zoning district is intended to provide a location for lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum.
- B. *General Commercial (C-2)*. The C-2 zoning district is intended to accommodate lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum.
- C. *Retail Commercial (C-0)*. The C-0 zoning district is intended primarily to lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum.
- D. *Industrial District (ID)*. The ID zoning district is a specialized district intended to lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum.

Section 9.2 Schedule of Uses

Buildings or land shall not be used and buildings shall not be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of *Table 1139-2* may be used for the purposes denoted by the following abbreviations:

- A. *Permitted Use (P)*. Land and/or buildings in this district may be used by right.
- B. *Conditional Use Permit (C)*. Land and/or buildings in this district may be used by right, provided the specific conditions related to that use, as found in *Article XX* are met.
- C. *Special Exception (SE)*. Land and/or buildings are subject to review in accordance with *Article XX*.

- D. *Specific Conditions.* Indicates requirements or conditions applicable to conditional uses, as listed in Chapter ***, Conditional Use Requirements.

Table 9.2 Schedule of Uses: Commercial and Industrial Districts

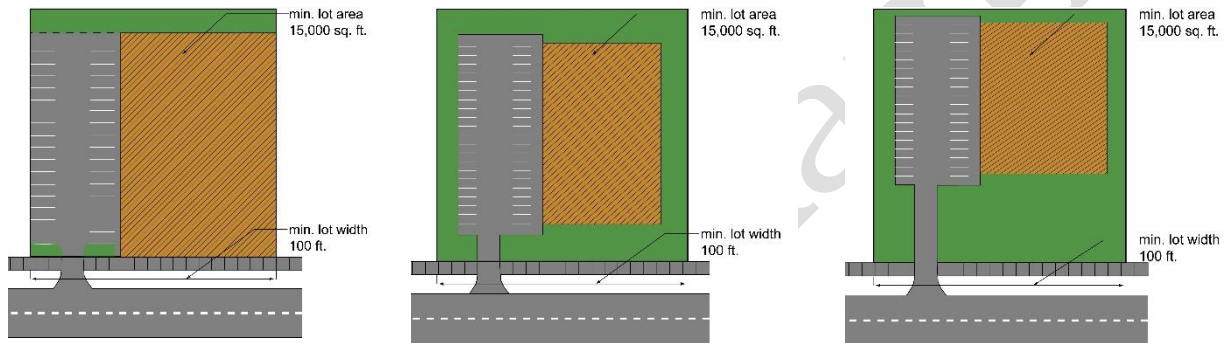
Use	C-1	C-2	C-0	ID	Specific Conditions
Personal services					
Land Use	P	P	P	--	
Land Use	P	P	P	--	
Land Use	--	P	P	--	
Land Use	P	P	P	--	
Land Use	C	C	P	--	Section **
Retail uses					
Land Use	--	P	P	--	
Land Use	--	P	P	--	
Land Use	--	P	P	--	
Land Use	--	--	C	--	Section **
Land Use	--	P	P	--	
Office, financial and business services					
Land Use	--	--	C	--	Section **
Land Use	P	P	P	C	Section **
Land Use	--	P	P	--	
Land Use	SE	P	P	C	Section **
Land Use	--	C	C	--	Section **
Land Use	--	P	SE	--	
Institutional uses					
Land Use	--	C	P	P	Section **
Land Use	--	P	P	--	
Land Use	C	P	P	--	Section **
Land Use	--	C	C	--	Section **
Land Use	C	C	--	--	Section **
Land Use	C	C	--	--	Section **
Food, drink, entertainment and hospitality					
Land Use	--	--	C	--	Section **
Land Use	--	P	P	--	
Land Use	P	P	P	--	
Land Use	--	P	P	--	
Land Use	--	P	P	--	
Land Use	--	--	--	P	
Other uses					
Land Use	--	--	--	C	Section **
Land Use	--	C	C	--	Section **
Land Use	C	C	C	C	Section **
Land Use	--	P	P	--	
Land Use	--	--	SE	--	Section **
Land Use					

Section 9.3 Spatial Requirements

- A. *Minimum Area and Width.* All lots and buildings shall meet the minimum area and width requirements of Table 9-3 A. New lots shall not be created, except in conformance with these requirements.

Table 9.3 A. Lot and Width Requirements, Commercial and Industrial Districts

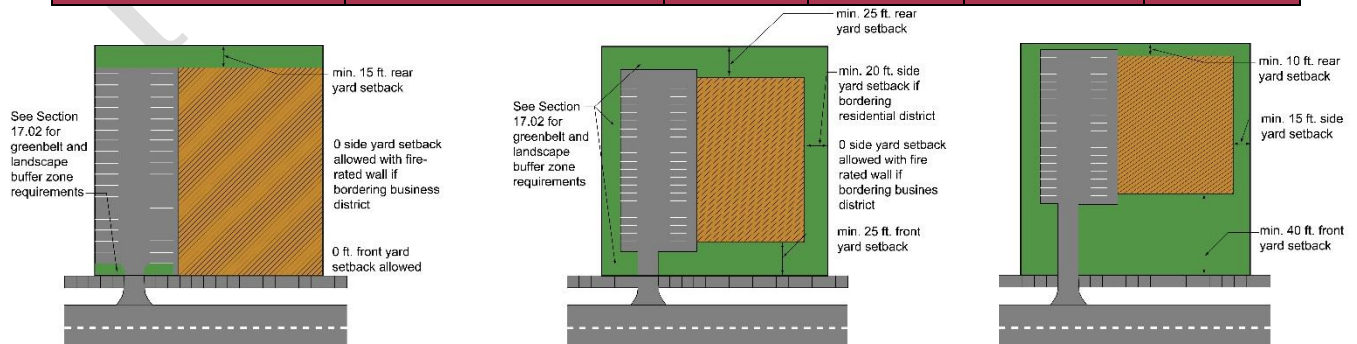
Zoning District	Minimum Lot Area (sq. Ft.)	Minimum Lot Width (ft.)
C-1	10,500	70
C-2	20,000	100
C-0	20,000	100
ID	20,000	100



- B. *Dimensional Requirements.* All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 9-3 B.

Table 9.3 B. Dimensional Requirements, Commercial and Industrial Districts

Zoning District	Maximum Building Height (ft./stories)	Minimum Yard Setbacks (ft.)			Lot Coverage (%)
		Front	Side	Rear	
C-1	25/2	5	10	20	70
C-2					
C-0	25/2	50	20	20	60
ID	70/5	65	20	20	60



Section 9.4 Site Development Requirements

In addition to the requirements of this chapter, all development in the business districts shall meet the applicable requirements as listed elsewhere in this ordinance:

- A. *General Provisions. See Article ***.*
- B. *Conditional Use Requirements. See Article ***.*
- C. *Special Exception Requirements. See Article ***.*
- D. *Parking and Loading. See Article ***.*
- E. *Signs. See Article ***.*
- F. *Landscaping and Lighting Requirements. See Article***.*
- G. *Site Plan Review Requirements. See Article ***.*

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Format Example

VI. Style Guide

Fonts

1. 18 point Arial font, bolded, will be used for each article title:

Article 9 Commercial and Industrial Zoning Districts

2. 12 point Arial font, bolded will be used for each section title:

Section 9.1 Purpose

3. 11 point Arial font will be used for the body of text:

The Commercial and Industrial Districts are intended to provide site....

4. References to the titles of all Articles, Sections, Subsections and Tables within the text will be italicized:

The following uses may be permitted by obtaining Special Exception approval when all applicable standards cited in *Article XX* and specific standards of *Section X-XX* are met.

5. Size 10 Arial font will be used for headers:

Commercial and Industrial Residential Districts

6. Size 9 Arial font will be used for footers:

Page 9-1 City of Kennedale UDC

Line Spacing and Justification

1. Single line spacing will be used with 6 pt. separation between paragraphs (see example article).
2. All text will be left-justified.

Ordinance and Page Numbering

1. Articles will be numbered in numerical order, using Roman numerals, starting with Article I.
2. Sections will be numbered in numerical order, starting with "X.1" with "X" signifying the article number.
3. A traditional outline numbering and spacing will be used within each section, as follows:
 - A.
 - 1.
 - a.
 - i.

4. Each article will have self-contained page numbering, starting with “page X-1”, with “X” representing the article number.

Capitalization

1. Capitalize words that refer to a body or commission (like City Council, Board of Adjustment, Planning and Zoning Commission).
2. Capitalize the names of geographic divisions, regions, and localities such as Cities, Rivers, Lakes and Streets.
3. Capitalize titles when preceding a name only (Mayor Johnson vs. the mayor of Kennedale)
4. The words plan and ordinance should not be capitalized unless at the beginning of a sentence or part of the proper title of a document (City of Kennedale Unified Development Ordinance).
5. The words section and article shall be capitalized only when referring to a specific section or article (“this section” vs “Section 17.2”).

Punctuation Marks

Commas

1. Commas separate complete thoughts joined by these simple conjunctions: and, but, or, for, nor, so, yet.
2. Commas separate items in a series consisting of three or more words, phrases, or even whole clauses.
3. Commas separate long introductory phrases and clauses from the main body of a sentence.
4. Commas enclose parenthetical expressions.
5. Commas separate nonessential modifying and descriptive phrases and clauses from a sentence, especially those clauses beginning with who, which, or that.
6. Commas separate titles and degrees from names.

Quotation Marks

1. Use quotation marks to enclose direct quotations.
2. Use quotation marks to indicate that a word is used in a special or abnormal sense.
3. Always place periods and commas inside of closing quotation marks.
4. Always place semicolons and colons outside of closing quotation marks.
5. Place dashes, exclamation marks, and question marks inside of quotation marks if they are part of the quotation; otherwise, place them outside of quotation marks.

Semi-colons

1. Use semicolons to link complete thoughts that could otherwise stand alone as separate sentences.
2. Use semicolons to separate items in series when one or more of the items has a comma.

Ampersands

1. Use the written-out version of signs and symbols in text unless the nature of the text is such that readers would expect to see signs and symbols (planning and zoning not planning & zoning, off-street parking and loading not off-street parking & loading).

Hyphenation

1. Hyphenate two or more words that act together to create a new meaning (single-family,

mixed-use). The word after the hyphen is not capitalized except where an organization has branded a phrase (Form-Based Code).

2. Avoid using hyphens with most prefixes (nonconforming).

Numbers

1. Numbers one (1) through nine (9) should be spelled out with the numeric character in parentheses afterwards (except in tables and graphics).
2. Numbers starting with 10 will only use the numeric character.
3. When used at the beginning of a sentence, a number is always spelled out.
4. Always use figures for percentages and decimal fractions.
5. Always use figures for dates.
6. Spell out feet and inches, not “and ”, including square feet. Abbreviations (ft., sq. ft., ac.) may also be used.

Acronyms

1. When using an acronym, write it out the first time in each article with the acronym in parentheses after the words, and then the acronym may be used for the remainder of the chapter.
2. Do not use periods between the letters in an acronym. (US vs. U.S.).
3. Abbreviations with periods should be typed without spaces between letters and periods (e.g. or i.e.).
4. Acronyms can be made plural by simply adding a small “s” to the end, do not use an apostrophe unless it is possessive (there are many CAFOs vs. the CAFO’s odor was the primary concern of the public). The same will apply to dates (1990s).

Words

1. Stormwater
2. Setback
3. Mixed-use
4. Nonconforming
5. Single-family
6. Multiple-family
7. Two-family
8. Form-based

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VII. Summary Survey Results

Visual Preference Survey

The Kennedale Visual Preference Survey results will be used in the UDC project, particularly as they relate to form-based districts and other design requirements. Participants were shown images and asked whether they “prefer” or “do not prefer” what they were shown. There were 15 images for each of the following categories: low density residential, low to medium density residential, medium to high density residential, commercial and mixed use, public realm and signs (90 images total). Participants were asked to respond with an initial, first-impression reaction.

Total participation for the exercise was 114 respondents. Many of the images shown were overwhelmingly “not preferred.” The following pages show images that the majority of respondents “preferred,” which was 32 of 90 images. During development of the new regulations or refinement of existing regulations, we will examine elements of the preferred images to support certain recommendations or to use them as the basis for new ideas. For example, the following elements were observed as key features of the 32 preferred images:

<i>Residential gable and hip roofs</i>	<i>Higher densities</i>	<i>Transparency</i>
<i>Siding materials (brick & hardie)</i>	<i>Compatible scales</i>	<i>Storefronts/entryways</i>
<i>Street canopy/shade trees</i>	<i>Projections</i>	<i>Projecting signage</i>
<i>Street lighting</i>	<i>Porches</i>	<i>Wide commercial sidewalks</i>
<i>Sidewalks</i>	<i>Windows (% minimum)</i>	<i>Outdoor display/dining</i>
<i>Narrower setbacks</i>	<i>Awnings</i>	<i>Parking lot screening, canopy trees</i>
<i>Quality landscaping</i>	<i>Facades (% of lot width)</i>	<i>Indirect sign illumination</i>
<i>Stories (2, some cases 2.5-3)</i>	<i>Building articulation</i>	<i>Retro-styles signs (neon)</i>
<i>Walkable, bike accommodations</i>	<i>Muted colors</i>	<i>Mixed use</i>

Low Density Housing



61%



48%



61%



47%



47%

Low to Medium Density Housing



49%



48%

Medium to High Density Housing



53%

Commercial and Mixed Use



84%



56%



55%



63%



80%



67%



80%

Public Realm



55%



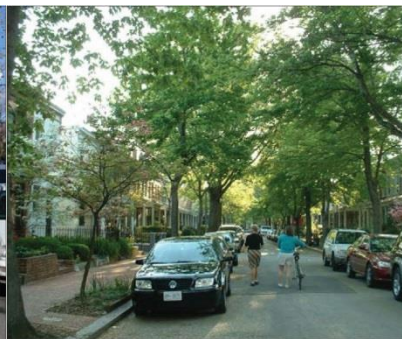
85%



57%



76%



77%



78%



78%



73%



76%

Signage



53%



71%



77%



45%



47%



81%

Parking



72%



51%

Public Survey

Although participation was much lower, we have reviewed the results of the public survey (25 respondents). Most respondents have lived in the city for less than 10 years (84%) and all live within single-family detached homes. Respondents generally viewed the city as an ideal suburban community. The top reasons for living in Kennedale are the schools and the remaining rural nature and character.

Concerning the UDC project, results were as follows:

Top general topics to address:

1. Control quality of development, ensure higher standards are met.
2. Improve the appearance of the community.
3. Be easy to understand.

Top commercial development topics:

1. Require visual and aesthetic improvements (landscaping, building design, signs etc.).
2. Control commercial architecture and building materials.
3. Promote a strong town center.

Top residential development topics:

1. Control residential architecture and building materials.
2. Provide for affordable housing.

Top transportation topic:

1. Improve traffic conditions and safety.

Top development review topics:

1. Support economic development.
2. Protect environmentally sensitive lands and opens space.



Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: REPORTS/ANNOUNCEMENTS - A.

I. Subject:

Updates from City Council

II. Originated by:

City Council, City Council

III. Summary:

Updates and information from Council members .

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:



Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: REPORTS/ANNOUNCEMENTS - B.

I. Subject:

Updates from the Mayor

II. Originated by:

III. Summary:

Updates and information from the Mayor.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:



Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: REPORTS/ANNOUNCEMENTS - C.

I. Subject:

Updates from the City Manager

II. Originated by:

Bob Hart

III. Summary:

Updates and information from City Manager, if any.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:



Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: MONITORING INFORMATION - A.

I. Subject:

Monthly Financials - November and December 2015

II. Originated by:

III. Summary:

Overview of the City's revenues/expenditures for all funds compared to budget and previous year for November and December 2015.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Monthly Financials - November	201511 MONTHLY FINANCIALS.pdf
2.	Monthly Financials - December	2015_12 Monthly Financials.pdf

**CITY OF KENNEDALE, TEXAS
ANNUAL PROGRAM OF SERVICES
MONTHLY FINANCIALS
NOVEMBER**

REVENUES	FY14-15 AMENDED	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY14-15 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
GENERAL FUND	5,654,468	217,460	5,897,213	6,091,420	243,858	467,784	436,952	7.7%	5,623,636
OTHER GENERAL FUNDS	1,122,079	66,135	1,437,430	1,263,636	29,532	65,427	28,617	5.2%	1,198,209
GENERAL FUND	6,776,547	283,585	7,334,643	7,355,056	273,390	533,211	465,568	7.2%	6,821,844
GENERAL DEBT SERVICE FUND	1,359,183	142,550	1,340,773	1,403,111	53,029	132,409	43,928	9.4%	1,270,703
WATER/SEWER FUND	3,477,955	517,101	3,460,517	5,672,328	254,443	564,733	2,194,373	10.0%	5,107,595
STORMWATER UTILITY FUND	265,525	30,120	200,108	247,825	8,487	29,990	(17,700)	12.1%	217,835
WATER IMPACT FUND	116,010	46,091	172,370	116,040	4,900	16,654	30	14.4%	99,386
SEWER IMPACT FUND	6,682	8,199	44,619	6,682	978	3,403	(1)	50.9%	3,279
WATER/SEWER FUND	3,866,172	601,512	3,877,614	6,042,875	268,808	614,779	2,176,703	10.2%	5,428,095
EDC4B FUNDS	901,705	16,578	650,469	912,036	33,681	33,896	10,331	3.7%	878,140
CAPITAL FUNDS	1,248,630	68,735	699,775	1,141,107	2,823	7,018	(107,523)	0.6%	1,134,089
SPECIAL REVENUE FUNDS	1,801	(4,872)	(3,057)	126,801	0	0	125,000	0.0%	126,801
TOTAL REVENUES	\$ 14,154,038	\$ 1,108,088	\$ 13,900,216	\$ 16,980,986	\$ 631,731	\$ 1,321,314	\$ 2,714,008	7.8%	15,659,671
EXPENDITURES	FY14-15 AMENDED	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY14-15 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
GENERAL FUND	5,825,824	840,120	5,664,808	6,198,118	449,014	951,059	372,294	15.3%	5,247,059
OTHER GENERAL FUNDS	1,297,996	206,659	1,127,260	1,322,814	58,036	91,171	24,818	6.9%	1,231,643
GENERAL FUND	7,123,820	1,046,779	6,792,068	7,520,932	507,050	1,042,230	397,112	15.3%	6,478,702
GENERAL DEBT SERVICE FUND	1,343,108	36,759	1,338,313	1,363,867	35,959	35,959	20,759	2.6%	1,327,908
WATER/SEWER FUND	5,060,679	452,671	4,064,958	6,093,227	448,233	589,389	1,032,548	9.7%	5,503,838
STORMWATER UTILITY FUND	572,227	49,178	111,696	264,273	3,934	6,592	(307,954)	2.5%	257,681
WATER IMPACT FUND	174,916	-	174,916	171,200	-	-	(3,716)	0.0%	171,200
SEWER IMPACT FUND	22,396	-	22,396	-	-	-	(22,396)	0.0%	-
WATER/SEWER FUND	5,830,218	501,849	4,373,966	6,528,700	452,167	595,981	698,482	9.1%	5,932,719
EDC4B FUNDS	735,969	103,350	678,653	711,842	37,757	122,250	(24,127)	17.2%	589,592
CAPITAL FUNDS	1,337,469	6,997	795,765	1,283,626	76,279	76,279	(53,843)	5.9%	1,207,347
SPECIAL REVENUE FUNDS	181,800	-	48,852	126,800	6,603	6,603	(55,000)	5.2%	120,197
TOTAL EXPENDITURES	\$ 16,552,383	\$ 1,695,734	\$ 14,027,617	\$ 17,535,767	\$ 1,115,815	\$ 1,879,302	\$ 983,384	10.7%	15,656,465

CITY OF KENNEDALE, TEXAS
ANNUAL PROGRAM OF SERVICES
MONTHLY FINANCIALS
NOVEMBER

GENERAL FUND	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY15-16 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
CITY MANAGER	32,133	275,131	293,578	24,393	41,650	11,658	14.2%	251,928
MAYOR/CITY COUNCIL	6,292	77,128	88,576	4,743	7,400	(5,530)	8.4%	81,176
CITY SECRETARY	14,047	124,118	135,923	6,909	13,073	(12,421)	9.6%	122,850
MUNICIPAL COURT	19,718	129,204	157,745	7,515	16,787	18,928	10.6%	140,958
HUMAN RESOURCES	16,579	112,356	124,565	9,313	16,792	6,723	13.5%	107,773
FINANCE	48,671	349,477	323,931	27,567	43,699	(96,469)	13.5%	280,232
POLICE	248,160	2,009,458	2,245,833	169,529	338,083	193,639	15.1%	1,907,750
FIRE	234,438	1,627,526	1,728,014	123,392	238,527	79,246	13.8%	1,489,487
COMMUNITY DEVELOPMENT	45,776	347,889	439,480	33,880	52,756	57,053	12.0%	386,724
SENIOR CITIZEN CENTER	2,069	50,569	54,077	3,870	6,070	(32)	11.2%	48,007
LIBRARY	35,689	217,519	239,080	24,998	40,440	9,990	16.9%	198,639
NONDEPARTMENTAL	136,547	344,434	367,317	12,904	135,780	109,510	37.0%	231,537
TOTAL EXPENDITURES	\$ 840,120	\$ 5,664,808	\$ 6,198,118	\$ 449,013	\$ 951,057	\$ 372,294	175.7%	\$ 5,247,061

WATER/SEWER FUND	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY15-16 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
UTILITY BILLING	25,238	1,326,837	1,360,981	22,153	26,690	14,824	2.0%	1,334,290
WATER OPERATIONS	127,618	1,122,780	3,156,143	234,017	272,603	1,374,731	8.6%	2,883,541
DEBT	152,813	186,691	505,472	136,920	136,920	1,372	27.1%	368,552
NONDEPARTMENTAL	147,003	1,428,650	1,070,631	55,143	153,175	(358,379)	14.3%	917,456
TOTAL EXPENDITURES	\$ 452,671	\$ 4,064,958	\$ 6,093,227	\$ 448,233	\$ 589,389	\$ 1,032,548	9.7%	\$ 5,503,838

STREET IMPROVEMENT FUND	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY15-16 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
STREETS	80,124	704,161	1,042,537	44,844	68,082	213,861	6.5%	974,456
PARKS MAINTENANCE	22,181	118,624	84,000	10,975	16,514	7,000	19.7%	67,486
TOTAL EXPENDITURES	\$ 102,305	\$ 822,784	\$ 1,126,537	\$ 55,820	\$ 84,595	\$ 220,861	7.5%	\$ 1,041,942

EDC4B FUNDS	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY15-16 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
ADMINISTRATION	10,492	241,795	176,466	9,912	15,962	(85,995)	9.0%	160,504
DEBT SERVICE	78,575	323,315	319,893	9,029	80,536	(3,475)	25.2%	239,357
TOWN SHOPPING CENTER	14,283	51,447	50,484	18,816	25,753	-	51.0%	24,731
TOWN CENTER REDEVELOPMENT	-	-	90,000	-	-	90,000	0.0%	90,000
TX LEVERAGE	-	101,192	50,000	-	-	(60,000)	0.0%	50,000
TOTAL EXPENDITURES	\$ 91,744	\$ 715,745	\$ 686,842	\$ 84,494	\$ 84,494	\$ (59,471)	12.3%	\$ 564,592

CITY OF KENNEDALE, TEXAS
ANNUAL PROGRAM OF SERVICES
MONTHLY FINANCIALS
DECEMBER

REVENUES	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY14-15 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
GENERAL FUND	2,083,488	5,897,213	6,091,420	1,638,208	2,105,992	436,952	34.6%	3,985,428
OTHER GENERAL FUNDS	180,953	1,437,430	1,263,639	104,660	170,087	28,620	13.5%	1,093,552
GENERAL FUND	2,264,441	7,334,643	7,355,059	1,742,868	2,276,079	465,571	30.9%	5,078,979
GENERAL DEBT SERVICE FUND	661,458	1,340,773	1,403,111	483,318	615,727	43,928	43.9%	787,384
WATER/SEWER FUND	738,003	3,460,517	5,672,328	227,097	791,830	2,194,373	14.0%	4,880,498
STORMWATER UTILITY FUND	45,247	200,108	247,825	21,958	51,948	(17,700)	21.0%	195,877
WATER IMPACT FUND	54,909	172,370	116,040	8,825	25,479	30	22.0%	90,561
SEWER IMPACT FUND	10,792	44,619	6,682	1,789	5,192	(1)	77.7%	1,490
WATER/SEWER FUND	848,951	3,877,614	6,042,875	259,670	874,449	2,176,703	14.5%	5,168,426
EDC4B FUNDS	68,614	650,469	912,036	46,525	90,480	10,331	9.9%	821,556
CAPITAL FUNDS	90,270	699,775	1,141,107	11,481	18,499	(107,523)	1.6%	1,122,608
SPECIAL REVENUE FUNDS	(4,872)	42,861	126,801	1,251	1,251	125,000	1.0%	125,550
TOTAL REVENUES	\$ 3,928,863	\$ 13,946,135	\$ 16,980,989	\$ 2,545,113	\$ 3,876,485	\$ 2,714,011	22.8%	13,104,503
EXPENDITURES	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY14-15 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
GENERAL FUND	1,208,732	5,664,808	6,198,118	424,124	1,378,203	372,294	22.2%	4,819,915
OTHER GENERAL FUNDS	273,167	1,127,260	1,322,814	156,039	245,374	24,818	18.5%	1,077,440
GENERAL FUND	1,481,899	6,792,068	7,520,932	580,163	1,623,577	397,112	21.6%	5,897,355
GENERAL DEBT SERVICE FUND	36,759	1,338,313	1,363,867	-	35,959	20,759	2.6%	1,327,908
WATER/SEWER FUND	860,569	4,064,958	6,093,227	299,818	890,210	1,032,548	14.6%	5,203,017
STORMWATER UTILITY FUND	59,615	111,696	264,273	16,405	22,997	(307,954)	8.7%	241,276
WATER IMPACT FUND	-	174,916	171,200	-	-	(3,716)	0.0%	171,200
SEWER IMPACT FUND	-	22,396	-	-	-	(22,396)	0.0%	-
WATER/SEWER FUND	920,184	4,373,966	6,528,700	316,223	913,207	698,482	14.0%	5,615,493
EDC4B FUNDS	129,262	678,653	711,842	20,070	126,951	(24,127)	17.8%	584,892
CAPITAL FUNDS	6,997	795,765	1,283,626	67,963	144,242	(53,843)	11.2%	1,139,384
SPECIAL REVENUE FUNDS	-	48,852	126,800	6,100	12,703	(55,000)	10.0%	114,097
TOTAL EXPENDITURES	\$ 2,575,101	\$ 14,027,617	\$ 17,535,767	\$ 990,519	\$ 2,856,638	\$ 983,384	16.3%	14,679,129

**CITY OF KENNEDALE, TEXAS
ANNUAL PROGRAM OF SERVICES
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DECEMBER**

GENERAL FUND	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY15-16 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
CITY MANAGER	49,950	275,131	293,578	23,912	65,561	11,658	22.3%	228,017
MAYOR/CITY COUNCIL	10,540	77,128	88,576	3,977	11,377	(5,530)	12.8%	77,199
CITY SECRETARY	15,602	124,118	135,923	14,695	27,768	(12,421)	20.4%	108,155
MUNICIPAL COURT	29,518	129,204	157,745	5,781	22,568	18,928	14.3%	135,177
HUMAN RESOURCES	25,035	112,356	124,565	8,972	25,764	6,723	20.7%	98,801
FINANCE	75,002	349,477	323,931	20,648	64,348	(96,469)	19.9%	259,583
POLICE	380,274	2,009,458	2,245,833	150,483	490,777	193,639	21.9%	1,755,056
FIRE	348,780	1,627,526	1,728,014	131,947	371,163	79,246	21.5%	1,356,851
COMMUNITY DEVELOPMENT	67,410	347,889	439,480	29,308	82,186	57,053	18.7%	357,294
SENIOR CITIZEN CENTER	6,515	50,569	54,077	4,367	10,437	(32)	19.3%	43,640
LIBRARY	50,711	217,519	239,080	16,867	57,307	9,990	24.0%	181,773
NONDEPARTMENTAL	149,395	344,434	367,317	13,167	148,947	109,510	40.5%	218,370
TOTAL EXPENDITURES	\$ 1,208,732	\$ 5,664,808	\$ 6,198,118	\$ 424,123	\$ 1,378,201	\$ 372,294	22.2%	\$ 4,819,917

WATER/SEWER FUND	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY15-16 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
UTILITY BILLING	135,872	1,326,837	1,360,981	66,912	93,603	14,824	6.9%	1,267,378
WATER OPERATIONS	376,973	1,122,780	3,156,143	139,124	412,730	1,374,731	13.1%	2,743,414
DEBT	152,813	186,691	505,472	15,892	152,813	1,372	30.2%	352,659
NONDEPARTMENTAL	194,911	1,428,650	1,070,631	77,890	231,065	(358,379)	21.6%	839,566
TOTAL EXPENDITURES	\$ 860,569	\$ 4,064,958	\$ 6,093,227	\$ 299,818	\$ 890,210	\$ 1,032,548	14.6%	\$ 5,203,017

STREET IMPROVEMENT FUND	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY15-16 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
STREETS	115,301	704,161	1,042,537	136,980	203,245	213,861	19.5%	839,292
PARKS MAINTENANCE	30,925	118,624	84,000	14,593	31,107	7,000	37.0%	52,893
TOTAL EXPENDITURES	\$ 146,226	\$ 822,784	\$ 1,126,537	\$ 151,573	\$ 234,352	\$ 220,861	20.8%	\$ 892,186

EDC4B FUNDS	FY14-15 YTD	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY15-16 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
ADMINISTRATION	21,745	241,795	176,466	13,776	29,738	(85,995)	16.9%	146,728
DEBT SERVICE	87,603	323,315	319,893	4,514	85,050	(3,475)	26.6%	234,843
TOWN SHOPPING CENTER	19,914	51,447	50,484	1,780	12,163	-	24.1%	38,321
TOWN CENTER REDEVELOPMENT	-	-	90,000	-	-	90,000	0.0%	90,000
TX LEVERAGE	-	101,192	50,000	-	-	(60,000)	0.0%	50,000
TOTAL EXPENDITURES	\$ 91,744	\$ 715,745	\$ 686,842	\$ 84,494	\$ 84,494	\$ (59,471)	12.3%	\$ 559,892



Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: MONITORING INFORMATION - B.

I. Subject:
Executive Limitations

II. Originated by:

III. Summary:
Reports are attached for review.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Executive Limitations	Executive Limitations 01.2016.docx
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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.

Overall, City operations are in compliance with the global constraint policy.

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

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

The City Manager will not:

1. Elicit information for which there is no clear necessity.
2. Use methods of collecting, reviewing, transmitting, or storing customer information that fail to protect against improper access to the material
3. Operate facilities without appropriate accessibility and privacy.
4. Operate without establishing with customers a clear understanding of what may be expected and what may not be expected from the service offered.
5. Operate without informing customers of this policy or providing a way to be heard for persons who believe that they have not been accorded a reasonable interpretation of their rights under this policy.

Cyber security issues are a major concern in compliance with point 2. The city backs up files on a daily basis to avoid more common hacking attempts. Limitations have been placed on what websites can be accessed. Both the city manager and IT analyst are members of InfraGard to better understand the risks involved.

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 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.

The city maintains current personnel policy and orientation booklet. City operations are in compliance with the treatment of staff policy. Staff was heavily involved in the preparation of an asset management plan. In addition staff is involved in the interview process consistent with our desired culture.

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. Rachel Roberts is working closely with me on Village Creek and the salvage yards. The department heads collectively are aware of on-going activities and projects, and I have been more attentive to this in staff meetings.



Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: MONITORING INFORMATION - C.

I. Subject:

Ends Review - Balanced Scorecard

II. Originated by:

III. Summary:

Reports are attached for review.

IV. Fiscal Impact Summary:

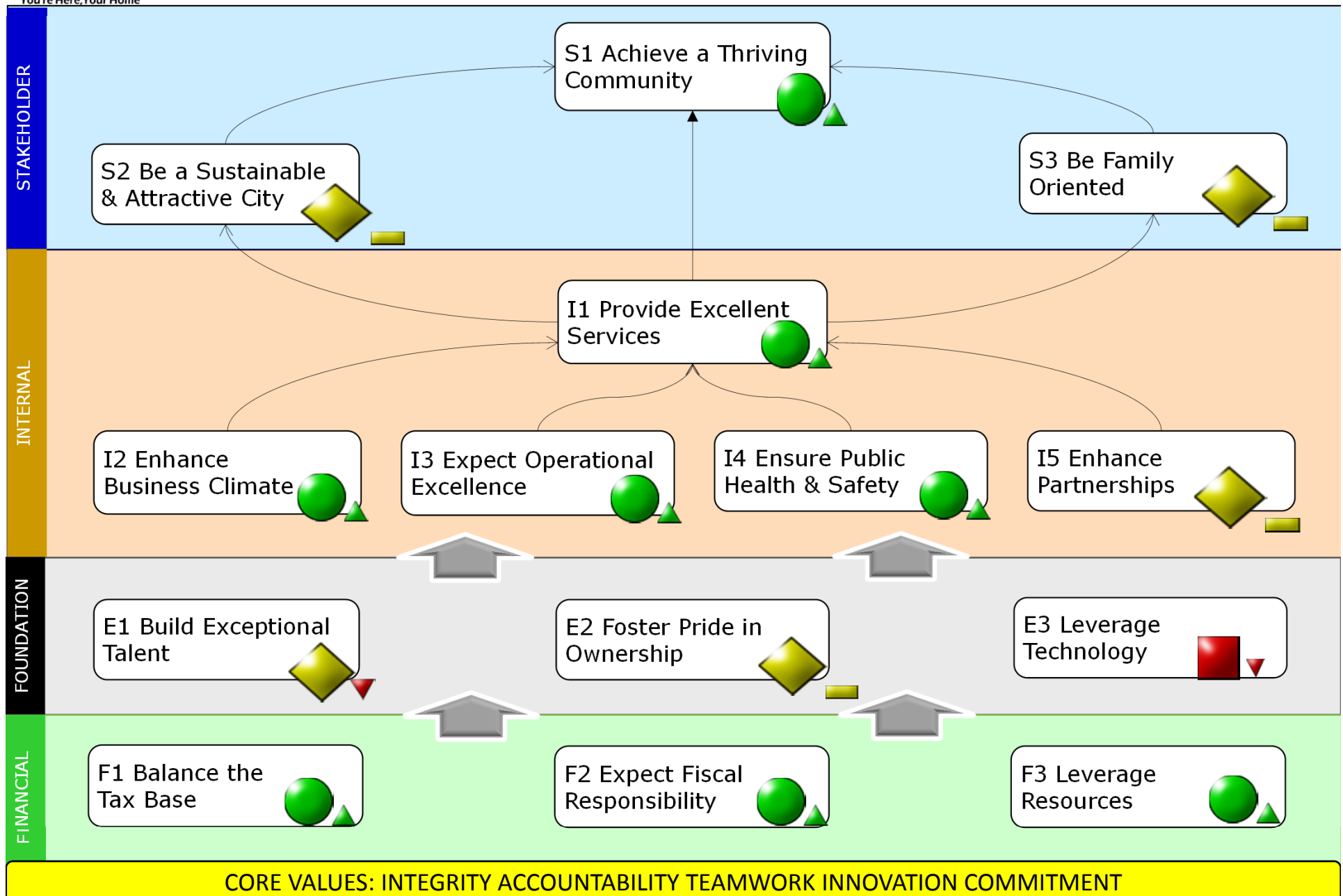
V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Balanced Scorecard	Balanced Scorecard.pdf
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Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: INCIDENTAL ITEMS (CONSENT) - A.

I. Subject:

Review and accept the Police Department 2015 Racial Profiling Report

II. Originated by:

Tommy Williams, Police Chief

III. Summary:

This is the yearly report required by statute. All racial population groups represented are within tolerance.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Racial Profile Report 2015	RACIAL PROFILE REPORT 2015.pdf
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January 18, 2016

To: City Manager, Mayor, and Council Members
From: Tommy Williams, Police Chief
Re: Racial Profiling Report

Statistical Data

As required by S.B. 1074, attached is a spreadsheet outlining the data from our citations from traffic stops during calendar year 2015. You will remember that in 2012, due to a change in the Census Bureau reporting format and data sets I dropped the Fair Roads Standard in favor of at-large population figures from the 2010 census. This allows us to collect data not only against licensed drivers, but also against those drivers who regularly operate a vehicle without benefit of a license.

Because such a large majority of our citations are issued to persons outside of the city, the baseline includes the combined populations of our neighboring cities of Arlington, Forest Hill, Fort Worth, and Mansfield, as well as Kennedale. Motorists come from or through these cities in order to get to or through Kennedale. Our stops and searches are within tolerances for the percentile groups.

I will electronically file a copy of this report and spreadsheet for posting on the TCLEOSE web site.

Complaints

We had one racial profiling complaint filed during the reporting period of 2015. The interesting note for this complaint was it was filed by the parent of a black college student against three officers, one of whom is also black. The basis of the complaint was that the citation, not the stop, was issued due to race. A video/audio review of the stop and the investigation of the procedures used revealed that the complaint was unfounded.

Public Education

The process for filing racial profiling complaints against employees is posted in three places. The first is on our police department website, the second in the police building lobby, and the third is in the city hall lobby. A copy of the entire racial profiling policy is available to the public on request.

Employee Training

Numerous discussions occur during briefing and staff meetings throughout the year about racial profiling issues to be aware of. In addition, supervisors are required to regularly review random video tapes of stops to identify any problems that have not been reported. No issues were identified.

Kennedale Police Department
Racial Profiling Data
01-01-2015 through 12-31-2015

Race	Traffic Stops	Arrests From Traffic Stops	Total Searches Conducted	Consent Searches Conducted	Representative Population - Kennedale Area	Representative Population - Tarrant County
White	926	7	28	14	57.00%	57.00%
Percent of Group Total	61.45%	77.78%	77.78%	70.00%		
Black	276	0	5	3	16.00%	13.00%
Percent of Group Total	18.31%		13.89%	15.00%		
Hispanic	257	2	3	3	26.00%	24.00%
Percent of Group Total	17.05%	22.22%	8.33%	15.00%		
Asian	24	0	0	0	4.00%	4.00%
Percent of Group Total	1.59%		0.00%			
Native American	0	0	0	0	0.06%	0.01%
Percent of Group Total	0.00%		0.00%			
Middle Eastern	12	0	0	0		
Percentage of Group Total	0.80%		0.00%			
Other/Unknown	12	0	0	0	0.01	0.002
Percent of Group Total	0.80%		0.00%			
Total	1507	9	36	20		
Race/Ethnicity Known Before Stop?	Yes - 119 (8%)	No - 1388 (92%)				

Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: INCIDENTAL ITEMS (CONSENT) - B.

I. Subject:

Review the Charter Review Committee report and consider directing staff to call an election

II. Originated by:

III. Summary:

Charter Review Committee Recommendations.

The Charter Review Committee completed their report and submitted their recommendations as shown below. The city attorney reviewed the recommendations and has made recommendations based on their work and from a legal perspective. Committee members were:

- John Clark
- Robert Mundy
- Ray Cowan
- Earnest Harvey
- Frank Fernandez
- Charles Overstreet

The City Council may accept a portion of the recommendations, none of them, or all of them. Should Council wish to call a charter election, it may do so at the February meeting. At this point, Council will need to provide direction to staff as to whether or not to call a charter election and if so, which items to include on the ballot.

1. Section 5.06 City Secretary

Upon recommendation by the City Manager, the City Council shall by a majority vote appoint the City Secretary. The City Manager may designate such assistant city secretaries as the city council may deem advisable. The City Secretary shall be the clerical officer of the City Council, and shall keep the minutes, agenda, ordinances, attendance record, and other official records of the City Council and the City. The City Secretary shall be the custodian of the official seal of the City, and shall have such other duties and powers prescribed in this Charter and by the City Council. In addition to the responsibilities stated in this Charter, the City Manager may designate administrative duties to be performed by the City Secretary.

2. ARTICLE IV: MUNICIPAL ELECTIONS (changing to three-year terms)

Section 4.01 City Council Places and Terms

- (a) The City Council shall be divided into the Mayor and places 1, 2, 3, 4 and 5. Each position shall be filled by a qualified citizen from the City at large by a majority vote cast by qualified voters.
- (b) Each place shall be for a two year term through the election in 2016.
- (c) The Mayor shall be elected for a one year term in 2018 and the Mayor shall thereafter be elected for a three year term beginning in 2019.
- (d) Council member for places 2 and 4 shall be elected for three year terms beginning in 2018.
- (e) Council members for places 1 and 3 shall be elected for three year terms beginning in 2017.

(f) The council member for place 5 shall be elected for a two year term in 2017 and shall thereafter be elected for a three year term beginning in 2019.

3. Section 6.02 Budget

(a) Submission of the budget. On or before the **fifteenth** (not the first) day of August of each year, the City Manager shall submit to the city council a balanced budget for the ensuing fiscal year to meet the goals and objectives of the City Council and provide a budget message.

4. Section 6.04 Annual Audit

The City Council, by a majority vote of the entire Council, shall select.....and shall submit to the City Council, within **180** (not 120) days after the end of the fiscal year. The City shall provide copies to the public at cost, upon request.

5. Section 3.06 Vacancies and Forfeiture of office

(a) If a vacancy occurs in the office of the Mayor, it shall be filled by the Mayor Pro-Tem until the next regular or uniform election date.

(b) In the event that the terms for the Mayor and Council are for more than two years in length, any vacancy in the Mayor or Council position, with a term of more than two years shall be filled at the next uniform election date which occurs no sooner than 120 days after such vacancy.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Purposed Charter Amendments	Proposed Charter Revisions.docx
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Kennedale 2016 Proposed Charter Amendments

❖ Section 3.06 Vacancies and Forfeiture of Office

CURRENT:

Section 3.06 Vacancies and Forfeiture of Office

(a) **Vacancies.** The office of a Council member or Mayor shall become vacant upon the death, resignation, forfeiture of office, or removal from office in any manner authorized by law or by this Charter.

(1) If a vacancy occurs in the office of the Mayor it shall be filled by the Mayor Pro Tem. Any other vacancy on the City Council, including a position if vacated by the Mayor Pro Tem, shall be filled by appointment by a majority vote of all of the remaining Council members; however,

(2) If more than thirteen (13) months remain on the term of a vacant Council position, the remaining term of office shall be filled at the regular election held in May; however

(3) If more than sixteen (16) months remain on the terms of two or more Council positions, the remaining terms of office shall be filled through a special election.

(4) Any vacancy in a Council position with an unexpired term of less than three (3) months shall not be filled before the next regular election, unless occupancy of that office is necessary to constitute a quorum.

(b) **Forfeiture of Office.** A Council member shall forfeit office if the member:

(1) Lacks at any time during the term of office any qualification for the office prescribed by law or by this Charter.

(2) Violates any express prohibition of this Charter;

(3) Fails to attend three (3) consecutive scheduled meetings without valid excuse, or fails to maintain an eighty (80) percent attendance record, excluding excused absences, for each elected year (including all scheduled budget and special meetings), whereupon the Council must declare a vacancy at its next regular meeting and shall fill the vacancy as set forth in this Charter.

(c) When any member of the Council no longer possesses all of the qualifications required for office, or is convicted of a felony or any offense involving moral turpitude

while in office, the office shall immediately and automatically be forfeited and become vacant.

(d) The Council shall be the judge of the qualifications of its members and for these purposes shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in any case shall be subject to review by the courts.

CHARTER COMMITTEE RECOMMENDATION:

Section 3.06 Vacancies and Forfeiture of Office

~~(a) **Vacancies.** The office of a Council member or Mayor shall become vacant upon the death, resignation, forfeiture of office, or removal from office in any manner authorized by law or by this Charter.~~

~~—— (1) If a vacancy occurs in the office of the Mayor it shall be filled by the Mayor Pro Tem. Any other vacancy on the City Council, including a position if vacated by the Mayor Pro Tem, shall be filled by appointment by a majority vote of all of the remaining Council members; however,~~

~~—— (2) If more than thirteen (13) months remain on the term of a vacant Council position, the remaining term of office shall be filled at the regular election held in May; however~~

~~—— (3) If more than sixteen (16) months remain on the terms of two or more Council positions, the remaining terms of office shall be filled through a special election.~~

~~—— (4) Any vacancy in a Council position with an unexpired term of less than three (3) months shall not be filled before the next regular election, unless occupancy of that office is necessary to constitute a quorum.~~

~~(b) **Forfeiture of Office.** A Council member shall forfeit office if the member:~~

~~—— (1) Lacks at any time during the term of office any qualification for the office prescribed by law or by this Charter.~~

~~—— (2) Violates any express prohibition of this Charter;~~

~~—— (3) Fails to attend three (3) consecutive scheduled meetings without valid excuse, or fails to maintain an eighty (80) percent attendance record, excluding excused absences, for each elected year (including all scheduled budget and special meetings), whereupon the Council must declare a vacancy at its next regular meeting and shall fill the vacancy as set forth in this Charter.~~

~~(c) When any member of the Council no longer possesses all of the qualifications required for office, or is convicted of a felony or any offense involving moral turpitude while in office, the office shall immediately and automatically be forfeited and become vacant.~~

~~(d) The Council shall be the judge of the qualifications of its members and for these purposes shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in any case shall be subject to review by the courts.~~

(a) If a vacancy occurs in the office of the Mayor, it shall be filled by the Mayor Pro-Tem until the next regular or uniform election date.

(b) In the event that the terms for the Mayor and Council are for more than two years in length, any vacancy in the Mayor or Council position, with a term of more than two years shall be filled at the next uniform election date which occurs no sooner than 120 days after such vacancy.

CITY ATTORNEY RECOMMENDATION:

Section 3.06 Vacancies and Forfeiture of Office

(a) **Vacancies.** The office of a Council member or Mayor shall become vacant upon the death, resignation, forfeiture of office, or removal from office in any manner authorized by law or by this Charter.

(1) If a vacancy occurs in the office of the Mayor at a time when there remains an unexpired term of twelve (12) months or less, it shall be filled by the Mayor Pro Tem. ~~If a Any other vacancy occurs in any other on the City Council position at a time when there remains an unexpired term of twelve (12) months or less,~~ including a position if vacated by the Mayor Pro Tem, it shall be filled by appointment by a majority vote of all of the remaining Council members; ~~however,~~

(2) If a vacancy occurs in the office of the Mayor or any City Council position at a time when more than twelve (12) months remains on the unexpired term, it shall be filled by a majority vote of the qualified voters at a special election called for such purpose within one hundred twenty (120) days.

~~(2) If more than thirteen (13) months remain on the term of a vacant Council position, the remaining term of office shall be filled at the regular election held in May; however~~

~~(3) If more than sixteen (16) months remain on the terms of two or more Council positions, the remaining terms of office shall be filled through a special election.~~

~~_____ (4) Any vacancy in a Council position with an unexpired term of less than three (3) months shall not be filled before the next regular election, unless occupancy of that office is necessary to constitute a quorum.~~

(b) **Forfeiture of Office.** A Council member shall forfeit office if the member:

(1) Lacks at any time during the term of office any qualification for the office prescribed by law or by this Charter;~~;~~

(2) Violates any express prohibition of this Charter;

~~_____ (3) Is convicted of a felony or any offense involving moral turpitude while in office; or~~

~~(43) Fails to attend three (3) consecutive scheduled meetings without valid excuse, or fails to maintain an eighty (80) percent attendance record, excluding excused absences, for each elected year (including all scheduled budget and special meetings).~~

~~(c) **Declaration.** Upon finding the occurrence of a condition of forfeiture, whereupon~~ the Council must declare a vacancy at its next regular meeting and shall fill the vacancy as set forth in this Charter.

~~(c) When any member of the Council no longer possesses all of the qualifications required for office, or is convicted of a felony or any offense involving moral turpitude while in office, the office shall immediately and automatically be forfeited and become vacant.~~

(d) **Qualifications.** The Council shall be the judge of the qualifications of its members and for these purposes shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in any case shall be subject to review by the courts.

❖ **Section 3.08 Meeting Procedure**

CURRENT:

Section 3.08 Meeting Procedure

(a) **Meeting.** The City Council shall meet in regularly scheduled City Council meetings at least once each month at such times as the members may prescribe by rule. Special meetings may be called on the request of the Mayor or three (3) City Council members. All City Council meetings shall be held at City Hall or at such place in the City that will permit the attendance of the general public. All City Council meetings and all sessions of the City Council and committees of the City Council shall be open to the public; however, the City Council may recess for the purpose of

discussing in a closed or executive session those matters permitted by State Law, including, but not limited to:

(1) Pending or contemplated litigation, settlement offers, and any other legal advise.

(2) The acquisition or disposal of real property.

(3) Personnel matters.

(4) The evaluation of candidates for offices appointed by the City Council.

(b) A motion calling for a closed or executive session must be made in a public meeting and must state the general subject to be discussed. No final action or vote with regard to any matter considered in a closed meeting shall be made except in a public meeting.

(c) **Rules and Minutes.** The City Council shall determine its own rules and order of business, and shall provide for keeping minutes of all its proceedings. The minutes shall be a public record.

(d) **Voting.** The record of votes shall be recorded in the minutes of the City Council. Three (3) members of the City Council shall constitute a quorum.

CHARTER COMMITTEE RECOMMENDATION:

None.

CITY ATTORNEY RECOMMENDATION:

Section 3.08 Meeting Procedure

(a) **Meeting.** The City Council shall meet in regularly scheduled City Council meetings at least once each month at such times as the members may prescribe by rule. Special meetings may be called on the request of the Mayor or three (3) City Council members. All City Council meetings shall be held at City Hall or at such place in the City that will permit the attendance of the general public. All City Council meetings and all sessions of the City Council and committees of the City Council shall be open to the public; however, the City Council may recess for the purpose of discussing in a closed or executive session those matters permitted by State Law, including, but not limited to:

(1) Pending or contemplated litigation, settlement offers, and any other legal advise.

(2) The acquisition or disposal of real property.

(3) Personnel matters.

(4) The evaluation of candidates for offices appointed by the City Council.

(b) A motion calling for a closed or executive session must be made in a public meeting and must state the general subject to be discussed. No final action or vote with regard to any matter considered in a closed meeting shall be made except in a public meeting.

(c) **Rules and Minutes.** The City Council shall determine its own rules and order of business, and shall provide for keeping minutes of all its proceedings. The minutes shall be a public record. The record of votes shall be recorded in the minutes of the City Council.

(d) **Quorum Voting.** ~~The record of votes shall be recorded in the minutes of the City Council.~~ Three (3) members of the City Council shall constitute a quorum. The Mayor's presence shall not be counted for determining a quorum.

❖ Section 4.01 City Council Places and Terms

CURRENT:

Section 4.01 City Council Places and Terms

(a) The City Council shall be divided into the Mayor and places 1, 2, 3, 4 and 5. Each position shall be filled by a qualified citizen from the City at large by a majority vote cast by qualified voters.

(b) Each place shall be for a two year term. The Mayor and Council members for places 2 and 4 shall be elected in even numbered years. Council members for places 1, 3 and 5 shall be elected in odd numbered years.

CHARTER COMMITTEE RECOMMENDATION:

Section 4.01 City Council Places and Terms

(a) The City Council shall be divided into the Mayor and places 1, 2, 3, 4 and 5. Each position shall be filled by a qualified citizen from the City at large by a majority vote cast by qualified voters.

(b) Each place shall be for a two year term through the election in 2016. ~~The Mayor and Council members for places 2 and 4 shall be elected in even numbered years. Council members for places 1, 3 and 5 shall be elected in odd numbered years.~~

(c) The Mayor shall be elected for a one year term in 2018 and the Mayor shall thereafter be elected for a three year term beginning in 2019

(d) Council member for places 2 and 4 shall be elected for three year terms beginning in 2018.

(e) Council members for places 1 and 3 shall be elected for three year terms beginning in 2017.

(f) The council member for place 5 shall be elected for a two year term in 2017 and shall thereafter be elected for a three year term beginning in 2019.

CITY ATTORNEY RECOMMENDATION:

Section 4.01 City Council Places and Terms

(a) The City Council shall be divided into the Mayor and places 1, 2, 3, 4 and 5. Each position shall be filled by a qualified citizen from the City who is elected at large by a majority vote cast by qualified voters.

(b) Each place shall be for a two year term through the election in 2016.

(c) The Mayor shall be elected for a one year term in 2018 and the Mayor shall thereafter be elected for a three year term beginning in 2019.

(de) Council members for places 1 and 3 shall be elected for three year terms beginning in 2017.

(ed) Council members for places 2 and 4 shall be elected for three year terms beginning in 2018.

~~(e) Council members for places 1 and 3 shall be elected for three year terms beginning in 2017.~~

(f) The Ccouncil member for place 5 shall be elected for a two year term in 2017 and shall thereafter be elected for a three year term beginning in 2019.

❖ Section 5.06 City Secretary

CURRENT:

Section 5.06 City Secretary

The City Council shall appoint the City Secretary by an affirmative vote of not less than four (4) members of the Council. The City Council shall by a majority vote determine

and fix the City Secretary's compensation. The City Secretary shall be the clerical officer of the City Council, and shall keep the minutes, agenda, ordinances, attendance record, and other official records of the City Council and the City. The City Secretary shall be the custodian of the official seal of the City, and shall have such other duties and powers prescribed in this Charter and by the City Council. In addition to the responsibilities stated in this Charter, the City Manager will designate administrative duties to be performed by the City Secretary.

CHARTER COMMITTEE RECOMMENDATION:

Section 5.06 City Secretary

~~Upon recommendation by the City Manager, t~~The City Council shall ~~by a majority vote~~ appoint the City Secretary ~~by an affirmative vote of not less than four (4) members of the Council. The City Manager may designate such assistant city secretaries as the city council may deem advisable. The City Council shall by a majority vote determine and fix the City Secretary's compensation.~~ The City Secretary shall be the clerical officer of the City Council, and shall keep the minutes, agenda, ordinances, attendance record, and other official records of the City Council and the City. The City Secretary shall be the custodian of the official seal of the City, and shall have such other duties and powers prescribed in this Charter and by the City Council. In addition to the responsibilities stated in this Charter, the City Manager ~~may will~~ designate administrative duties to be performed by the City Secretary.

CITY ATTORNEY RECOMMENDATION:

Section 5.06 City Secretary

~~Upon recommendation by the City Manager, t~~The City Council shall ~~by a majority vote~~ appoint the City Secretary ~~by a majority vote. The City Council shall only appoint a person recommended by the City Manager.~~ The City Manager may ~~appoint designate~~ such assistant city secretaries as the ~~City Council~~ may ~~authorizedeem~~ deem advisable. The City Secretary shall be the clerical officer of the City Council, and shall keep the minutes, agenda, ordinances, attendance record, and other official records of the City Council and the City. The City Secretary shall be the custodian of the official seal of the City, and shall have such other duties and powers prescribed in this Charter and by the City Council. In addition to the responsibilities stated in this Charter, the City Manager may designate administrative duties to be performed by the City Secretary.

❖ Section 6.02 Budget

CURRENT:

Section 6.02 Budget

- (a) **Submission of the budget.** On or before the first day of August of each year, the City Manager shall submit to the City Council a balanced budget for the ensuing fiscal year designated to meet the goals and objectives of the City Council and provide and provide a Budget Message.

CHARTER COMMITTEE RECOMMENDATION:

Section 6.02 Budget

- (a) **Submission of the budget.** On or before the ~~fifteenth first~~ day of August of each year, the City Manager shall submit to the ~~Ceity Ce~~council a balanced budget for the ensuing fiscal year to meet the goals and objectives of the City Council and provide a budget message.

CITY ATTORNEY RECOMMENDATION:

Same as Charter Committee recommendation.

❖ Section 6.04 Annual Audit

CURRENT:

Section 6.04 Annual Audit

The City Council, by a majority vote of the entire Council, shall select and shall contract with a municipally oriented certified public accounting firm for the purpose of rendering an independent audit of all accounts and other financial records of the City government. The personnel of the firm conducting the audit shall not hold any public office in the City nor have any personal interest, direct or indirect, in the fiscal affairs of the City government or any of its offices. After completion of any audit of the City, the auditor shall prepare a report, and shall submit the report to the City Council, within one hundred twenty (120) days after the end of the fiscal year. The City shall provide copies to the public at cost, upon request.

CHARTER COMMITTEE RECOMMENDATION:

Section 6.04 Annual Audit

The City Council, by a majority vote of the entire Council, shall select and shall contract with a municipally oriented certified public accounting firm for the purpose of rendering an independent audit of all accounts and other financial records of the City government. The personnel of the firm conducting the audit shall not hold any public office in the City nor have any personal interest, direct or indirect, in the fiscal affairs of the City government or any of its offices. After completion of any audit of the City, the auditor shall prepare a report, and shall submit the report to the City Council, within one hundred ~~eighty twenty~~ (1820) days after the end of the fiscal year. The City shall provide copies to the public at cost, upon request.

CITY ATTORNEY RECOMMENDATION:

Same as Charter Committee recommendation.



Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: REQUIRED APPROVAL ITEMS - A.

I. Subject:

Consider approval of minutes from December 14, 2016 meeting

II. Originated by:

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 - December 14, 2015	December 14, 2015.pdf
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KENNEDALE CITY COUNCIL
MINUTES
REGULAR MEETING
December 14, 2015
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

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

I. CALL TO ORDER

Mayor Johnson called the meeting to order at 5:48 p.m.

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. Retirement Reception for Library Director, Gwen Bevill (5:30-6:00 p.m.)

A retirement reception was held for Library Director Gwen Bevill, who has been with the Library for 23 years. Gwen started as a volunteer, later working with the Friends of the Library-Kennedale (FOLK). Her work with the consortium and networking in the region, as well as the construction of a new Library building, has been instrumental in the success of the Library. The City wishes her well with a David Tripp watercolor of the Kennedale Clock Tower. City Manager Bob Hart introduced the new Library Director, Amanda King who will start on December 22.

III. EXECUTIVE SESSION (6:00 PM)

Mayor Johnson recessed into executive session at 6:00 p.m.

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

- 1. 5401 High Ridge Road**
- 2. 5400 and 5404 Kennedale Road**

B. 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. Floodplain amortization**

2. Land use amortization
3. Municipal setting designation (MSD)
4. Corp of Engineers Section 205 CAP land acquisition parameters
5. Eminent domain with environmental cleanup guidelines

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

Mayor Johnson reconvened into open session at 7:00 p.m.
No action required.

V. REGULAR SESSION

Mayor Johnson opened the regular session at 7:05 p.m.

VI. ROLL CALL

Present: Frank Fernandez, Brian Johnson , Kelly Turner, Liz Carrington, Charles Overstreet, Michael Walker
Absent: None

VII. INVOCATION

VIII. UNITED STATES PLEDGE

IX. TEXAS PLEDGE

X. 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.

There was no one present requesting to speak.

XI. 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

Frank Fernandez stated that the Brickworks Festival has already received two money pledges. Additionally, he stated that he attended Andy Nguyen's, Taste of Asia event and would like to see more participation at the future.

Mike Walker informed the group that the Rotary Club assisted the Kennedale Fire Fighter's Association with their annual Angel Tree and Coat Drive.

Charles Overstreet stated that he and Mayor Johnson were judges for the Junior High School's talent show and were invited back to be the emcees. He added that they also attended the Mayor's Christmas Gala at TCU Stadium.

B. Updates from the Mayor

Mayor Johnson stated that he, Rachel, Krystal and Tommy went to TCC to look at the plans on the redesign of Police and the Fire Departments and City Hall. Their next meeting will be December 17, 2015.

C. Updates from the City Manager

There were no updates.

XII. MONITORING INFORMATION

A. Executive Limitations

B. Ends Review - Balanced Scorecard

Monitoring information updates are in the agenda packet for review.

XIII. INCIDENTAL ITEMS (CONSENT)

All matters listed under incidental items (consent) 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 November 16, 2015 meeting

Motion To approve all Incidental Items on (Consent) agenda. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Kelly Turner.

Motion passed Unanimously

XIV. REQUIRED APPROVAL ITEMS

A. Consider approval of Resolution 474 supporting the application for the North Central Texas Council of Governments (NCTCOG) solid waste grant

City Manager Bob Hart stated that staff request approval to apply for a solid waste grant to be used to purchase a street sweeper for use on Kennedale Parkway and the Oak Crest area.

Motion To approve Resolution 474 supporting the application for a NCTCOG solid waste grant application. **Action** Approve, **Moved By** Frank Fernandez, **Seconded By** Liz Carrington.

Motion passed Unanimously

B. Consider approval of a Depository Service Contract with Wells Fargo to serve as the depository bank to the City of Kennedale until January 31, 2018 with 2 one-year continuations.

Finance Director Krystal Crump stated that Texas Local Government Code requires that cities go out for bids every five years for depository services. She added that we currently use Wells Fargo Bank, which is located in Kennedale. The city received two (2) bids for these services; one from Frost Bank and one from Wells Fargo Bank. Krystal provided the pros and cons of each bid; noting that staff recommends that we continue service with Wells Fargo Bank.

C. Consider appointment of a legal firm to collect delinquent taxes

Krystal Crump stated that staff interviewed two (2) firms for the collection of delinquent taxes. She requested that Council review the information provided by both firms and bring forward their recommendation at the January 2016 Council meeting.

XV. DECISION ITEMS

A. Presentation by Janine Sisak of DMA Development on multi-family financing

This item was tabled and moved to the January 2016 meeting.

XVI. ADJOURNMENT

Motion To adjourn the December 14, 2015 regular City Council meeting. **Action** Adjourn, **Moved By** Kelly Turner, **Seconded By** Liz Carrington.

Motion passed Unanimously

The meeting was adjourned at 7:17 p.m.

APPROVED:

ATTEST:

Brian Johnson, Mayor

Leslie Galloway, City Secretary

Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: REQUIRED APPROVAL ITEMS - B.

I. Subject:

Consider adopting Resolution 475, amending authorized representatives of TEXPOOL local government investment pool

II. Originated by:

Finance Director, Director of Finance & IT

III. Summary:

The attached resolution is being presented before Council only to amend authorized representatives for TexPool. By approving the resolution, Council will be designating Bob Hart, City Manager, Krystal Crump, Finance Director, and Kelly Cooper, HR Director (backup) as authorized representatives to transmit local funds for investments. Krystal Crump will be the primary representative performing transactions and receiving confirmations of monthly statements. Lastly, for bank reconciliation purposes, Kia Crosby will have "view-only" access.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution 475	20160118 Resolution to Amend Authorized Representative for TexPool.doc
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RESOLUTION NO. 475

A RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES OF TEXPOOL LOCAL GOVERNMENT INVESTMENT POOL

WHEREAS, the City of Kennedale (the "Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment Pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the City of Kennedale to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the TexasPool Local Government Investment Portfolio, a public funds investment pool (a "Pool"), was created on behalf of entities whose investment objectives in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

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

- A. That the City of Kennedale shall amend authorized representatives, for the purpose of transmitting local funds for investment in the TexasPool series. The form of application for amendment to this resolution is approved.
- B. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the City of Kennedale and are each hereby authorized to transmit funds for investment in the Pool and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
- C. That the City of Kennedale may by Amending Resolution change Authorized Representatives provided the additional Authorized Representative is an officer, employee, or agent of the City of Kennedale.

List of the Authorized Representatives of the City of Kennedale. These individuals may be issued P.I.N. Numbers.

- | | |
|-------------------------------|--------------------------------|
| 1. Name: <u>Bob Hart</u> | Title: <u>City Manager</u> |
| 2. Name: <u>Krystal Crump</u> | Title: <u>Finance Director</u> |
| 3. Name: <u>Kelly Cooper</u> | Title: <u>HR Director</u> |

List the name of the Authorized Representative provided above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name: Name: Krystal Crump

Title: Finance Director

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions.

Name: Kia Crosby

Title: Accounting Administrator

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant and until the Pool receives a copy of any such amendment or revocation.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Kennedale, Texas, this the 18th day of January 2016.

APPROVED:

Brian Johnson, Mayor

ATTEST:

Leslie Galloway, City Secretary

Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: REQUIRED APPROVAL ITEMS - C.

I. Subject:

Consider adopting Resolution 476, amending authorized representatives of Texas short term asset reserve program (TEXSTAR) local government investment pool

II. Originated by:

Finance Director, Director of Finance & IT
Krystal Crump, Finance Director

III. Summary:

The attached resolution is being presented before Council only to amend authorized representatives for TEXSTAR. By approving the resolution, Council will be designating Bob Hart, City Manager, Krystal Crump, Finance Director, Kelly Cooper, HR Director (backup) as authorized representatives to transmit local funds for investments. Krystal Crump will be the primary representative performing transactions and receiving confirmations of monthly statements. Lastly, for bank reconciliation purposes, Kia Crosby will have "view-only" access.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution 476	20160118 Resolution to Amend Authorized Representative for TexStar.doc
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RESOLUTION NO. 476

A RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES OF TEXAS SHORT TERM ASSET RESERVE PROGRAM (TEXSTAR) LOCAL GOVERNMENT INVESTMENT POOL

WHEREAS, the City of Kennedale (the "Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment Pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the City of Kennedale to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the TEXSTAR Local Government Investment Portfolio, a public funds investment pool (a "Pool"), was created on behalf of entities whose investment objectives in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

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

- A. That the City of Kennedale shall amend authorized representatives, for the purpose of transmitting local funds for investment in the TEXSTAR series. The form of application for amendment to this resolution is approved.
- B. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the City of Kennedale and are each hereby authorized to transmit funds for investment in the Pool and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
- C. That the City of Kennedale may by Amending Resolution change Authorized Representatives provided the additional Authorized Representative is an officer, employee, or agent of the City of Kennedale.

List of the Authorized Representatives of the City of Kennedale. These individuals may be issued P.I.N. Numbers.

1. Name: Bob Hart

Title: City Manager

2. Name: Krystal Crump

Title: Finance Director

3. Name: Kelly Cooper

Title: HR Director

List the name of the Authorized Representative provided above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name: Name: Krystal Crump

Title: Finance Director

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions.

Name: Kia Crosby

Title: Accounting Administrator

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant and until the Pool receives a copy of any such amendment or revocation.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Kennedale, Texas, this the 18th day of January 2016.

APPROVED:

Brian Johnson, Mayor

ATTEST:

Leslie Galloway, City Secretary

Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: REQUIRED APPROVAL ITEMS - D.

I. Subject:

Consider adopting Resolution 477, amending authorized representatives of Texas Term/Texas Daily local government investment pool

II. Originated by:

Finance Director, Director of Finance & IT

III. Summary:

The attached resolution is being presented before Council only to amend authorized representatives for Texas Term/Texas Daily. By approving this resolution, Council will be designating Bob Hart, City Manager, Krystal Crump, Finance Director, Kelly Cooper, HR Director (backup) as authorized representatives to transmit local funds for investments. Krystal Crump will be the primary representative performing transactions and receiving confirmations of monthly statements. Lastly, for bank reconciliation purposes, Kia Crosby will have "view-only" access.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution 477	20160118 Resolution to Amend Authorized Representative for TexasTerm.doc
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RESOLUTION NO. 477

A RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES OF TEXAS TERM/TEXAS DAILY LOCAL GOVERNMENT INVESTMENT POOL

WHEREAS, the City of Kennedale (the "Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment Pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the City of Kennedale to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Term/Texas Daily Local Government Investment Portfolio, a public funds investment pool (a "Pool"), was created on behalf of entities whose investment objectives in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

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

- A. That the City of Kennedale shall amend authorized representatives, for the purpose of transmitting local funds for investment in the Texas Term/Texas Daily series. The form of application for amendment to this resolution is approved.
- B. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the City of Kennedale and are each hereby authorized to transmit funds for investment in the Pool and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
- C. That the City of Kennedale may by Amending Resolution change Authorized Representatives provided the additional Authorized Representative is an officer, employee, or agent of the City of Kennedale.

List of the Authorized Representatives of the City of Kennedale. These individuals may be issued P.I.N. Numbers.

1. Name: Bob Hart

Title: City Manager

2. Name: Krystal Crump

Title: Finance Director

3. Name: Kelly Cooper

Title: HR Director

List the name of the Authorized Representative provided above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name: Krystal Crump

Title: Finance Director

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions.

Name: Kia Crosby

Title: Accounting Administrator

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant and until the Pool receives a copy of any such amendment or revocation.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Kennedale, Texas, this the 18th day of January 2016.

APPROVED:

Brian Johnson, Mayor

ATTEST:

Leslie Galloway, City Secretary



Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: REQUIRED APPROVAL ITEMS - E.

I. Subject:

Consider authorizing the city manager to execute a contract with Linebarger, Goggan, Blair, and Sampson, LLP to collect delinquent taxes for the City

II. Originated by:

III. Summary:

The City issued a request for qualifications for tax collection services. The City received proposals from Linebarger, Goggan, Blair, and Sampson, LLP and Purdue, Brandon, Fielder, Collins, and Mott LLP. Both firms are well qualified; represent cities, counties, and schools throughout the state; and have excellent references. Staff interviewed both firms. Linebarger currently collects delinquent taxes for Tarrant County and KISD. This does not preclude the City from using a different firm. Linebarger is familiar with the City's intent and focus on properties, and they have attorneys familiar with Kennedale from broader legal work. These items, plus a reluctance to change for the sake of change leads staff to recommend the City continue to use the services of Linebarger, Goggan, Blair, and Sampson, LLP; and authorizes the city manager to execute a contract with Linebarger, Goggan, Blair, and Sampson, LLP to collect delinquent taxes for the City.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: REQUIRED APPROVAL ITEMS - F.

I. Subject:

Authorize filing a statement of correction with the Tarrant County Clerk's Office correcting errors made in a plat abandonment recorded in D214210746 and approve abandonment of a portion of the Swiney Estates plat.

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

The Swiney Estates plat was approved in 1957. The subdivision established through the plat was never built, but the plat still encumbered the city with an un-built right-of-way and easements the city could be expected to maintain. It also encumbered owners of property within the plat with various easements that no longer followed property lines but criss-crossed properties instead. City staff encouraged the owner of the largest portion of the platted subdivision, Ms. Ethel Swiney, to pursue abandoning the old plat. Ms. Swiney asked the city to proceed with abandonment, and all owners of property within the plat agreed to the partial abandonment and signed an approval statement.

The Local Government Code requires that plat abandonments be processed in the same the plat was adopted. But the city no longer approves final plats in the same way it did in 1957. At that time, the plat was not reviewed or approved by the City Council; instead, it was signed by the mayor without Council consideration and thereby approved. Since the plat wasn't approved at Council but instead was signed by the city's administrative official (the city did not have a city manager at that time), the plat abandonment was signed by the city manager.

Recently, Ms. Swiney decided to sell her portion of the Swiney Estates plat and offered it to the city. The Kennedale Economic Development Corporation would like to buy the property. As part of the due diligence process done on KEDC's behalf, the surveyor found several errors in the abandonment document. These errors could lead to confusion for future property owners about precisely what is to be abandoned, and the staff would recommend these errors be corrected regardless of whether KEDC ultimately buys the property. The surveyor has prepared exhibits that more adequately describe what should be abandoned, and the city attorney is preparing a statement of correction to be filed at the Tarrant County Clerk's Office. This agenda item is to authorize the statement to be filed with the County Clerk.

In addition, because it was not clear whether the mayor's signing of the original plat was done in an administrative capacity (in other words, in the same capacity in which the city manager now serves for minor plats, in which case the city manager's signature today would be sufficient) or as the head of the city council, staff asks the Council to approve abandonment to ensure we have followed the proper procedure.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

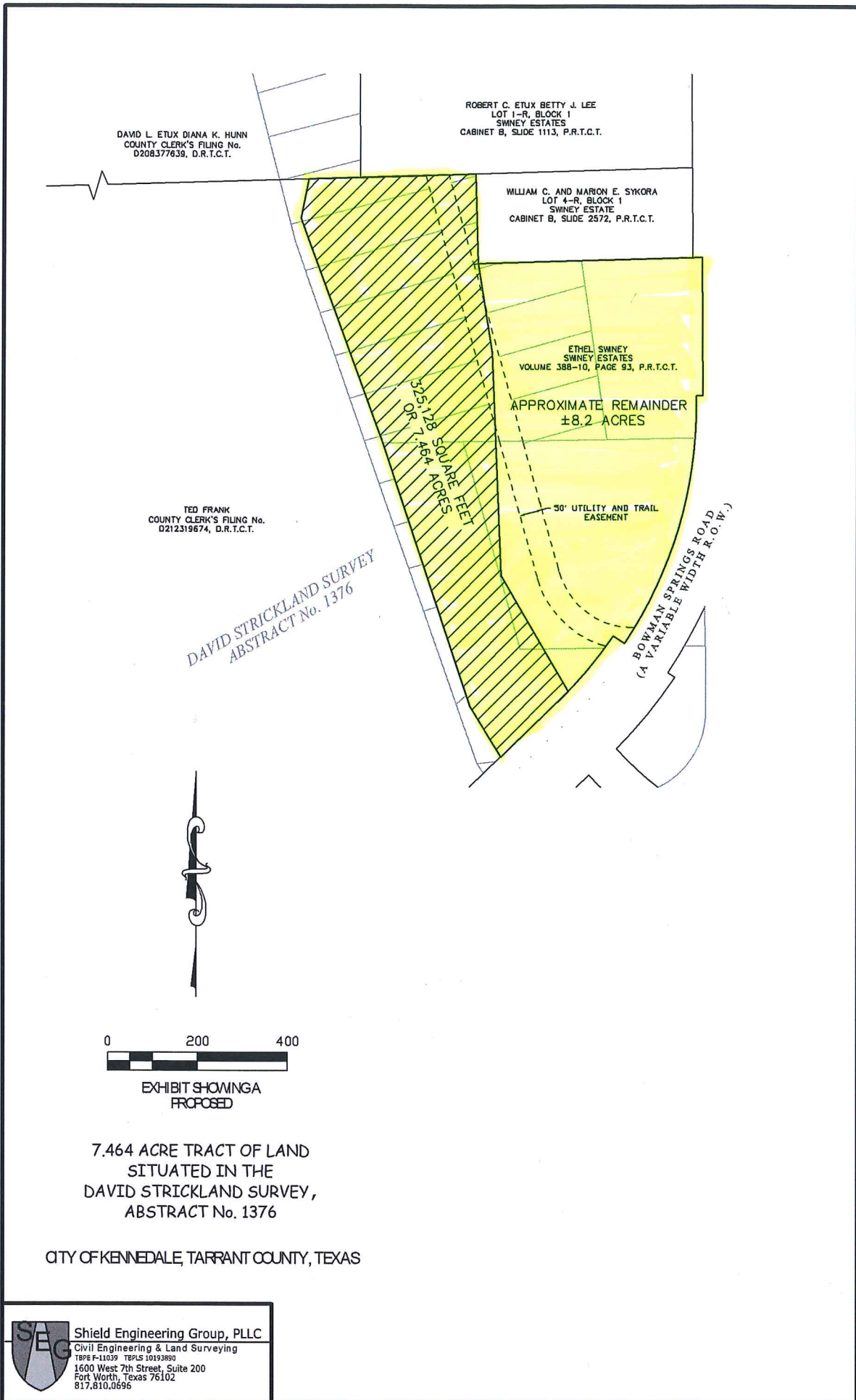
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Illustration of portion of Swiney Estates plat abandoned, floodplain and non-floodplain	Swiney property to purchase.pdf
2.	Correction exhibit A	EXHIBIT A (LETTER).pdf
3.	Correction exhibit B	EXHIBIT B (LETTER).pdf

Exhibit B





LOT 3, BLOCK A
GEORGE CASE ADDITION
D210023898
PRTCT

DAVID HUNN AND WIFE,
DIAN KAY HUNN
D208377639
DRTCT

LOT 1R, BLOCK 1
SWINEY ESTATES
CABINET B, SLIDE 1113
PRTCT

LOT 4R, BLOCK 1
SWINEY ESTATE
CABINET B, SLIDE 2572
PRTCT

LEGEND



PORTION OF WILLIAMSON DRIVE
VACATED AND RETAINED AS A UTILITY
EASEMENT AND TRAIL EASEMENT IN
INST. NO. D214210746

RAYMOND LEON SWINEY AND ETHEL
MAE SWINEY PROPERTY LIMITS

LOT LINES EXTINGUISHED WITHIN
RAYMOND LEON SWINEY AND ETHEL
MAE SWINEY PROPERTY LIMITS

LOT LINES TO REMAIN OUTSIDE OF
RAYMOND LEON SWINEY AND ETHEL
MAE SWINEY PROPERTY LIMITS

NOTE

1. THE PURPOSE OF THIS EXHIBIT IS
TO GRAPHICALLY DEPICT THE LOT
LINES CREATED BY PLAT RECORDED
IN VOLUME 388-10, PAGE 93
LOCATED WITHIN THE PROPERTY
CURRENTLY OWNED BY RAYMOND
LEON SWINEY AND ETHEL MAE
SWINEY WHICH ARE TO BE
EXTINGUISHED PER THE TERMS SET
FORTH IN INSTRUMENT NO.
D214210746 DEED RECORDS OF
TARRANT COUNTY, TEXAS.



EXHIBIT "A"

DRAWING: 1403422 EX-2.dwg

DATE: 12/23/2015

DRAWN BY: JCW CHECKED BY: RWB

© 2015



LEGEND

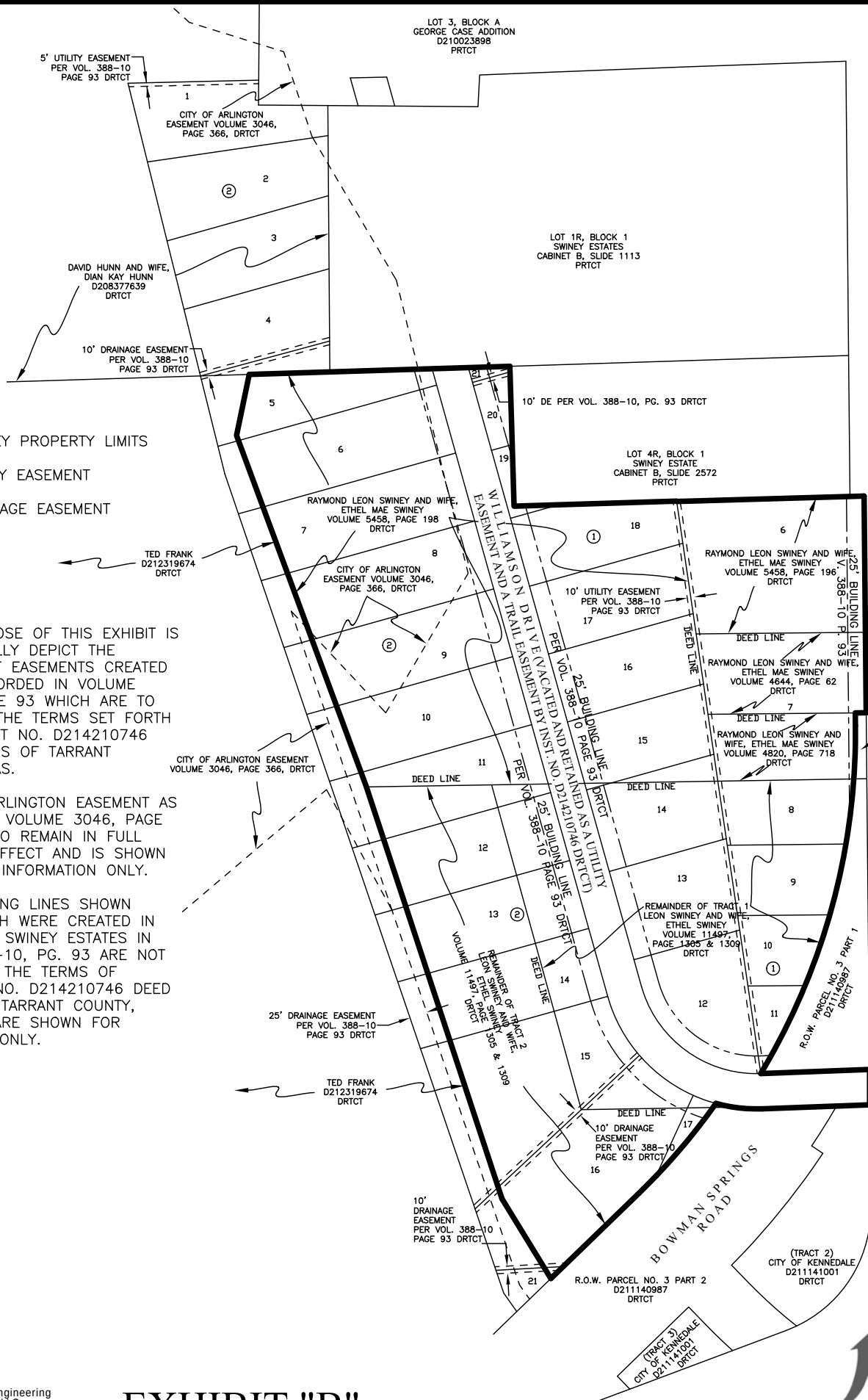
- SWINEY PROPERTY LIMITS**
- UE UTILITY EASEMENT
- DE DRAINAGE EASEMENT

NOTES

1. THE PURPOSE OF THIS EXHIBIT IS TO GRAPHICALLY DEPICT THE LOCATIONS OF EASEMENTS CREATED BY PLAT RECORDED IN VOLUME 388-10, PAGE 93 WHICH ARE TO REMAIN PER THE TERMS SET FORTH IN INSTRUMENT NO. D214210746 DEED RECORDS OF TARRANT COUNTY, TEXAS.

2. CITY OF ARLINGTON EASEMENT AS RECORDED IN VOLUME 3046, PAGE 366, DRTCT TO REMAIN IN FULL FORCE AND EFFECT AND IS SHOWN HEREON FOR INFORMATION ONLY.

3. ALL BUILDING LINES SHOWN HEREON WHICH WERE CREATED IN THE PLAT OF SWINEY ESTATES IN VOLUME 388-10, PG. 93 ARE NOT AFFECTED BY THE TERMS OF INSTRUMENT NO. D214210746 DEED RECORDS OF TARRANT COUNTY, TEXAS. AND ARE SHOWN FOR INFORMATION ONLY.



Shield Engineering
Group, PLLC
Civil Engineering & Land
Surveying
TYPE F-11039 TEMPL 10193890
1600 West 7th Street, Ste 200
Fort Worth, Texas 76102
817.810.0696

EXHIBIT "B"



DRAWING: 1403422 EX-2.dwg

DATE: 12/23/2015

DRAWN BY: JCW

CHECKED BY: RWB

© 2015

Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: REQUIRED APPROVAL ITEMS - G.

I. Subject:

Approval of beer and wine sales at the Brickworks Festival

II. Originated by:

Kelly Cooper, Director of Human Resources

III. Summary:

The Brickworks committee has submitted its application to sell alcohol in TownCenter Plaza during the April festival, April 15, 16, and 17, 2016. This application falls under the guidance of City Ordinance 468 Section (2) (a):

"The City Council is authorized to allow nonprofit groups and nonprofit organizations to obtain temporary written permission from the City for the sale and consumption of alcohol in parks during special events for a period not to exceed 72 consecutive hours. A nonprofit group or nonprofit organization may apply for a special event permit to allow the sale, consumption, or possession of alcoholic beverages in a city park during a special event. If the permit is granted by the City Council, the sale, consumption or possession of alcoholic beverages shall be allowed at the location and during the times specified in the permit, notwithstanding Section 16-4. Any permission to sell alcohol granted by this Section is contingent on the seller obtaining all necessary authority to sell alcohol from the Texas Alcoholic Beverage Commission. All consumption or possession of alcohol allowed in parks during special events is limited to the consumption or possession of alcohol purchased at the event from a retailer possessing an appropriate state law license or permit to sell alcoholic beverages at the event."

Art in the Park/Brickworks Festival has sold beer and wine off and on since its inception. A representative from the Brickworks Festival will be available during the City Council meeting to answer questions.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	City Permit	Permit to sell alcohol in parks.doc
2.	Site Map 2016	2015 map.pub
3.	Safety and Security Plan	Safety Plan.doc

CITY OF KENNEDALE
Permits & Planning Department

APPLICATION TO SELL ALCOHOL IN CITY PARKS

Applicant Brickworks Festival Committee

NAME OF ORGANIZATION: Brickworks Festival Committee, Kennedale TX	
HEAD OF ORGANIZATION: Bob Hart	
Organization Mailing Address: 405 Municipal Drive (Street)	
Kennedale, TX 76060 (City, State, Zip Code)	
Organization Phone:	817-985-2102
SPECIAL EVENT CHAIRMAN (NAME AND ADDRESS): April Coltharp, Kelly Cooper (THIS PERSON WILL BE RESPONSIBLE FOR CONDUCT AT THE SPECIAL EVENT.)	
Special Event Chairman Phone: 817-985-2106	

Special Event Information

NAME OF EVENT AND DESCRIPTION OF EVENT: The Kennedale Arts and Culture Board presents the 8 th annual Brickworks Festival (previously known as Art in the Park). This FREE three-day event will be held in the beautiful TownCenter Park. Brickworks Festival celebrates the history of Kennedale as well as a variety of unique visual, musical, and performing art talent and features artists and vendors from the surrounding area. As one of Kennedale's anticipated annual events, Brickworks will focus on the artists and their work, while offering delectable award winning food in the food court, live music performances and unique activities for children in the kid's zone.	
Dates to be held: April 15, 16, 17, 2016	Hours of event: Friday – 4:00 p.m. to 10:00 pm; Saturday – 10:00 a.m. to 10:00 p.m.; Sunday – Noon to 6:00 p.m.
Estimated number of persons to attend:	6,000 cumulative

CITY OF KENNEDALE
Permits & Planning Department

Event address: TownCenter Park, 405 Municipal Drive, Kennedale TX 76060
(Street)

Additional Information

No permit shall be issued until satisfactory proof has been provided that liability insurance has been obtained in compliance with the Texas Alcoholic Beverage Code and rules issued by the appropriate state agency.

Has the organization obtained liability insurance in compliance with the Texas Alcoholic Beverage Code and rules issued by the appropriate state agency?

☒ Yes

☐ No

Please submit with your application a copy of the certificate of insurance.

Has the applicant received all necessary authority to sell alcohol from the Texas Alcoholic Beverage Commission?

☐ Yes

☒ No

If no, has the applicant applied for all necessary authority to sell alcohol from the Texas Alcoholic Beverage Commission?

☐ Yes

☒ No

Date application was submitted to TABC: **We will apply after we receive approval from the City**

Please submit the following information with your application:

☐ Site layout information, including all exits and locations where alcohol sales are proposed **ATTACHED**

CITY OF KENNEDALE
Permits & Planning Department

☐ Security information - ATTACHED. Will include overnight security and police presence during the day.
☐ Storage and containment information, if established at time of application - Will be provided by the restaurant. Locked in a secure truck and or building
☐ Food vendor information (for vendors who will sell alcohol) - No Frills Grill is considering providing this service and will provide TABC certified servers.
☐ A copy of the current, valid 501(c) determination letter (or other proof as required by the City)

GRANTING PERMITS FOR ALCOHOL SALES IN PARKS.

The City Council shall issue a permit for the proposed special event within sixty (60) days of receipt of an application, unless the Council finds that:

- (1) The conduct of the special event will require the diversion of so great a number of police officers of the City to properly police the special event and the contiguous areas, so that adequate police protection cannot be provided the remainder of the City;
- (2) The conduct of the special event will require the diversion of so great a number of ambulances, so that adequate ambulance service to portions of the City not occupied by the special event and contiguous areas will be prevented;
- (3) The conduct of the special event is reasonably likely to result in violence to persons or property causing serious harm to the public;
- (4) The special event is to be held for the primary purpose of advertising a product, or goods, and is designed to be held primarily for private profit and no public purpose is served;
- (5) The special event will interfere with the movement of firefighting equipment to such an extent that adequate fire protection cannot be provided to the City; or
- (6) The special event will conflict in time and location with another special event, a permit for which has been granted.

CITY OF KENNEDALE
Permits & Planning Department

The City may establish appropriate fees for issuance of such permit by resolution of the City Council.

FOR STAFF USE ONLY
DATE PERMIT APPLICATION RECEIVED:
In issuing such permit the City Council may designate an area within the city park or facility for the serving, possession and consumption of alcoholic beverages under such permit, and shall establish such hours that the beverages may be dispensed, consumed, or possessed under the permit. The city manager or his designee is further authorized to adopt and enforce such other appropriate health, safety and welfare measures to ensure safe use of the premises and general welfare of the areas adjacent thereto. List staff recommendations, if any, for hours in which alcoholic beverages may be dispensed, consumed, or possessed under the permit: List staff recommendations, if any, for area(s) within the city park or facility for the serving, possession, and consumption of alcoholic beverages under the permit:
Additional Comments:
Recommendation: ☐ Approval ☐ Denial
Signature of director of development services/permits official:
Signature of parks superintendent:
Signature of fire chief or authorized fire department representative:
Signature of police chief or authorized police representative:

TownCenter Park
City of Kennedale
405 Municipal Drive
Kennedale, TX 76060



Safety Plan for the 2016 Friday April 15 through Sunday, April 17, 2016

Event Description:

Friday, April 15 through Sunday, April 17, 2016, the Kennedale Arts and Culture Foundation, a 501(c) 3 Non Profit Organization of the City of Kennedale will be hosting and promoting the 2016 Brickworks Festival in TownCenter Park, Kennedale Texas. We are anticipating 6,000 patrons to take part throughout the weekend.

Local and regional artists will participate in displaying and selling their art and playing on stage. Kennedale Arts and Culture Foundation invite you to experience art in all forms as creative forte's blossom throughout the Park. This all weekend event is a perfect opportunity to experience the magic of Kennedale during the spring season with art, music, food, fun and much, much more.

What to expect throughout the day (times vary for each event):

- Sidewalks spring to life with color and creativity as artists' share their talent. Over 60 local and regional artists will showcase their talents during the event.
Friday (4/15) 4:00 pm to 10:00 pm
Saturday (4/16) 10:00 am to 10:00 pm
Sunday (4/17) 12:00 pm to 5:00 pm
- Imaginations run wild with creativity in the Children's Area through a variety of activities.
Friday (4/15) 4:00 pm to 8:00 pm
Saturday (4/16) 10:00 am to 8:00 pm
Sunday (4/17) 12:00 pm to 4:00 pm
- KISD Students will present their impressive work at the Youth Art Exhibit and Competition in the Youth Art Exhibit all weekend, with announcements of the scholarship winners on Sunday, April 17, 2016 at 3:00 p.m.
- Brickworks Festival rounds out a perfect day as the evening kicks into full energy with live music and entertainment beginning at 6:00 p.m. Friday and Saturday nights.

Kelly Cooper and Charles Comeaux from City of Kennedale are responsible for organizing and coordinating logistics and communications for this event. Communications will be used with Radio, Channel 1. However cell phones will also be available: Kelly Cooper (940.765.2236) and Charles Comeaux (682.429.2717) during the event.

Procedure for Reporting an Emergency

Police personal will be on site (after park closes each night also) to assist in the event of an emergency and provide security. However in all cases, Committee, Volunteers and City Personnel are to dial 911 to report an emergency. When reporting an emergency, the caller should identify the nearest Gate to the emergency. Signage will be provided by the Fire Department as well as fire extinguishers at each gate.

On-Site Safety Coordinator

Police Department Personnel will be the on-site Safety Coordinators. If a Safety issues occurs please dial 911. Inclement weather and other issues will be communicated to Brickworks Festival Committee and City personnel with mitigating instructions and response as needed.

Risk and Mitigation 1

Risk: Lost Parent

Mitigation: If a child has lost a parent, you are to escort the child to the stage area as well as notify/contact Kelly Cooper. An announcement will be made notifying the parent through the sound system that their child is looking for them and located at the stage area. Should a parent not present themselves within 10 minutes an emergency personnel (Police) should also be notified.

Risk and Mitigation 2

Risk: Injury or Illness of a Patron

Mitigation: In the instance where a Patron is injured, and should the situation warrant immediate paramedic assistance call 911. Police will be on site at the event and can assist, however the quickest response may be to call 911.

Risk and Mitigation 3

Risk: General Population Threats

Mitigation: In the event of a population threat (bomb, terrorist, assault) the KPD will respond accordingly, take over communications and provide any necessary instructions to the committee, volunteers and general public. The KFD will activate Incident Command.

Risk and Mitigation 4

Risk: Fire in the Park

Mitigation: If you see a fire, you are to call 911 immediately. KPD will coordinate emergency evacuations if needed. Event Staff should assist in evacuation of the area, until Fire Personnel arrive. Fire Extinguishers will be at each gate location for vendor use should it be necessary.

Risk and Mitigation 5

Risk: Inclement weather occurs during the event

Mitigation: The Police Department will monitor and notify event staff should severe weather or lightning threaten Kennedale. If it is determined that an evacuation is required, PD will take over communications providing instructions to event staff and to the general public. In the event that evacuation is necessary, the public may find shelter at the Community Center or City Hall based on their proximity to either building. Announcements for inclement weather may be made by PD through the stage sound system if necessary or by utilizing radios.

Committee Members Contact Information

POSITION	NAME	BUS/CELL PHONE
Event Chair	Bob Hart	817-985-2102
Operations	Kelly Cooper	817-985-2106
Operations/Setup	Charles Comeaux	682-429-2717
Operations/Setup	Michael Chandler	817-271-9111
Sponsor/Vendor Chair	April Coltharp	817-614-5530
Volunteer/Pet Parade	Adrienne Kay	817-614-6144
KISD/Entertainment	Linda Graddy	817-475-6876
Entertainment	Doug Parker	817-296-9049
KISD Art Display	LaCresha Sanders	682-556-1763
Historical/Alumni	Laurie Sanders	817-516-5076
Committee Assistant	Vickie Chandler	817-308-9911
Kids Zone/Children Activities	Josh Nieman	817-681-8725
Marketing/Promotions	Leslie Galloway	817-239-7323



Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: REQUIRED APPROVAL ITEMS - H.

I. Subject:

Approve Schedule of Investment Activity for quarter ending December 31, 2015

II. Originated by:

III. Summary:

In accordance with Public Funds Investment Act (PFIA), the investments should be reported quarterly. This is for the 1st quarter for FY 16 and subsequently will be presented for each quarter to Council to stay current with PFIA.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Qtr Ending 12/31/15 Investment Report	December 31 2015 Qtrly Investment Report .pdf
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City of Kennedale, Texas

SCHEDULE OF INVESTMENT ACTIVITY

For The Quarter Ending December 31, 2015

**CITY OF KENNEDALE, TEXAS
INVESTMENT REPORT
FOR QUARTER ENDING DECEMBER 31, 2015**

The Quarterly Investment Report provides the City's investment portfolio position as of the report period indicated above. Fund of the City are invested in accordance with the City of Kennedale Investment Policy as originally adopted on September 13, 2001 and subsequently reviewed on October 19, 2015.

SUMMARY OF INVESTMENTS FOR THE QUARTER

99.2% of the City of Kennedale's investments are owned by the Pooled Cash Fund. The remaining .8% goes to the \$2.0M 2010 CO Bond Fund, \$1.7M TX Leverage Fund, and Clearing Funds. As of the reporting quarter, 63.47% of the City's investments are in investment pools, and 36.53% are invested in money market savings accounts.

INVESTMENT STRATEGIES

The City's main objectives in managing the portfolio are as follows: suitability, preservation & safety of principal, liquidity, marketability, diversification, and yield (91 Day Treasury Bill benchmark- earned .01-.03% during applicable quarter).

INVESTMENT PORTFOLIO ALLOWABLE BREAKDOWN

Certificates of Deposit (25%), Investment Pools (100%)*, Money Market Mutual Funds (100%)*, Repurchase Agreements (50%)*, Government Obligations (25%), US Treasury & US Agency Callables (25%), US Government Agencies & Instrumentalities (100%), and US Treasury Notes/Bills (100%)* (no more than 50% in any individual pool, fund, or repurchase agreement)

MONTHLY BALANCES- INVESTMENTS

Investment Pool	Account Name	Interest Rate	October 2015	November 2015	December 2015	Interest Earned
Texas Daily	Consolidated Cash	0.09%	\$ 31,383.23	\$ 31,387.02	\$ 31,393.03	\$ 13.81
TexStar	Consolidated Cash	0.07%	327,058.64	327,089.70	327,141.60	113.46
TexPool	\$1.7M TX Leverage	0.062%	19.25	19.25	19.25	-
TexPool	\$2.0M CO Bond	0.004%	29,446.64	29,449.36	29,454.04	9.83
TexPool	Central Deposit	0.005%	546,948.62	490,823.35	1,923,420.89	230.07
TOTAL INVESTMENT POOLS			\$ 934,856.38	\$ 878,768.68	\$ 2,311,428.81	\$ 367.17

MONTHLY BALANCES- WELLSFARGO

Bank	Account Name	Interest Rate	October 2015	November 2015	December 2015	Interest Earned
Wellsfargo	Consolidated Cash	N/A	\$ 1,334,944.40	\$ 1,203,406.27	\$ 1,330,167.46	\$ -
Wellsfargo	Payroll Clearing	0.04%-0.05%	38,394.71	2.52	3.14	7.31
Wellsfargo	Section 125 Flex	0.04%-0.05%	25.76	25.76	25.76	-
Wellsfargo	Dick Price Rd	0.005%	7.39	7.39	7.39	-
Wellsfargo	Employee Health Benefit Trust	N/A	11.20	11.42	11.64	2.22
TOTAL WELLSFARGO			\$ 1,373,383.46	\$ 1,203,453.36	\$ 1,330,215.39	\$ 9.53

TOTAL MONTHLY BALANCES- ALL	\$ 2,308,239.84	\$ 2,082,222.04	\$ 3,641,644.20	\$ 376.70
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TRANSACTION ACTIVITY- INVESTMENTS

Investment Pool	Account Name	Balance 10/1/2015	Deposits	Withdrawals	Interest	Balance 12/31/2015
Texas Daily	Consolidated Cash	\$ 31,379.22	\$ -	\$ -	\$ 13.81	\$ 31,393.03
TexStar	Consolidated Cash	327,028.14	-	-	113.46	327,141.60
TexPool	\$1.7M TX Leverage	19.25	-	-	-	19.25
TexPool	\$2.0M CO Bond	29,444.21	-	-	9.83	29,454.04
TexPool	Central Deposit	965,235.93	2,913,151.81	(1,955,196.92)	230.07	1,923,420.89
TOTAL INVESTMENT POOLS		\$ 1,353,106.75	\$ 2,913,151.81	\$ (1,955,196.92)	\$ 367.17	\$ 2,311,428.81

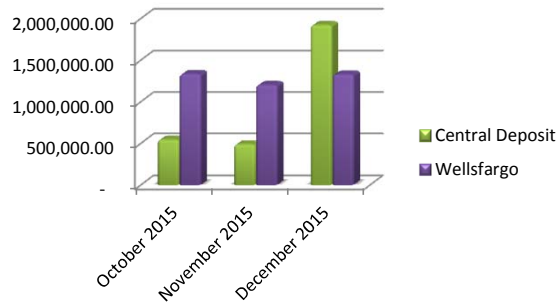
TRANSACTION ACTIVITY- WELLSFARGO

Bank	Account Name	Balance 10/1/2015	Deposits	Withdrawals	Interest	Balance 12/31/2015
Wellsfargo	Consolidated Cash	\$ 1,593,026.64	\$ 3,499,926.61	\$ (3,762,785.79)	\$ -	\$ 1,330,167.46
Wellsfargo	Payroll Clearing	43,671.14	884,130.81	(927,806.12)	7.31	3.14
Wellsfargo	Section 125 Flex	369.50	1,718.70	(2,062.44)	-	25.76
Wellsfargo	Dick Price Rd	7.39	-	-	-	7.39
Wellsfargo	Employee Health Benefit Trust	11.20	123,540.77	(123,542.55)	2.22	11.64
TOTAL WELLSFARGO		\$ 1,637,085.87	\$ 4,509,316.89	\$ (4,816,196.90)	\$ 9.53	\$ 1,330,215.39

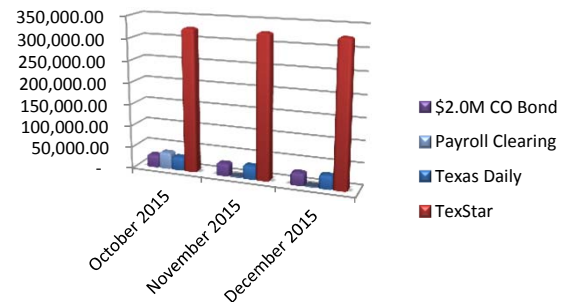
CASH BREAKDOWN BY FUND

	October 2015	November 2015	December 2015
01- General Fund	\$ 489,701.32	\$ 360,867.64	\$ 1,574,769.58
02- Debt Service Fund	51,556.23	104,585.47	587,903.62
04- Capital Project Fund	25,125.66	25,126.73	37,620.77
05- Capital Replacement Fund	32,946.08	36,282.09	39,029.75
07- Storm Drainage Utility Fund	95,051.99	86,174.90	89,710.82
10- Water/Sewer Fund	165,218.77	(87,992.64)	(164,315.95)
12- Court Security Fund	8,571.28	8,315.66	8,731.24
13- Capital Bond Fund	7.41	91,705.20	23,886.71
14- Park Dedication Fund	31,286.78	31,512.96	31,372.00
15- Economic Development Fund	39,049.19	74,907.21	101,654.75
16- Court Technology Fund	5,387.24	5,779.95	4,318.58
17- Streets Improvement Fund	579,556.93	578,588.95	529,647.17
18- Juvenile Case Manager Fund	26,827.90	25,606.53	24,761.25
19- EDC4B Capital Bond Fund	29,446.64	29,449.36	29,454.04
21- TIF #1 New Hope Fund	20,478.68	(6,602.86)	(12,702.86)
31- Police Seizure Fund	5,286.16	5,286.36	6,536.94
32- Library Building Fund	10,320.17	10,555.96	10,695.65
34- LEOSE Fund	-	-	-
41- Park Development Fund	32,906.89	34,318.64	35,139.10
45- Roadway Impact Fee Fund	304,704.54	307,059.29	312,104.37
61- Water Impact Fee Fund	116,064.86	120,964.81	129,790.05
62- Sewer Impact Fee Fund	48,989.04	49,966.72	51,755.33
65- Water Improvement Fund	-	-	-
83- Tree Reforestation Fund	67,800.00	67,802.54	67,809.10
85- Unclaimed Property Fund	1,990.24	1,990.24	1,990.24
95- EDC Reserve Fund	119,965.84	119,970.33	119,981.95
TOTAL ALL FUNDS	\$ 2,308,239.84	\$ 2,082,222.04	\$ 3,641,644.20

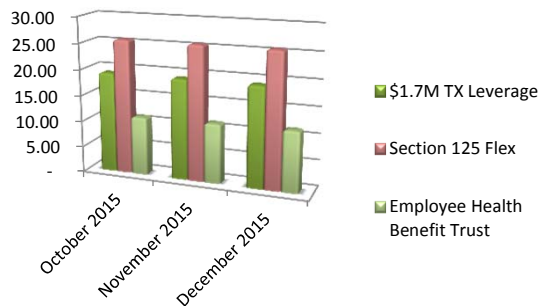
Main Accounts



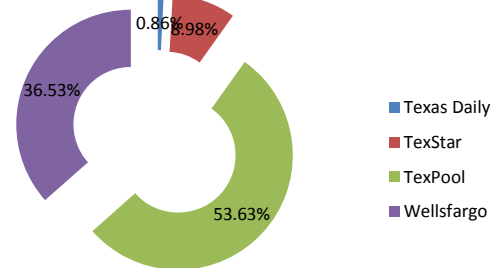
Other Accounts



Holding Accounts



Distribution of Money



Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: DECISION ITEMS - A.

I. Subject:

CASE # PZ 15-13 Public hearing and consideration of approval of Ordinance No 587 regarding a request by Kennedale Economic Development Corporation for a zoning change from "AG" Agricultural to "PD" Planned Development zoning district for single family residential use for that approximately 8-acre portion outside the floodplain of an approximately 15.6 acre tract, belonging to Ethel Swiney and located in the David Strickland Survey A-1376, Tarrant County, Texas. The property is mostly located east of the former Williamson Drive as shown on the plat abandonment recorded in Tarrant County Clerk's instrument number D214210746. Addresses include 1201, 1305, & 1307 Bowman Springs Rd.

1. Staff presentation
2. Applicant presentation
3. Public Hearing
4. Applicant response
5. Staff response and summary
6. Action by the City Council

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Request: Rezone from "AG" to "PD" for single-family residential use

Applicant: Kennedale Economic Development Corporation, in partnership with CHC Development

Location: Bowman Springs Rd near Winding Creek subdivision and Southwest Nature Preserve (see map)

Surrounding land uses: single family residential; park/open space; floodplain; golf driving range

Staff recommendation: approve

Planning & Zoning Commission recommendation: approve with some changes to the ordinance proposed by CHC

Background and overview.

This property is located near the Kennedale city limits along Bowman Springs and is part of a larger tract that include approximately seven acres of floodplain. Across Bowman Springs to the east are the Southwest Nature Preserve and Pennsylvania and Winding Creek (roads leading into the Winding Creek and Oak Hill Park subdivisions). To the north are two additional single family properties, also zoned Agricultural. To the south and west are a golf driving range and the approximately 7 acres of floodplain property mentioned above, which will eventually become part of the city's Village Creek parks system.

The Kennedale Economic Development Corporation is in the process of purchasing the property; the KEDC wants only the floodplain portion, but the floodplain and non-floodplain parcels were being sold together. The KEDC has worked to identify a developer that would be interested in buying the non-floodplain portion and could develop the property in a way that meets Kennedale's goals. The KEDC is proposing to work with CHC Development; because the property is to be purchased by KEDC, KEDC is the applicant, but the proposed development standards were

submitted by CHC.

The Planning & Commission considered this agenda item during its November meeting but wanted to CHC to make changes to the proposed ordinance to address some development concerns. The Commission therefore postponed consideration until the December agenda. CHC made a number of changes at the suggestion of the Commission and presented the revised ordinance at the December meeting. After holding another public hearing at in December, **the Commission voted to recommend approval** with some additional changes.

Public input

The property owner to the north, Bill Sykora, addressed the Commission at the November public hearing about some concerns he had about the proposed development. He later submitted a list to staff of questions and concerns about this rezoning request. Staff have provided answers to some of the questions (see attached document), but staff also presented the list to the Commission in case the Commission wanted to address any of his concerns. Mr. Sykora did not address the Commission again during the December meeting.

Staff Review.

Compliance with the comprehensive land use plan.

The Future Land Use Plan shows this area as Neighborhood and as Open Space, with the portions in the floodplain to be open space and the portions outside the floodplain to be used for residential purposes. The comprehensive plan states that the Neighborhood character district should be primarily residential in nature.

Neighborhoods should have defined boundaries, a clear center, and be easily accessible to day-to-day goods and services...The center of a neighborhood should be a civic, public, or community use in which people can come together—such as a park, school, or neighborhood amenity center.

Sample development types include single family residential, attached single-family, and cluster development.

The concept plan proposes providing connections to a future city park along Village Creek, which relates to Principle # 1 - Connected City from the comprehensive plan. Under the goal "Promote human and environmental health," the Connected City principle recommends using greenbelts to connect urbanized habitats with wildlife and open space.

The proposed rezoning would provide for single family residential development that connects to existing and planned/future parks and open space, which complies with the comprehensive plan.

Compliance with the strategic plan.

The strategic plan's recommendations do not relate to this property, the neighborhood, or the rezoning request.

Compliance with City Council priorities.

The Council priority "Enhance the Business Climate" relates to this rezoning request in that bringing in more residential development allows for more residents to support local businesses.

Additional Factors to Consider.

When considering rezoning requests, the City may also consider the appropriateness of current zoning and whether a rezoning would have an adverse impact on surrounding properties. The current zoning, AG, is not an appropriate use this close to the floodplain, as runoff from agricultural use is likely to have a negative effect on nearby Village Creek. Environmental factors aside, the City is moving toward lots sizes smaller than those called for in Agricultural zoning districts as both a water conservation measure and an effort to make neighborhoods more pedestrian-friendly, and therefore Agricultural zoning is no longer the most suitable zoning district for this property.

Although the lot sizes proposed are smaller than usual for Kennedale's single family residential zoning districts, CHC's proposed regulations and the Commission's recommended changes provide a level of design control our zoning regulations generally lack and development to meet a higher standard than usual. The development should have no adverse impact on surrounding neighborhoods.

Staff Recommendation.

The requested rezoning complies with the comprehensive land use plan as well as city goals and priorities, and it will not have an adverse impact on surrounding properties. Staff recommends approval.

Planning & Zoning Commission Recommendation.

The Commission considered this case during its December meeting and voted to recommend approval with changes to the ordinance. Ordinance 587 includes the recommended changes.

Action by the City Council.

The Council may approve, approve with conditions, deny, or deny without prejudice the request for rezoning. You may also postpone the case; if you postpone consideration, you must state when the case will be considered again.

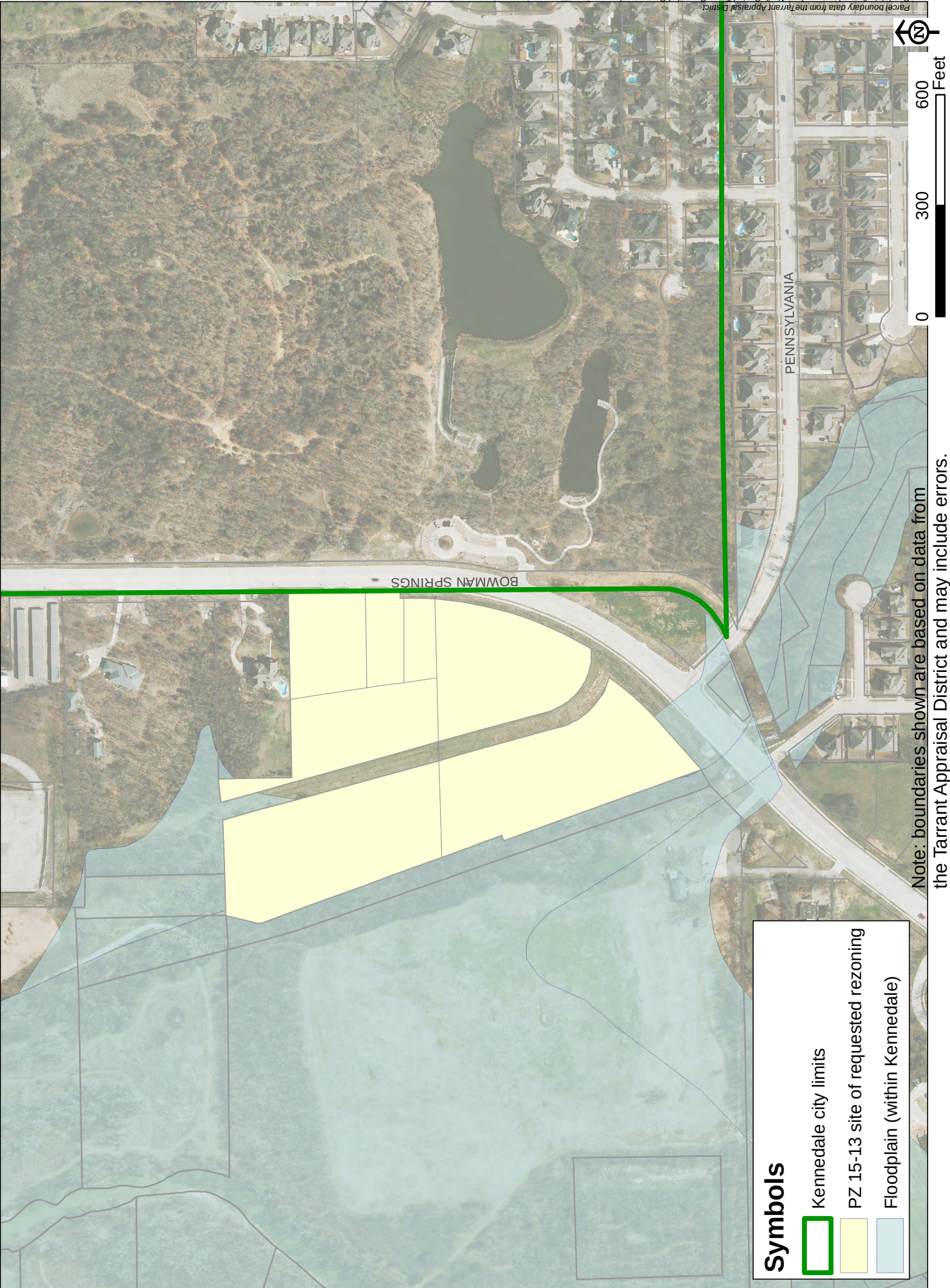
IV. Fiscal Impact Summary:**V. Legal Impact:****VI. Recommendation:**

Approve

VII. Alternative Actions:**VIII. Attachments:**

1.	PZ 15-13 map of site	PZ 15-13 map -- compressed.pdf
2.	PZ 15-13 future land use plan	PZ 15-13 Future Land Use Plan.pdf
3.	Questions from neighbor B. Sykora	Sykora questions.pdf
4.	Ordinance 587	PZ 15-13 ordinance - CC updated copy.pdf
5.	Ordinance 587 - Exhibit A	PZ 15-13 metes & bounds descr.pdf
6.	Ordinance 587 - Exhibit B concept plan	PZ 15-13 Exhibit B revised.pdf

PZ 15-13: Map showing approximate site of rezoning request



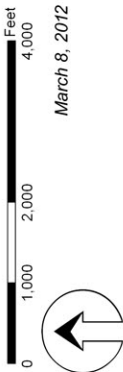
KENNEDALE COMPREHENSIVE PLAN UPDATE

FUTURE LAND USE PLAN

CATEGORIES

- Town Center
- Downtown Village
- Urban Village
- Urban Corridor
- Neighborhood Village
- Neighborhood Corridor
- Neighborhoods
- Employment Center
- Light Industrial District
- Park & Open Space
- Conservation Overlay
- Potential Commuter Train or Park & Ride Station
- Schools

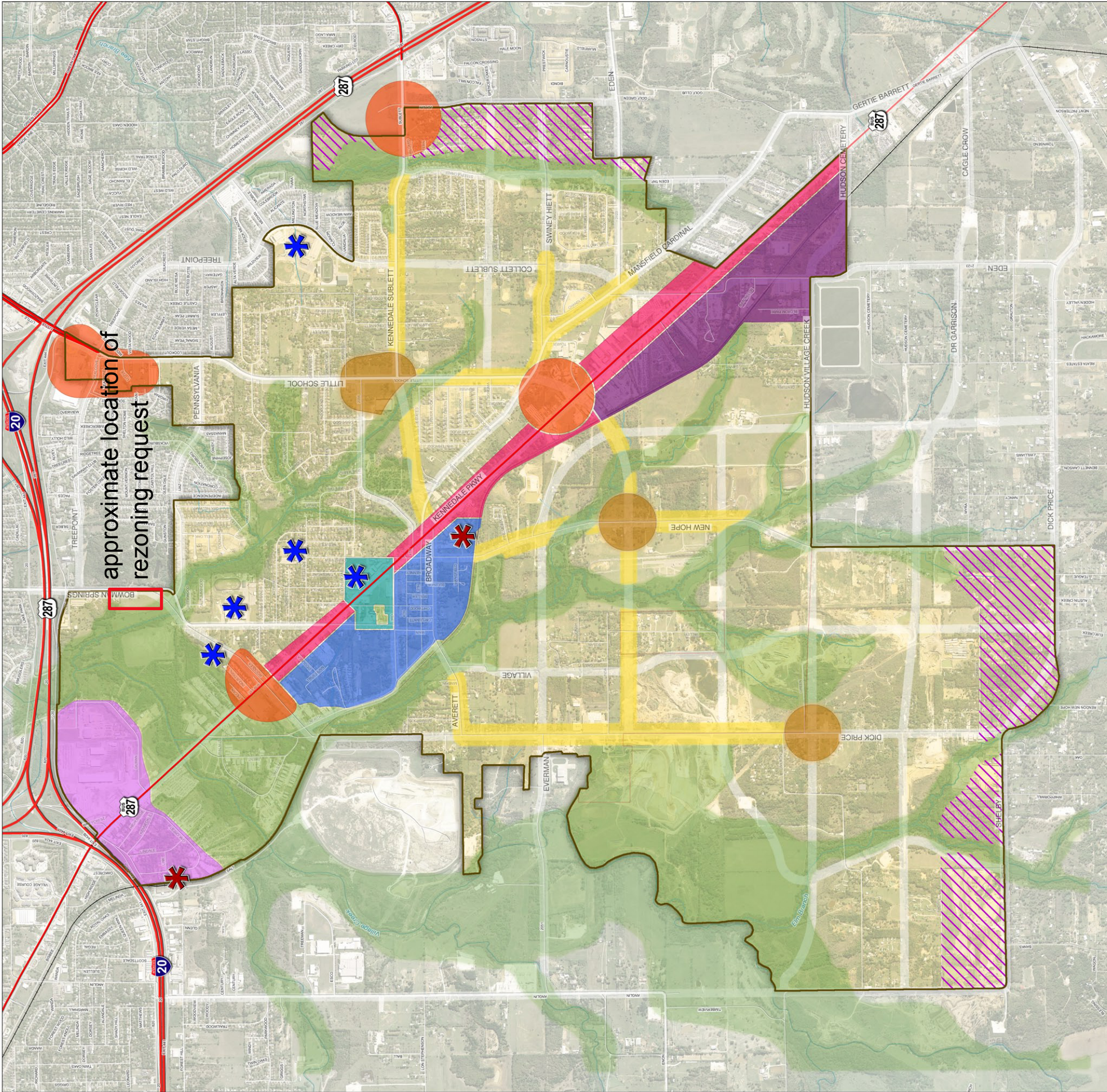
A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



KENNEDALE
You're Here. Your Home



approximate location of
rezoning request



Questions Concerning Proposed Development of Swiney Tract

Utility easement – There is a 6.5'x200' utility easement on the Sykora property located to the north of the proposed development. It is not clear if the same easement extends to the new development property. Currently phone lines extend on the side of the property to be developed. How is this to be resolved?

I looked at the original Swiney Estates plat, and on this property line, I don't believe there is a utility easement. The City usually requires a 7.5' easement be dedicated along the side property lines of any lot to be platted. Any necessary easements will be required to be dedicated as part of the platting process.

If a phone line is located along the side property line, the phone company most likely has an easement that was dedicated sometime after the property was originally platted. This easement would remain in place when the property is platted again unless the phone company requested something different.

Topography – The proposed plat is not clear on how the land will be graded for residential lots. Currently the land is a continual slope to the west. If the lots are to be graded to a horizontal level, how would the lots be adapted to the slope of adjacent properties? Would retaining walls have to be built?

The grading plan will be submitted and reviewed by the city during the platting stage. If slope/topography is great enough that retaining walls are needed, then retaining walls will be required.

Trees - Currently there are trees on both sides of the property lines with limbs overhanging the adjoining property. What is the proposal to address this?

For trees on the Swiney property, the City has a tree removal permit requirement that the developer will have to adhere to. Any trees to be removed must be indicated on a plan to be reviewed by the City, with certain trees required to be replaced (or fee paid in lieu of replacement). For the trees are on your property, the developer of the Swiney

property would not be permitted to cut down the trees, but they would be permitted to trim back the portion that overhangs the Swiney property.

Fencing – According to the proposed fencing restrictions, a six foot wooden fence is to be constructed on anything other than public right of way. Is existing fencing to be removed and whose responsibility is this?

If you have an existing fence on your property line installed by you, this would remain in place unless a different arrangement was worked between you and the new property owner. If the fence was installed by the Swineys, this would be permitted to be replaced by the developer or home builder.

Houses – Nothing is mentioned in architectural controls concerning two story structures. Due to the small lot sizes the privacy of all neighbors would be infringed. It would be strongly recommended to limit structures to one story with the exception of agreement by all adjoining neighbors.

With the growing popularity of small lot developments, many builders these days have experience creating designs that allow for plenty of privacy, even with two-story homes. But I will pass this comment and your other comments/questions along to the Planning & Zoning Commission so the members will know of your concern.

ORDINANCE NO . 587

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 FROM “AG” AGRICULTURAL ZONING DISTRICT TO “PD” PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

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

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

WHEREAS, the City of Kennedale desires to promote the redevelopment of certain property located near the Village Creek floodplain that would be appropriate for and complementary to its location adjacent to a future park system, when such development is consistent with the comprehensive land use plan; and

WHEREAS, Kennedale Economic Development Corporation, which has a proprietary interest in said property being an approximately 8-acre portion outside the floodplain of an approximately 15.6 acre tract, belonging to Ethel Swiney and located in the David Strickland Survey A-1376, Tarrant County, Texas, such property being mostly located west of the former Williamson Drive as shown on the plat abandonment recorded in Tarrant County Clerk's instrument number D214210746, wishes to encourage development of this property in keeping with the goals and vision of the City of Kennedale in order to promote economic growth of the city; and

WHEREAS, CHC Development wishes to pursue redevelopment of said property in keeping with the Kennedale Economic Development Corporation's vision and goals; and

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

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

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 17th day of December 2015 and by the City Council of the City of Kennedale on the 18th day of January 2016 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 8-acre portion outside the floodplain of an approximately 15.6 acre tract, belonging to Ethel Swiney and located in the David Strickland Survey A-1376, Tarrant County, Texas, such property being mostly located west of the former Williamson Drive as shown on the plat abandonment recorded in Tarrant County Clerk's instrument number D214210746 ("the property"), as more particularly described on Exhibit "A" attached hereto and incorporated herein, from "AG" Agricultural to "PD" Planned Development District ("Swiney Estates PD") for single family residential use with modified restrictions, as more fully described on the Concept Plan, attached hereto as Exhibit "B" and incorporated herein.

SECTION 2.

The use of the Property shall be subject to the restrictions, terms and conditions set forth in the Concept Plan, attached hereto as Exhibit "B", and the Concept Plan is hereby approved. The use of the Property shall further conform to the standards and regulations of the "R2" Single Family Residential zoning district and to Chapter 17, Division 10 Subdivision Design Criteria of the City of Kennedale City Code, to the extent not modified in this Ordinance and the document attached as Exhibit "B", and shall be subject to all other applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, where not otherwise controlled by the regulations set forth below. The Property shall conform to the following supplemental standards and regulations, which shall supersede any other requirements to the extent of a conflict:

1) *Property location and size.*

Kennedale Residential is established on property located west of Bowman Springs Rd. and approximately 0.31 miles south of Interstate 20 with access off of Bowman Springs Rd. This Planned Development is comprised of five (5) tracts of land consisting of approximately 8.2 gross acres, more particularly described on Exhibit 'A' and shown on the Exhibit 'C' Development Plan, which is attached hereto for all purposes.

2) *Purpose*

To create a Planned Development for thirty-five (35) single family residential lots. The minimum gross density and a net density are as shown on the Development Plan. An enhanced entry will be provided at the connection point to Bowman Springs Rd.

3) *Development plan.*

The proposed Development Plan as shown on Exhibit 'B' will be in complete accordance with the provisions of the approved Planned Development and shall be binding upon the applicant thereof, his successors and assigns, and shall limit and control all building permits.

4) *Community Architectural Controls.*

A) An Architectural Control Committee will govern the architectural attributes within this Planned Development.

B) Architectural attributes for this residential development will consist of the following:

- 1) The front entry to a house will be well -defined and kept proportional to the house. The front entry will be designed so as not to distract from the rest of the house.
- 2) Only specialty windows such as box windows or circular windows may be flush mounted to the exterior face of the house, all other windows are to be inset to create relief on the elevations.
- 3) Facades will avoid large expanses of uninterrupted single exterior materials and must be broken up by changes in plane through architectural attenuation, accented with the effects of window placement, window trim, or material type and color changes.
- 4) Shutters, if provided, will be sized and shaped to match the associated openings.
- 5) Gutters, if provided, will be exposed or painted copper, galvanized steel, or aluminum if exposed to the street.
- 6) All asphalt roof shingles will be laminated architectural shingles with a three dimensional appearance and warranted for at least thirty (30) years.

a) *Roof Materials.*

- i. All roofs must be constructed with 3 tab/3 dimensional shingles and must have ACC approval.
 - ii. Roof Colors must be submitted for ACC approval.
- 7) A minimum roof pitch of 6:12 (inches of rise per inches of run) from side to side will apply to the predominant roof with the exception of a tile or slate roof that may have a minimum roof pitch of 5: 12 from side to side. A variety of roof pitches may be incorporated into the roof design provided that the predominant roof has at least a 6:12 pitch. Porch roofs shall have a minimum 4: 12 pitch. See variation below.
 - 8) In order to encourage variety on a continuous block, the exterior facades for houses will vary within every 6 houses. Once a house is constructed the same combination of brick, stone, masonry-like materials, and paint will not be used within four (4) houses on either side of that house.

- 9) Exterior facades will be 100% masonry on the front, a minimum of 80% masonry on the sides and rear. Masonry materials shall be as required by Kennedale City Code Section 17-405. The exception to this are walls over the roof, such as bay or dormer windows, chimneys, or fireplaces, which are not required to be masonry.
- 10) *Chimneys.*
 - a) All chimneys must meet industry safety guidelines.
 - b) Chimneys on an exterior wall shall be constructed completely to the ground so as not to appear cantilevered from the building.
 - c) Chimneys located on exterior wall must be 100% masonry.
 - d) Chimney color to match base or accent material of the house or compliment color of roof.
 - e) No wood trim shall be allowed on the chimney.
 - f) Any other materials shall be masonry or cementitious materials. Non-cementitious materials shall not be used without written approval from the ACC.
- 11) All garages will be decorative wood, carriage style, or decorative color metal doors. Design between garage and home shall use same or complementary colors and materials.
- 12) All exposed wood accents and wooden garage doors will be double stained and sealed or painted with two (2) coats for protection and regularly maintained as enforced by the HOA.
- 13) Decorative street lighting will be utilized and will conform to Oncor and City of Kennedale standards and include the following if approved by and available from Oncor: low profiling lighting; or induction lights (LED), scotopic lumens allowing street lights with lower wattages and lower photopic lumens. Lighting shall be consistent with the design of the neighborhood and shall be distinguished from lights on adjacent or nearby arterial streets.
- 14) Any home with a covered front porch shall have a minimum depth of five (5) feet and shall be at least fifty (50) square feet in total size to allow this space to be usable. A covered porch may encroach into area designated as front yard or side yard not greater than five (5) feet to help improve the architecture of the home and the character of the street. For wrap-around porches or any other porch style whose full width is not located on the front façade, a minimum of fifty (50) percent of the front porch shall be located on the front façade.
- 15) The landscape design along Bowman Springs Road will utilize enhanced brick or masonry screen walls, wrought iron, and architectural features at the entrance to the subdivision.
- 16) All common open space, landscaping in open space areas, private roads, and masonry screen walls will have a mandatory Home Owners' Association (HOA) to maintain those improvements. Any final plats or replats for this development district shall contain a note stating which retaining walls are to be maintained privately, either by individual owners or the HOA.
- 17) All lots with rear yards or side yards facing Bowman Springs Rd. shall use

wrought iron fencing or masonry walls that conform to the City of Kennedale standards and will be installed by the developer and maintained by Homeowners' Association (HOA)

- 18) All lots with rear yards or side yards facing the Village Creek open space shall have six-foot (6') high wrought iron fencing that conforms to the City of Kennedale standards and be installed by the builder as their primary option. The homeowner may be given a choice of wrought iron or cedar fencing that conforms to this PD, and the City of Kennedale standards. The fence is to be installed by the builder, and if a cedar privacy fence is chosen as the fencing option, the builder will contribute \$500 to the Village Creek Parks fund at the time the building permit is issued.
- 19) The side yards and rear yards of all residential lots that are not facing public right-of-way or Village Creek open space shall have a minimum six-foot (6') high cedar fence to be installed by the builder and maintained by homeowner.
- 20) *Utility, Service and Mechanical Equipment*
 - a) All equipment related to utilities intended to serve one Lot shall be installed by the Owner of the Lot and shall be located underground if possible.
 - b) All services to the Lot, including pre-wiring for cable television, must be installed underground if available.
 - c) Ground-mounted mechanical equipment, such as HVAC units, shall be screened from view and grouped together away from street and public view. Private, surface-mounted mechanical equipment, air conditioners, condensers, compressors, pool equipment, switches, etc. should be placed behind the side yard fence of a Lot.
- 21) All cedar fencing will comply with the following requirements:
 - a) Use all cedar wood, 1" x 6" cedar planks, minimum 2" x 4" cedar horizontal stringers, and 2" x 4" baseboards.
 - b) Treated on both sides with cedar tinted preservative or equal quality stain, double stained.
 - c) Fence planks or panels must be at least five-eighths of one inch (5/8") in thickness. Fence planks or panels must have a gap between the ground and the wood to prevent rotting and decay.
 - d) All vertical posts, stringer brackets, all other hardware to construct wooden fencing and gates will be galvanized steel.
 - e) All vertical post shall be set at a maximum distance of eight feet (8') apart. All posts shall be set at a minimum depth of twenty-four inches (24") deep incased in concrete and capped.
 - f) All materials will be securely fastened (i.e. vertical boards to horizontal stringers, stringers to vertical posts) and be free from rot, rust, vandalism, and other sources of decay.
 - g) Cedar fencing shall include a baseboard that is located within 6" from the bottom of the fence.
- 22) The ACC shall require builder(s) to provide at least two (2) single-story options for homebuyer consideration.

5) *General conditions.*

A) *Landscaping and Open Space.*

- 1) The City's Landscaping ordinance will supersede where this ordinance is silent. This ordinance will supersede to resolve any conflicts.
- 2) There will be a minimum of two 3" caliper trees per residential lot located in the front yard and installed by the homebuilder. All tree locations and types will conform to the City of Kennedale ordinances.
- 3) There will be a minimum of 6 three-gallon (3 gal) shrubs per residential lot located in the front yard. All shrub locations and types will conform to the City of Kennedale ordinances.
- 4) There will be a minimum of one three-inch (3") caliper trees or two five-gallon (5 gal) shrubs in backyards for lots with the rear of the property adjacent to a thoroughfare, park, park land or open space.
- 5) All lawns and landscaping will be irrigated.
- 6) Landscaping will be installed by the developer at the entry to the subdivision and in common areas, including within the right-of-way for Bowman Springs Road and along the subdivision screening wall and along the right-of-way on Bowman Springs Road adjacent to the planned development district.
 - a) Landscaping shall be irrigated
 - b) Plants shall be conducive to the Southwest Nature Preserve and Village Creek green belt, as to blend the entry and the community into the natural surroundings.
 - c) The following plant types shall be included in the landscaping along the Bowman Springs Rd right-of-way:
 - i. Irrigated climbing vines;
 - ii. 4- Five-gallon (5 gal) shrubs;
 - iii. 7- three-inch (3") caliper trees.
- 7) Landscaping installed by the developer shall be maintained by the Homeowners' Association (HOA).
- 8) *Right-Of-Way.* Street right-of-way will be equal to 50' in width.
- 9) *Lot Area and Setbacks.* Lot areas and setbacks will be as shown on the Exhibit 'C' Development Plan.
- 10) *Minimum Floor Area per dwelling unit.* All lots will have a minimum of 1,800 square feet of dwelling space.
- 11) *Perimeter Walls/Screening.* The perimeter walls adjacent to Bowman Springs Road will be a minimum of 6' in height and constructed of 100% masonry or wrought iron.

B) *Sidewalk Requirements.*

- 1) A. Sidewalks will be required throughout the development. If not installed by the developer, sidewalks along residential lots are to be constructed by the home builder at the time of home construction for each residential lot.
- 2) Sidewalks shall be a minimum of five (5) feet in width.

C) *Access to the public park will be provided within the development.*

- 1) Access shall comply with accessibility standards and fire code.
- 2) A gate with lock will be provided at the access point to the subdivision.

6) *Homeowners' Association.*

- A) A mandatory homeowners association (HOA) will be responsible for the maintenance of the common landscape areas and exterior retaining walls within the development that are built by the Developer (any landscaping and retaining walls built by the homebuilder will be maintained by that property owner).
- B) The homeowners association will have rules and regulations to ensure the proper maintenance of home exteriors and common areas.
- C) The homeowners association will include an architectural control committee (the "ACC") to review and approve all proposed home plans prior to construction.
- D) Developer will maintain control of the HOA and the ACC until 100% of the lots have been sold and at least 70% of the building permits have been issued.

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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

SECTION 8.

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

SECTION 9.

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

SECTION 10.

The City Secretary of the City of Kennedale is hereby directed to publish the caption, Section 1, the penalty clause, the publication clause, and the effective date clause of this ordinance in every issue of the official newspaper of the City of Kennedale for two days or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

SECTION 11.

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

PASSED AND APPROVED ON THIS 18th DAY OF JANUARY 2016.

APPROVED:

Brian Johnson, Mayor

ATTEST:

Leslie Galloway, City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

Wayne K. Olson, City Attorney

Exhibit A

METES & BOUNDS DESCRIPTION (EAST PART – OUTSIDE FLOODPLAIN)

Being a tract of land situated in the D. Strickland Survey, Abstract No. 1376 in the City of Kennedale, Tarrant County, Texas, said tract of land being a portion of that certain "Tract 2" as described to Leon Swiney and wife, Ethel M. Swiney as recorded in Volume 11497, Page 1305 and 1309, Deed Records of Tarrant County, Texas (DRTCT), said tract of land also being a portion of Block 1, Swiney Estates Addition, an addition to the City of Kennedale as recorded in Volume 388-10, Page 93, Plat Records of Tarrant County, Texas (PRTCT), said tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod found for the southwest corner of Lot 4-R, Block 1, Swiney Estates, an addition to the City of Kennedale as recorded in Cabinet B, Slide 2572, PRTCT;

THENCE North 88 degrees 13 minutes 57 seconds East, a distance of 230.61 feet to an angle point in the south line of said Lot 4-R;

THENCE South 08 degrees 14 minutes 03 seconds East, a distance of 0.60 feet to an angle point in the south line of said Lot 4-R;

THENCE North 88 degrees 19 minutes 51 seconds East, at a distance of 245.95 feet passing a 1/2-inch iron rod found for the southeast corner of said Lot 4-R and continuing a total distance of 265.96 feet to a 5/8-inch iron rod set with plastic cap stamped "Shield Engineering" on the westerly right-of-way line of Bowman Springs Road (a variable width right-of-way), said iron rod also being the northeast corner of Lot 6 in the aforementioned Block 1;

THENCE South 00 degrees 33 minutes 12 seconds East, with the common easterly line of said Block 1 and said westerly right-of-way line, a distance of 307.31 feet to a 5/8-inch iron rod set with plastic cap stamped "Shield Engineering" at the northeast corner of "Parcel No. 2" as described to the City of Kennedale by instrument recorded in Instrument Number D211140987 DRTCT;

THENCE South 89 degrees 26 minutes 53 seconds West, with the northerly line of said Parcel No. 2, a distance of 15.41 feet to a 5/8-inch iron rod found for the northwest corner of said Parcel No. 2;

THENCE South 00 degrees 33 minutes 07 seconds East, with the westerly line of said Parcel No. 2, a distance of 18.19 feet to a 5/8-inch iron rod found for the point of curvature of a curve to the right in the westerly line of said Parcel No. 2;

THENCE with the arc of said curve to the right, at a distance of 75.59 feet passing a 5/8-inch iron rod being the common southwest corner of "Parcel No. 2" and the northwest corner of "Parcel No. 3 Pt 1" as described to the City of Kennedale by instrument recorded in Instrument Number D211140987 DRTCT, and continuing in all a total arc distance of 517.74 feet, said curve to the right having a central angle of 31°33'27", a radius of 940.00 feet, and a chord bearing and distance of South 15°13'37" West, 511.22 feet to a 5/8-inch iron rod found stamped "Gorrrondona & Assoc" for the southwest corner

of "Parcel No. 3 Pt 1" at the intersection of westerly right-of-way line of Bowman Springs Road (a variable width right-of-way) and the northerly right-of-way line of Williamson Drive (a 50-foot right-of-way);

THENCE South 56 degrees 16 minutes 14 seconds West, crossing the right-of-way of Williamson Drive, a distance of 76.43 feet to the intersection of said westerly right-of-way line of Bowman Springs Road (a variable width right-of-way) and the southerly right-of-way line of said Williamson Drive (a 50-foot right-of-way), said point being the point of curvature of a non-tangent curve to the right and also being the northernmost northwest corner of "Parcel No. 3 Pt 2" as described to the City of Kennedale by instrument recorded in Instrument Number D211140987 DRTCT;

THENCE with the arc of said non-tangent curve to the right and said westerly right-of-way line and the northwesterly line of said "Parcel No. 3 Pt 2", a distance of 132.89 feet, said curve to the right having a central angle of $8^{\circ}22'01"$, a radius of 910.00 feet, and a chord bearing and distance of South $39^{\circ}32'44"$ West, 132.77 feet to a 5/8-inch iron rod set with plastic cap stamped "Shield Engineering";

THENCE North 30 degrees 02 minutes 09 seconds West, departing said right-of-way line and along the general vicinity of contour elevation 570, a distance of 297.12 feet to a 5/8-inch iron rod set with plastic cap stamped "Shield Engineering" for an angle point in the westerly line of the tract described herein;

THENCE North 02 degrees 22 minutes 03 seconds West, continuing along the general vicinity of contour elevation 570, a distance of 494.52 feet to a 5/8-inch iron rod set with plastic cap stamped "Shield Engineering" for an angle point in the westerly line of the tract described herein;

THENCE North 09 degrees 21 minutes 19 seconds West, continuing along the general vicinity of contour elevation 570, a distance of 200.79 feet to the POINT OF BEGINNING and CONTAINING 357,724 square feet or 8.212 acres of land area, more or less.

Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: DECISION ITEMS - B.

I. Subject:

CASE # PZ 15-16 Public hearing and consideration of approval of Ordinance 588 regarding a city-initiated rezoning from "C-2" General Commercial District to "AG" Agricultural District on a 29.43 acre lot located at 3925 Kennedale New Hope Rd., legal description of Joel Snider Survey A1448 Tr 1A.

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:

Request: Rezone from "C-2" to "AG"

Applicant: city-initiated

Location: Kennedale New Hope Rd near the city limits at Hudson Village Creek Rd

Surrounding land uses: primarily single family residential and vacant acreage; also commercial and industrial (see attached map with state use codes)

Future Land Use Plan classification: primarily Neighborhood, some Neighborhood Corridor on periphery at Kennedale New Hope Rd

Staff recommendation: approve

Planning & Zoning Commission recommendation: approve

Background and overview.

This property is the site of the closed Cowtown Speedway. The race track closed in November 2012 after failing an inspection by Oncor, which was prompted by Oncor's changing the electrical meters onsite. Repairs sufficient to meet codes and pass inspections were required but were not made, and the track was therefore not allowed to reopen. It has been closed since that time. In addition, there were some issues with silt run-off from the site identified through a city inspection in October 2012. The run-off issue did not prompt the closing of the track, but please note that these issues would have had to be resolved before the track could have reopened if the necessary electrical improvements had been made. In addition, TCEQ staff also visited the site, and concerns reported by TCEQ (if any) would also have to be resolved.

Since the track's closing, city staff have discussed the possibility of rezoning the property with the property owner and her family, and the family has explored the possibility of requesting a rezoning to the "AG" agricultural zoning district. Staff indicated in those discussions that staff would support a rezoning to AG, but the property owners have not chosen to pursue that option.

In its November regular meeting, City Council directed staff to initiate rezoning of this property from its current zoning to "AG" Agricultural. Staff presented the case to the Planning & Zoning Commission meeting in December. After holding a public hearing, the Commission voted to recommend approval.

Public input.

One adjoining property owner, Nina Pyles, addressed the Commission in favor of the zoning change. No one spoke against the rezoning.

Analysis.*Compliance with the comprehensive land use plan.*

The Future Land Use Plan classifies the bulk of this property as Neighborhood, with the frontage along Kennedale New Hope Rd as Neighborhood Corridor. Descriptions of the Neighborhood and Neighborhood Corridor character districts are attached to this report.

Neighborhood

Neighborhoods are intended to be primarily residential; sample development types include single family residential, single family attached residential, and cluster development. The AG zoning district is considered a large-lot single family residential zoning district under Kennedale's schedule of uses (Sec. 17-421). Although none of the city's single family zoning districts exactly fit the comprehensive land use plan, until the code update is completed later this year, the city must work within the zoning districts available. Under that condition, the AG zoning district fits the Neighborhood classification under the comprehensive land use plan.

Neighborhood Corridor

It is not expected that all of the areas identified as "Neighborhood Corridor" in the Future Land Use Plan will develop into commercial uses, as the city could not support that much commercial development. Rather, these areas indicate where commercial develop should be targeted, if commercial uses were to be developed to support surrounding residential uses.

As most of this property is under the Neighborhood character district, rezoning in compliance with that character is the most suitable approach. Thus, zoning this property as a residential use is in compliance with the comprehensive land use plan.

Compliance with the Strategic Plan.

The Strategic Plan describes this area as being difficult for commercial and industrial uses due to limited access (access on New Hope Rd is not ideal for commercial or industrial development). The plan therefore recommends that the future land use plan consider this area for residential development.

Compliance with City Council priorities.

Rezoning to agricultural zoning does not address City Council priorities, except that it does allow for residential development, which would bring more residents to support local businesses (enhances the business climate).

Additional Factors to Consider.

When considering rezoning requests, the City may also consider the appropriateness of current zoning and whether a rezoning would have an adverse impact on surrounding properties. The current zoning, "C-2", is not suitable for this area. Due to poor roadway access and lack of conformity to the future land use plan, commercial zoning is not appropriate. Rezoning to AG or residential use should not have an adverse impact on surrounding properties, many of which are either in residential or vacant/acreage use.

Staff Recommendation.

Commercial zoning is not in compliance with the comprehensive land use plan. Residential ("AG") zoning is in compliance with the comprehensive plan and would not have an adverse impact on surrounding properties.

Staff recommends approval.

Planning & Zoning Commission Recommendation.

The Planning & Zoning commission considered this ordinance during its meeting in December. After holding a public hearing, The Commission voted to recommend approval.

Action by the City Council.

The Council may approve, deny, or deny without prejudice the request for rezoning. You may also postpone the case; if you postpone consideration, you must state when the case will be considered again.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

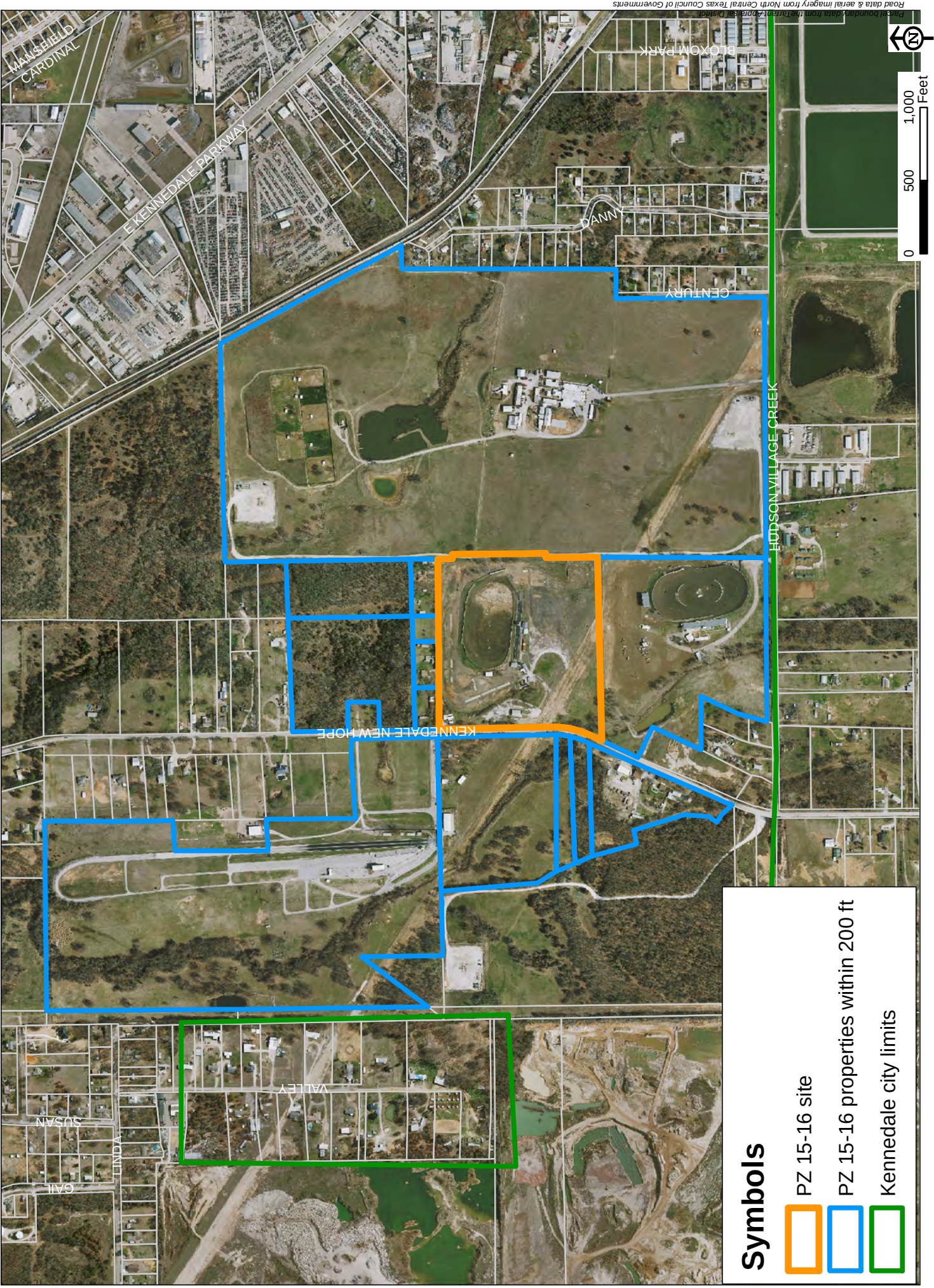
Approve

VII. Alternative Actions:

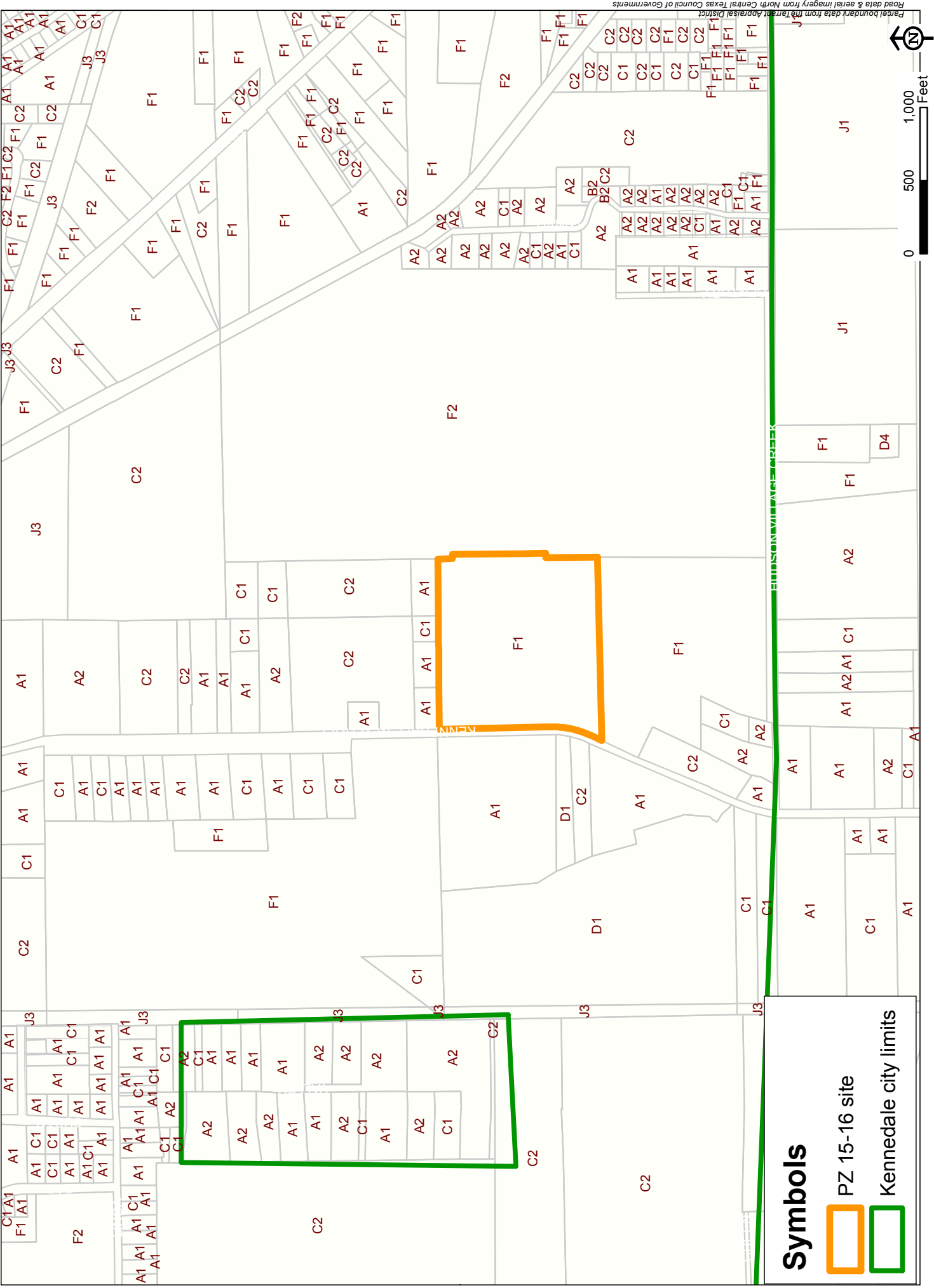
VIII. Attachments:

1.	PZ 15-16 map of site with aerial view	PZ 15-16 map of site (reduced size).pdf
2.	PZ 15-16 map showing surrounding land uses	PZ 15-16 surrounding land uses.pdf
3.	Future Land Use Plan	PZ 15-16 FLUP excerpt.pdf
4.	Neighborhood description	Neighborhood Character District (excerpt from comprehensive plan).pdf
5.	Neighborhood Corridor description	Urban & Neighborhood Corridor character districts.pdf
6.	PZ 15-16 zoning map	PZ 15-16 zoning map.pdf
7.	Ordinance 588	PZ 15-16 ordinance & exhibit CC copy.pdf

PZ 15-16: site of proposed rezoning



PZ 15-16: surrounding land uses



Symbols

-  PZ 15-16 site
-  Kennedale city limits

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

NEW HOPE

Excerpt from FLUP: site of PZ 15-16 rezoning request



HU

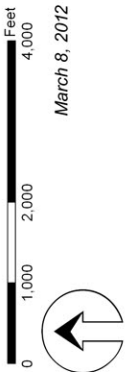
KENNEDALE COMPREHENSIVE PLAN UPDATE

FUTURE LAND USE PLAN

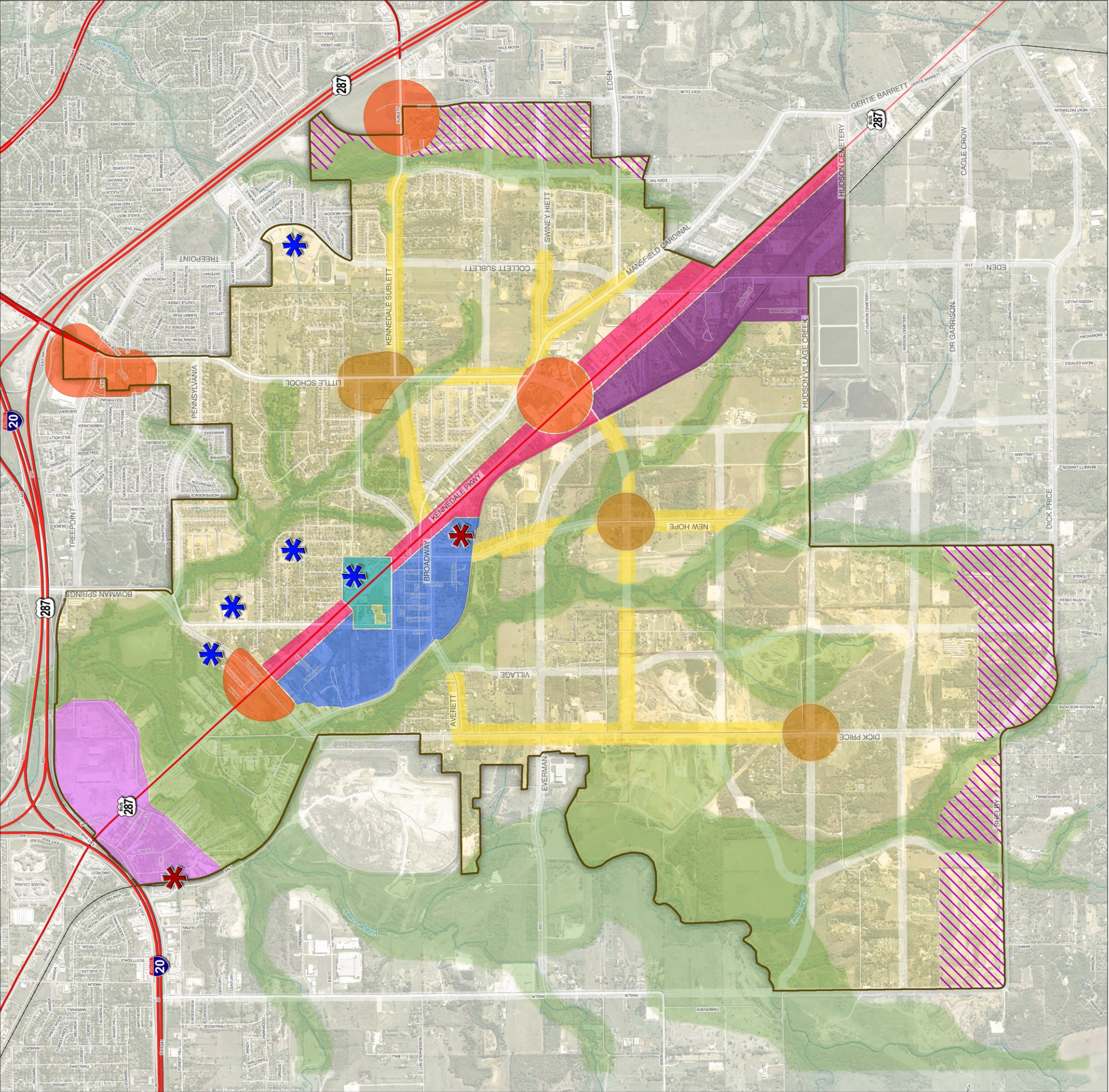
CATEGORIES

- Town Center
- Downtown Village
- Urban Village
- Urban Corridor
- Neighborhood Village
- Neighborhood Corridor
- Neighborhoods
- Employment Center
- Light Industrial District
- Park & Open Space
- Conservation Overlay
- Potential Commuter Train or Park & Ride Station
- Schools

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



KENNEDALE
You're Here. Your Home





Hingham, Massachusetts



The Woodlands, Texas



Montgomery Farm, Allen, Texas

Neighborhood Village

These villages serve the surrounding neighborhood and community. They are smaller and less intense than Urban Villages. Uses should include a dense mix of residences and businesses. Neighborhood Villages should be very easily accessible by foot from the surrounding neighborhoods. Intensity of each Neighborhood Village will vary based on the surrounding context.

Sample Development Types:

- Townhome/Rowhouse
- Context-sensitive small-scale multifamily
- Neighborhood-serving retail and services
- Restaurant
- Café/coffee shop
- Community theater

Neighborhoods

This district is primarily residential in nature. Neighborhoods should have defined boundaries, a clear center, and be easily accessible to day-to-day goods and services, such as those provided at Neighborhood Villages. The center of a neighborhood should be a civic, public, or community use in which people can come together—such as a park, school, or neighborhood amenity center.

Sample Development Types:

- Single family
- Attached single-family
- Townhome/Rowhouse
- Accessory dwelling unit
- Cluster development
- Context-sensitive small-scale multifamily
- Clearly marked centers that include public gathering space, school, small park, or other civic use

Conservation Overlay

This area is intended to preserve the rural and cultural landscape of Kennedale and serve as a buffer between adjacent communities. This will provide a greenbelt gateway into Kennedale and help the city retain a geographic identity distinct from surrounding areas.

Sample Development Types:

- Conservation subdivision
- Agriculture
- Open space preservation



Shops at Legacy, Frisco, Texas



Boulder, Colorado



Capitol Hill, Washington, DC

Corridors

The goal for corridor districts is to emphasize the direct relationship between the built environment and the roadway corridor and to shape that environment in a comprehensive way. This is achieved by creating a development pattern along roadways that emphasizes a continuous edge along the street that is walkable and that enriches the character and image of the roadway. Architectural standards and frontage regulations will help pull buildings closer to the street and create a character along the corridor that makes it attractive by car as well as by foot.

Urban Corridor

The areas along Kennedale Parkway fall within the urban corridor district. This corridor typology assumes a higher intensity of activity in terms of traffic and commerce than other corridor types. Given the existing character and regional positioning of the corridor, it can be expected that it will remain auto-oriented, and development patterns will reflect that reality. Still, development patterns should encourage pedestrian safety and should make provisions as necessary for walking and biking along the corridor. Parkway and Multiway Parkway are the typical roadway types for this corridor (see Chapter 6).

Sample Development Types:

- Restaurant
- Professional office
- Retail
- Service

Neighborhood Corridor

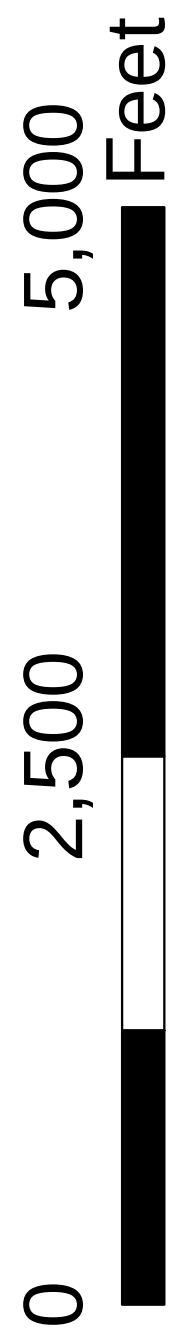
Neighborhood corridors assume a lower level of density and intensity than urban corridors, but still identify an area where residents can come together to shop, eat, socialize, and relax in a walkable environment; thereby experiencing increased quality of life. Boulevard and Avenue are the typical roadway types for these corridors (see Chapter 6).

Sample Development Types:

- | | |
|-----------------------|---|
| • Restaurant | • Corner Store |
| • Professional office | • Café/coffee shop |
| • Retail | • Townhouse/Rowhouse |
| • Service | • Context-sensitive small-scale multifamily |

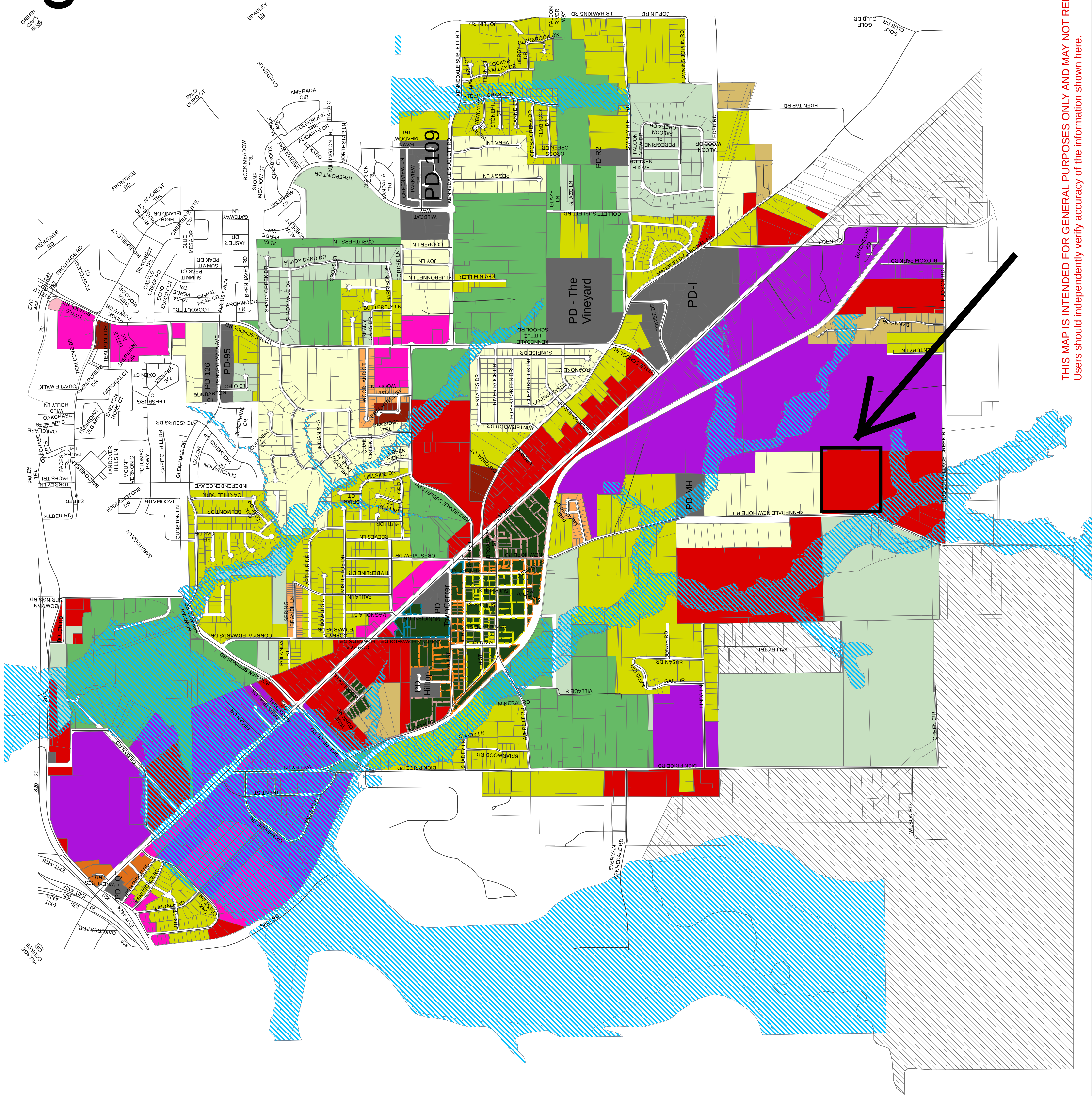
GREEN
04/23
RMM

City of Kennedale Zoning Map June 2015

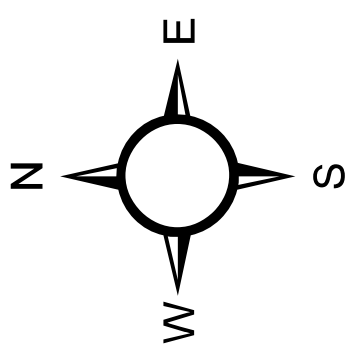


Legend

- Public roads
- Floodplain
- ETJ
- Agricultural (AG)
- Restricted Commercial (C1)
- General Commercial (C2)
- Retail Commercial (C0)
- Two-family Residential (D)
- Employment Center (EC)
- Industrial (I)
- Multifamily (MF)
- Manufactured Home (MH)
- Old Town sub-district 1 (OT SD-1)
- Old Town sub-district 2 (OT SD-2)
- Old Town sub-district 3 (OT SD-3)
- Old Town sub-district 4 (OT SD-4)
- R1 - Single Family Residential
- R2 - Single Family Residential
- R3 - Single Family Residential
- PD-109
- PD-126
- PD-14-12
- PD-95
- PD-HILLTOP
- PD-S1
- PD-S2
- PD-THE_VINEYARD
- PDD
- PDI
- PDMH
- PDR2
- PDR3



KENNEDALE
You're Here, Your Home



THIS MAP IS INTENDED FOR GENERAL PURPOSES ONLY AND MAY NOT REFLECT THE MOST CURRENT ZONING.
Users should independently verify accuracy of the information shown here.

ORDINANCE NO . 588

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 ZONING DISTRICT TO "AG" AGRICULTURAL ZONING 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 adopted a comprehensive land use plan that designates certain parts of the city as Neighborhood character district, and these areas are intended to be primarily residential in nature; and

WHEREAS, the property described below is within an area designated as Neighborhood in the Future Land Use Plan in the comprehensive land use plan; and

WHEREAS, the City Council has determined that a residential zoning district is the most appropriate zoning district to facilitate the development of the properties described below in accordance with the comprehensive land use plan; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 17th day of December 2015 and by the City Council of the City of Kennedale on the 18th day of January 2016 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 29.43 acre tract in the Joel Snider Survey Survey A-1448 described in a Warrant Deed from Helen Jean Cash to Billy Joe Swiney et ux Johnie Ruth Swiney as recorded in Volume 8025, Page 1494, Deed Records, Tarrant County, Texas ("the Property"), as shown on Exhibit "A" attached hereto and incorporated herein, from "C-2" General Commercial Zoning District to "AG" Agricultural Zoning 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 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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

SECTION 8.

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

SECTION 9.

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

SECTION 10.

The City Secretary of the City of Kennedale is hereby directed to publish the caption, Section 1, the penalty clause, the publication clause, and the effective date clause of this ordinance in every issue of the official newspaper of the City of Kennedale for two days or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

SECTION 11.

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

PASSED AND APPROVED ON THIS 18th DAY OF JANUARY 2016.

APPROVED:

Mayor Brian Johnson

ATTEST:

City Secretary, Leslie Galloway

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne K. Olson

Exhibit A metes and bounds description and map

NOTICE

Prepared by the State Bar of Texas for use by Lawyers only. Reviewed 1-1-76.
To select the proper form, fill in blank spaces, strike out form provisions or
insert special terms constitutes the practice of law. No "standard form" can
meet all requirements.

WARRANTY DEED (LONG FORM)

THE STATE OF TEXAS
COUNTY OF TARRANT

KNOW ALL MEN BY THESE PRESENTS:

That I, HELEN JEAN CASH (formerly HELEN JEAN LEACHMAN)

of the County of Tarrant and State of Texas for and in
consideration of the sum of TEN AND NO/100 (\$10.00)-----

DOLLARS

and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which

is hereby acknowledged, and the conveyance to me by Warranty Deed of even date herewith the
following described property situated in Hill County, Texas :

All that certain tract or parcel of land situated in Hill County, Texas,
and being 3/4 of Lot 25 of the subdivision of the F.M. Weatherred Leaque
and Labor Survey, Patent No. 1901, Vol. 6, Abstract no. 931:
BEGINNING 672 vrs S. 30 E. and 860 vrs N. 60 E. from the N.W. corner of
said Weatherred survey being the S. E. corner of Lot No. 23;
THENCE S. 30 E. 336 vrs to a stake in the West line of said lot No. 25,
the N. W. corner of John Green's 20 acre tract;
THENCE N. 60 E. 336 vrs to the N.E. corner of said Green tract;
THENCE S. 30 E. 336 vrs to Green's S. E. corner in S. line of Lot 25;
THENCE N. 60 E. 336 vrs to the S. E. corner of Lot 25;
THENCE N. 30 W. 672 vrs to the S.E. corner of Lot No. 22;
THENCE S. 60 W. 672 vrs to the beginning, containing 60 acres of land,
more or less.

And being the same and identical property described in a Deed from Lillian
Lucille Mundy et al to B. J. Christian et ux, dated August 2, 1966 and
recorded in Volume 468, page 240 of the Hill County Deed Records
SAVE AND EXCEPT, HOWEVER, all that certain tract described in a Right-of-Way
Deed in favor of the State of Texas from W. A. Rountree et ux, dated January 13,
1956 and recorded in Volume 401, page 595 of the Hill County Deed Records.

have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto

BILLY JOE SWINEY et ux JOHNNIE RUTH SWINEY
545 Barbara, Burleson, Texas 76028

of the County of Johnson and State of Texas, all of

the following described real property in Tarrant County, Texas, to-wit:

A tract of land out of the JOEL SNIDER SURVEY, Abstract No. 1448,
in Tarrant County, Texas, described by metes and bounds as follows:
BEGINNING at an iron post, said post being the Northeast corner of said
Joel Snider Survey;
THENCE South 00° 04' East along the East line of said Snider Survey, 1107.23
feet to an iron pin for corner;
THENCE North 89° 10' West, 1237.64 feet to an iron pin for corner in the
Easterly line of County Road #2025;

THENCE along the Easterly line of said County Road, North 25° 23' East 54.36 feet to an iron pin, 306.15 feet along a curve to the left having a radius of 694.05 feet to an iron pin and North 763.63 feet to an iron pin for corner in the East line of County Road #2025 and the North line of said Joel Snider Survey;

THENCE South 89° 01' East along the North line of said Snider Survey, 1146.40 feet to the point of beginning and containing 29.43 acres of land, more or less.

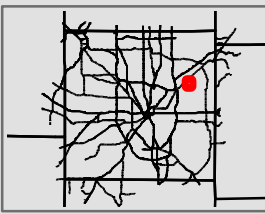


Legend
Deeds_Boundary
RECORDBOUNDARYTYPE
Parcel Line
Parcel Split Line
Private Road
ROW
Unknown
HistoricLot
School
City
Abstracts
County
Water_District

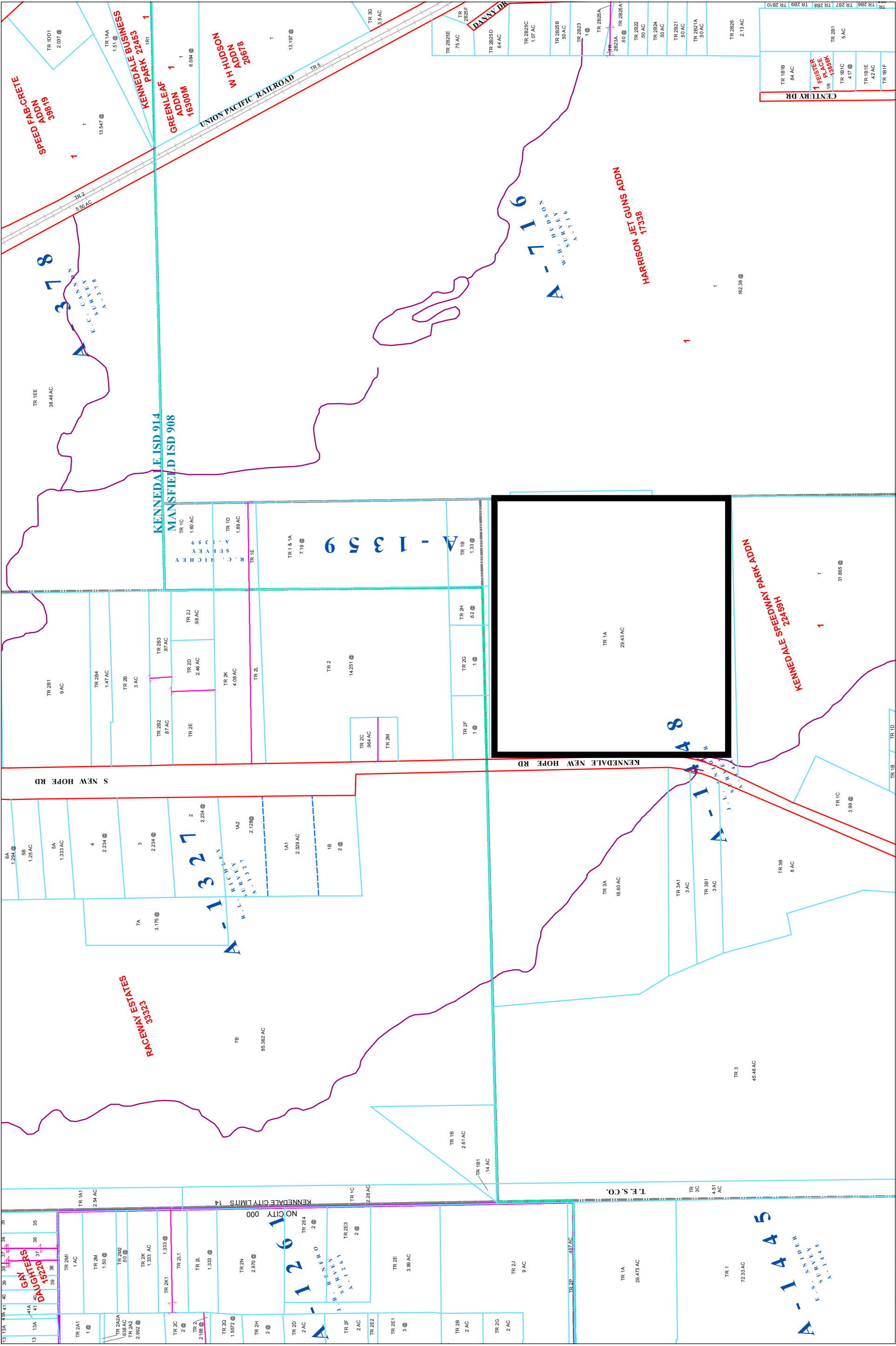


Map created on:
6/3/2014

1 inch = 400 feet



*** map location**



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: DECISION ITEMS - C.

I. Subject:

Present recommended rate schedule and approve Water and Sewer Rates Ordinance 589 effective for bills paid in March.

II. Originated by:

III. Summary:

Staff has met three times with the Water/Sewer Rate Committee and Carolyn Marshall has concluded our water/sewer rate study for 2016 rates. The committee is still reviewing the rates and the presentation will be sent out on Friday for review.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Ordinance 589 - Water/Sewer Rates	20160118 Ordinance 589 to Approve Water_Sewer Rates.pdf
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ORDINANCE NO. 589

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS, REVISING THE RATE FOR WATER SERVICE AND SANITARY SEWER SERVICE; PROVIDING A DISCOUNT FOR QUALIFYING SENIOR CITIZENS AND DISABLED PERSONS; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING AN EFFECTIVE DATE FOR THE RATES CONTAINED HEREIN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; 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 city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has adopted ordinances establishing rates for water service and sanitary sewer service within and outside the city limits of Kennedale in compliance with Sections 23-52 and 23-79 of the Code of Ordinances of the City of Kennedale; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Kennedale to adopt a revised rate schedule in accordance with the provisions of Sections 23-52 and 23-79 of the Code of Ordinances of the City of Kennedale.

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

SECTION 1. WATER RATES

In accordance with the provisions of Section 23-52 of the Code of Ordinances of the City of Kennedale, the following rate schedule is hereby adopted for monthly residential and commercial water usage. The total monthly charge shall be based on a base rate plus a volume charge.

A. For service within the city limits:

1. Base Rate:

METER SIZE	BASE RATE RESIDENTIAL	BASE RATE COMMERCIAL/ INDUSTRIAL	BASE RATE SENIOR/DISABLED	MULTIPLE RESIDENTIAL UNITS ON SINGLE METER
3/4"	\$34.50	\$34.50	\$34.50	\$34.50/Per Unit
1"	\$86.25	\$86.25	\$86.25	\$34.50/Per Unit
1.5"	\$172.50	\$172.50	\$172.50	\$34.50/Per Unit
2"	\$276.00	\$276.00	\$276.00	\$34.50/Per Unit
3"	\$552.00	\$552.00	\$552.00	\$34.50/Per Unit
4"	\$862.50	\$862.50	\$862.50	\$34.50/Per Unit

*For senior/disabled rate, a credit of \$7.50 per month/billing cycle will apply towards the applicable meter size for water service.

2. Volume Charge:

VOLUME	RESIDENTIAL RATE	COMMERCIAL/ INDUSTRIAL RATE	SENIOR/DISABLED RATE
First 5,000 Gallons	\$2.00 Per 1000 Gallons	\$2.85 Per 1000 Gallons	\$2.00 Per 1000 Gallons
5,001-20,000 Gallons	\$5.35 Per 1000 Gallons	\$5.30 Per 1000 Gallons	\$5.35 Per 1000 Gallons
20,001-50,000 Gallons	\$6.37 Per 1000 Gallons	\$6.94 Per 1000 Gallons	\$6.37 Per 1000 Gallons
Over 50,000 Gallons	\$8.06 Per 1000 Gallons	\$6.94 Per 1000 Gallons*	\$8.06 Per 1000 Gallons

*For commercial rate, 3RD and 4TH tier volume charge is the same.

Note: For multiple residential units on a single water meter, the volume charge shall be calculated on a per unit basis by dividing the total volume of water used by the number of residential units.

B. For service outside the city limits:

1. Base Rate:

METER SIZE	BASE RATE RESIDENTIAL	BASE RATE COMMERCIAL/ INDUSTRIAL	BASE RATE SENIOR/DISABLED	MULTIPLE RESIDENTIAL UNITS ON SINGLE METER
¾"	\$51.75	\$51.75	\$51.75	\$51.75/Per Unit
1"	\$129.38	\$129.38	\$129.38	\$51.75/Per Unit
1.5"	\$258.75	\$258.75	\$258.75	\$51.75/Per Unit
2"	\$414.00	\$414.00	\$414.00	\$51.75/Per Unit
3"	\$828.00	\$828.00	\$828.00	\$51.75/Per Unit
4"	\$1,293.75	\$1,293.75	\$1,293.75	\$51.75/Per Unit

Note: Senior/disabled credit does not apply for service outside the city limits.

2. Volume Charge

VOLUME	RESIDENTIAL RATE	COMMERCIAL/ INDUSTRIAL RATE	SENIOR/DISABLED RATE
First 5,000 Gallons	\$2.00 Per 1000 Gallons	\$2.85 Per 1000 Gallons	\$2.00 Per 1000 Gallons
5,001-20,000 Gallons	\$5.35 Per 1000 Gallons	\$5.30 Per 1000 Gallons	\$5.35 Per 1000 Gallons
20,001-50,000 Gallons	\$6.37 Per 1000 Gallons	\$6.94 Per 1000 Gallons	\$6.37 Per 1000 Gallons
Over 50,000 Gallons	\$8.06 Per 1000 Gallons	\$6.94 Per 1000 Gallons*	\$8.06 Per 1000 Gallons

*For commercial rate, 3RD and 4TH tier volume charge is the same.

Note: For multiple residential units on a single water meter, the volume charge shall be calculated on a per unit basis by dividing the total volume of water used by the number of residential units.

SECTION 2. SEWER RATES

In accordance with the provisions of Section 23-52 of the Code of Ordinances of the City of Kennedale, the following rate schedule is hereby adopted for monthly residential and commercial water usage. The total monthly charge shall be based on a base rate plus a volume charge.

A. For service within the city limits:

	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	SENIOR/DISABLED RATE
Min. Base Rate	\$45.00	\$60.72	\$60.72	\$45.00*
Volume	\$2.90/1000 Gallons	\$6.72/1000 Gallons	\$4.50/1000 Gallons	\$2.90/1000 Gallons

*For senior/disabled rate, a credit of \$7.50 per month/billing cycle will apply towards the applicable meter size for water service.

B. For service outside the city limits:

	RESIDENTIAL	COMMERCIAL/ INDUSTRIAL	SENIOR/DISABLED RATE
Minimum Base Rate	\$67.50	\$60.72	N/A
Volume	\$4.36 Per 1000 Gallons	\$10.08 Per 1000 Gallons	N/A

Note: Senior/disabled credit does not apply for service outside the city limits.

SECTION 3. CREDIT

Qualifying senior citizens and disabled individuals are eligible to receive a credit on the residential water rates and sewer charges as set forth in this ordinance.

- A. A qualifying senior citizen is defined as an individual **60 years of age and older**, verified by a photo identification and/or birth certificate, who applies for the discount and meets the following criteria:
1. Must reside on property located within the corporate city limits of the City of Kennedale and present proof of residency, photo identification, and a current electric bill; and
 2. Must provide of annual household income, inclusive of all household residents, by submitting a Federal income tax return and/or benefit letter from the Social Security Administration. **The annual household income must not exceed \$32,000**; and

3. Must sign an affidavit verifying the accuracy of all information provided to the City to obtain the discount and agree to reimburse the City if any of the submitted information is found to be false.
- B. A qualifying disabled individual is defined as anyone whose disability is subject to verification by Tarrant County Appraisal District and/or Social Security Administration or Veterans Administration, who applies for the credit and meets the following criteria:
1. Must reside on property located within the corporate city limits of the City of Kennedale and present proof of residency, photo identification, and a current electric bill; and
 2. Must sign an affidavit verifying the accuracy of all information provided to the City to obtain the discount and agree to reimburse the City if any of the submitted information is found to be false.
- C. Qualifying senior citizens or disabled individuals may only apply the credit on water rates and sewer charges to one residence in the City of Kennedale. All recipients of the discount must apply and complete an affidavit for the discount. Should a qualifying spouse become deceased, the surviving spouse will continue to receive the discount until the end of the fiscal year, which spans from October to the following September.
- D. If any of the submitted information in an application for a credit on the residential water rates and sewer charges established by this ordinance is found to be false, the individual who received the discount shall be required to reimburse the City for the amount of discount wrongfully received.

SECTION 4. PENALTY

Providing and/or verifying false information presented to the City for purposes of obtaining a discount pursuant to this ordinance is hereby declared a misdemeanor. A person convicted of verifying and/or providing false information to obtain a discount on water rates and sewer charges shall be punished by a fine not exceeding two hundred dollars (\$200.00).

SECTION 5. RATE EFFECTIVE DATE

The rates established in this ordinance shall become effective January 18, 2016.

SECTION 6. CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of all existing ordinances and of the Kennedale City Code (1991), as amended, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

**SECTION 7.
SEVERABILITY CLAUSE**

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

**SECTION 8.
PUBLICATION CLAUSE**

The City Secretary of the City of Kennedale is hereby directed to publish in the official newspaper of the City of Kennedale the caption and effective date clause of this ordinance two (2) days as authorized by section 52.013 of the Local Government Code.

**SECTION 9.
EFFECTIVE DATE**

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 _____ DAY OF _____, 2016.

CITY OF KENNEDALE:

Mayor, Brian Johnson

ATTEST:

City Secretary, Leslie Galloway

EFFECTIVE DATE:_____

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne Olson



Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: EXECUTIVE SESSION - A.

I. Subject:

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

1. 5401 High Ridge Road
2. 5400 and 5404 Kennedale Road

II. Originated by:

Bob Hart

III. Summary:

At this time the City Council will meet in Executive Session.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:



Staff Report to the Honorable Mayor and City Council

Date: January 18, 2016

Agenda Item No: EXECUTIVE SESSION - B.

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. Floodplain amortization and remediation
2. Land use amortization (6727 Hudson Village Cemetery Road)
3. Municipal setting designation (MSD)
4. Corp of Engineers Section 205 CAP land acquisition parameters
5. Eminent domain with environmental cleanup guidelines

II. Originated by:

III. Summary:

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments: