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

KENNEDALE CITY COUNCIL AGENDA
REGULAR MEETING
February 15, 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. Review the Comprehensive Annual Financial Report

B. Discuss the proposed mixed use development by OM Housing

C. Discussion of items on regular agenda

III. REGULAR SESSION

IV. ROLL CALL

V. INVOCATION

VI. UNITED STATES PLEDGE

VII. TEXAS PLEDGE

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

VIII. VISITOR/CITIZENS FORUM

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

IX. REPORTS/ANNOUNCEMENTS

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

A. Updates from City Council

B. Updates from the Mayor

C. Updates from the City Manager

X. MONITORING INFORMATION

A. Monthly Financials - January 2016

B. Executive Limitations

C. Ends Review - Balanced Scorecard

XI. INCIDENTAL ITEMS

A. 2014 Comprehensive Annual Financial Report (CAFR) Award

B. Review the 2015 Police Activity Reports regarding crime statistics and use of force

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 January 18, 2016 meeting

B. Consider approval of Resolution 480 calling the General Election for May 7, 2016

XIII. DECISION ITEMS

A. Consider approval of Resolution 478 supporting OM Housing's application for housing tax credit for the proposed Village at Hammack Creek project

B. Conduct a Public Hearing to consider authorizing funding participation with Tarrant County Community Development and Housing for the 42nd Year Community Development Block Grant (CDBG) Project for sanitary sewer improvements on Dick Price Road

C. Consider approval of Resolution 482 authorizing funding participation with Tarrant County Community Development and Housing for the 42nd Year Community Development Block Grant (CDBG) Project for sanitary sewer improvements on Dick Price Road

D. Consider approval of Ordinance 590 calling a Charter Amendment Special Election for May 7, 2016

E. Consider approval of Resolution 479 authorizing TCAP to negotiate an extension to the current electric supply agreement and approving TCAP contracting with Next Era and authorizing the City Manager to sign an electric supply agreement

F. Consider acceptance of the 2015 Comprehensive Annual Financial Report (CAFR)

XIV. EXECUTIVE SESSION

A. The City Council may meet in closed session at any time during the work session or the regular session, pursuant to Section 551.071 of the Texas Government Code for consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion on any item posted on the agenda and the following items:

1. Land use amortization (6727 Hudson Village Creek Road)
2. Floodplain amortization and remediation

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

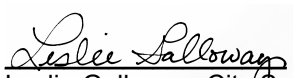
A. Consider approval of Resolution 481 authorizing the Board of Adjustment to initiate amortization proceedings on property at 6727 Hudson Village Creek Road

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 February 15, 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

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 2016

Agenda Item No: WORK SESSION - A.

I. Subject:
Review the Comprehensive Annual Financial Report

II. Originated by:

III. Summary:
Pattillo, Brown & Hill has completed the audit and complied the 2015 Comprehensive Annual Finance Report (CAFR). In the audit report we had an increase of net position of $549,665 before prior period adjustments. The City's governmental funds increased fund balance by $539,875 of that $506,546 was in the general fund and the water and sewer fund decreased net position by $477,965 in the current year. This year GASB 68 went into effect putting the net pension liability on the government-wides as long-term liability item creating prior period adjustments and an increase in long-term liabilities.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 2016

Agenda Item No: WORK SESSION - B.

I. Subject:
Discuss the proposed mixed use development by OM Housing

II. Originated by:

Rachel Roberts, City Planner

III. Summary:
During the work session, Deepak Sulakhe and Jason Lain from OM Housing will present a proposal for a mixed-use development along Kennedale Pkwy and Kennedale Sublett Rd. The development would have retail uses along Kennedale Pkwy with townhomes or office and multi-family uses located behind the retail portion. The multi-family portion would be financed through the tax credit housing program, whereas the other components would be financed through conventional sources. In order to participate in the tax credit financing program, the developer will need a resolution of support from the city, and consideration of a resolution is on this month's City Council agenda.

In advance of your seeing the presentation, this staff report will give some historical context as well as some housing information for the region. As depicted on the attached map, the idea of having a retail frontage at this site with multi-family uses located behind it on Kennedale Sublett is not a new idea for Kennedale. In fact, the property was zoned for those uses in the 1960s; the attached map is the city's zoning map as shown in the 1965 comprehensive plan.

At that time, the city had expected faster growth in this area and had planned for dense residential close to downtown and more low-density residential in outlying areas. As it turned out, the expected density (Kennedale population of 30,000 by 1990) never materialized, and the idea of a thriving downtown area was set aside. The concept was revived in the 2012 comprehensive plan, which envisions a revitalized downtown/TownCenter and an adjacent mixed use "village" district. The development proposed by OM Housing, therefore, is consistent with the city's history and general direction for this part of the city.

Another element Council should consider is the cost of housing in the Fort Worth/Arlington region. The National Low Income Housing Coalition produces an annual report on the cost of rental housing throughout the nation. While this organization does advocacy work, the data included in the report can be downloaded and viewed outside of any policy recommendations, so policy makers and the public alike have the opportunity to see the numbers without any advocacy attached to them. The organization estimates that a renter would need to make $13.27 per hour in order for a one-bedroom market-rate unit to be affordable and $17.17 per hour for a two-bedroom market-rate unit to be affordable (note: a number of Kennedale's employees earn in the range of $13-$15 per hour). Note that these hourly wages are quite higher than the minimum wage, so any Kennedale residents making minimum wage will struggle to afford a market rate apartment. In fact, a minimum wage earner would have to work an estimated 73 hours per week in order for a market-rate one-bedroom rental unit to be considered affordable.

The supply of housing that a minimum wage earner can really afford in the Dallas/Fort Worth area is quite small. And the supply of decent housing for those who do not qualify for assistance such as housing vouchers but at the same time do not earn enough to buy a home is likewise quite limited. Developments financed through the tax credit program can provide very needed housing opportunities for those stuck

between middle class and lower income housing supplies. In Kennedale and surrounding areas, there is a great need for more of these housing opportunities.

IV. Fiscal Impact Summary:

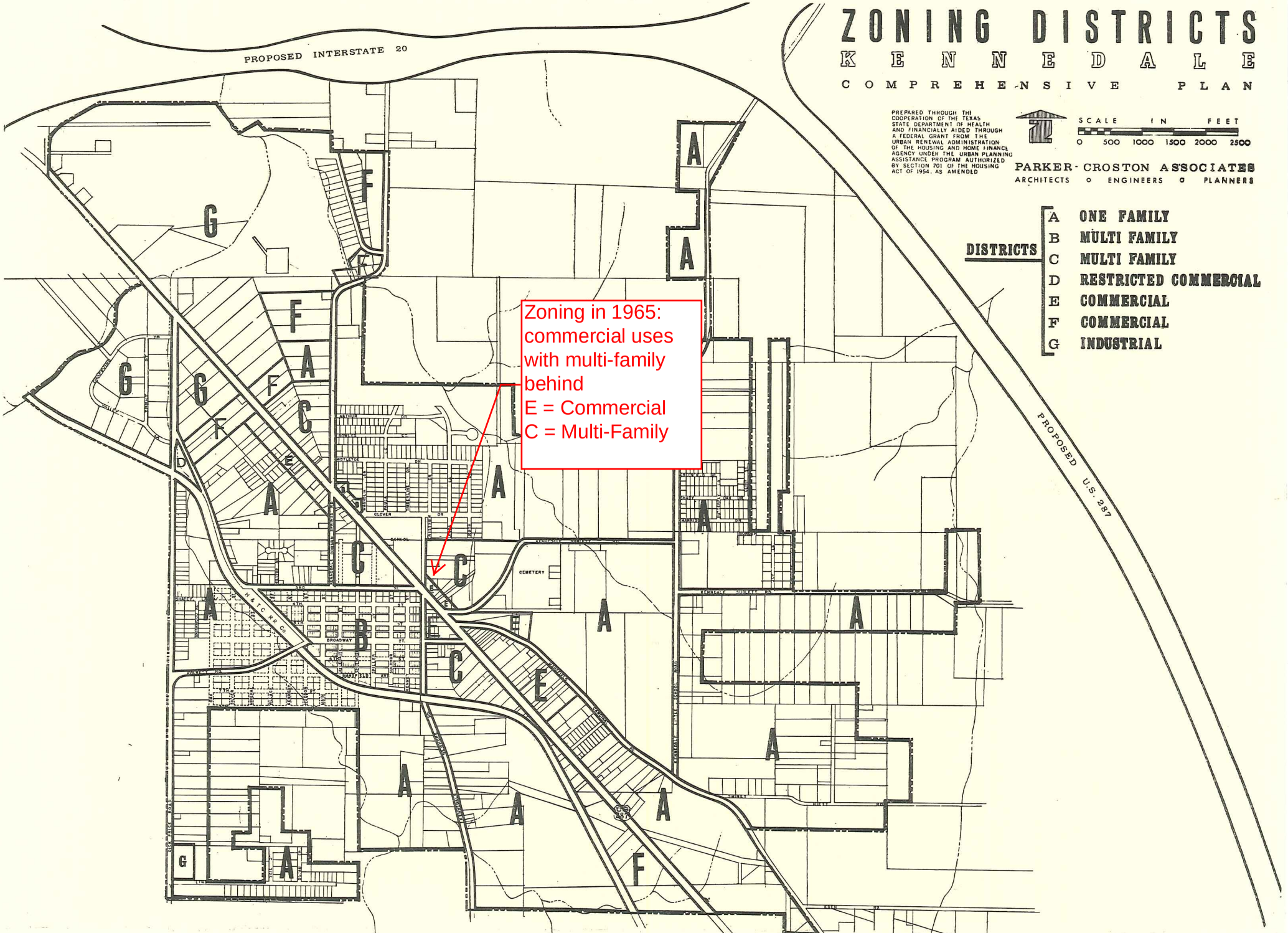
V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	1965 Kennedale zoning map	Zoning Districts 1965 mark-up.pdf


ZONING DISTRICTS
KENNEDALE
COMPREHENSIVE PLAN
PREPARED THROUGH THE COOPERATION OF THE TEXAS STATE DEPARTMENT OF HEALTH AND FINANCIALLY AIDED THROUGH A FEDERAL GRANT FROM THE URBAN RENEWAL ADMINISTRATION OF THE HOUSING AND HOME FINANCE AGENCY UNDER THE URBAN PLANNING ASSISTANCE PROGRAM AUTHORIZED BY SECTION 701 OF THE HOUSING ACT OF 1954, AS AMENDED
SCALE IN FEET
0 500 1000 1500 2000 2500
PARKER-CROSTON ASSOCIATES
ARCHITECTS o ENGINEERS o PLANNERS
DISTRICTS
A ONE FAMILY
B MULTI FAMILY
C MULTI FAMILY
D RESTRICTED COMMERCIAL
E COMMERCIAL
F COMMERCIAL
G INDUSTRIAL
PROPOSED INTERSTATE 20
PROPOSED U.S. 287
Zoning in 1965: commercial uses with multi-family behind
E = Commercial
C = Multi-Family

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 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:

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 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:

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 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:

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 2016

Agenda Item No: MONITORING INFORMATION - A.

I. Subject:
Monthly Financials - January 2016

II. Originated by:

III. Summary:
Overview of the City's revenues/expenditures for all funds compared to budget and previous year.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	January 2016 Monthly Financials	2016_01 Monthly Financials.pdf

CURRENT LINE ITEM BUDGET OVERAGES FOR THE CITY

ACCOUNT NUMBER	ACCOUNT NAME	BUDGET	CURRENT BALANCE	OVERAGE
10-5409-01-02	WASTEWATER SYSTEM MAINTENANCE	120,000	205,024	85,024
10-5450-01-02	PUMP/MOTOR MAINTENANCE	28,000	43,985	15,985
01-5109-10-00	PART TIME/TEMPORARY	10,000	22,328	12,328
15-5615-01-00	FUNCTIONAL GRANT	-	8,577	8,577
17-5580-12-02	ENGINEERING	6,000	8,586	2,586
01-5540-90-00	INSURANCE- AUTO	19,208	21,109	1,901
07-5510-01-00	ASSOCIATION DUES/PUBLICATIONS	5,073	6,592	1,519
12-5430-02-00	MOTOR VEHICLE MAINTENANCE	-	550	550
01-5240-03-00	PRINTED SUPPLIES	200	459	259
18-5107-01-00	OVERTIME	-	199	199
17-5260-12-02	GENERAL OFFICE SUPPLIES	375	568	193
01-5578-07-01	TRAVEL	1,612	1,798	186
01-5525-02-00	TRAINING/SEMINARS	1,000	1,150	150
17-5240-12-02	PRINTED SUPPLIES	75	161	86
17-5230-12-02	CLEANING SUPPLIES	425	481	56

CITY OF KENNEDALE, TEXAS
ANNUAL PROGRAM OF SERVICES
MONTHLY FINANCIALS

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	3,085,107	5,893,253	6,091,420	1,092,151	3,207,067	436,952	52.6%	2,884,352
OTHER GENERAL FUNDS	308,986	1,437,115	1,263,636	33,710	203,797	28,617	16.1%	1,059,839
GENERAL FUND	**3,394,093**	**7,330,367**	**7,355,056**	**1,125,861**	**3,410,865**	**465,568**	**46.4%**	**3,944,191**
GENERAL DEBT SERVICE FUND	**953,971**	**1,340,773**	**1,403,111**	**279,667**	**899,860**	**43,928**	**64.1%**	**503,251**
WATER/SEWER FUND	913,131	3,460,517	5,672,328	220,006	798,595	2,185,873	14.1%	4,873,733
STORMWATER UTILITY FUND	60,336	200,108	247,825	20,615	72,563	(17,700)	29.3%	175,262
WATER IMPACT FUND	66,732	172,370	116,040	3,939	29,418	30	25.4%	86,622
SEWER IMPACT FUND	12,161	44,619	6,682	2,432	7,624	(1)	114.1%	(942)
WATER/SEWER FUND	**1,052,361**	**3,877,614**	**6,042,875**	**246,992**	**908,200**	**2,168,203**	**15.0%**	**5,134,675**
EDC4B FUNDS	**139,610**	**650,469**	**912,036**	**27,668**	**118,149**	**10,331**	**13.0%**	**793,888**
CAPITAL FUNDS	**95,401**	**699,775**	**1,141,107**	**144,660**	**163,159**	**(107,523)**	**14.3%**	**977,948**
SPECIAL REVENUE FUNDS	**(4,872)**	**42,861**	**126,801**	**12,704**	**13,955**	**125,000**	**11.0%**	**112,846**
TOTAL REVENUES	**$ 5,630,564**	**$ 13,941,859**	**$ 16,980,986**	**$ 1,837,553**	**$ 5,514,187**	**$ 2,705,508**	**32.5%**	**11,466,798**

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	1,732,652	5,665,181	6,198,118	514,925	1,893,225	372,294	30.5%	4,304,893
OTHER GENERAL FUNDS	401,767	1,127,260	1,322,814	107,536	352,910	24,818	26.7%	969,904
GENERAL FUND	**2,134,419**	**6,792,441**	**7,520,932**	**622,461**	**2,246,135**	**397,112**	**30.5%**	**5,274,797**
GENERAL DEBT SERVICE FUND	**537,206**	**1,338,313**	**1,363,867**	**259,575**	**295,334**	**20,759**	**21.7%**	**1,068,533**
WATER/SEWER FUND	1,135,507	4,051,610	6,093,227	261,488	1,151,698	1,032,548	18.9%	4,941,529
STORMWATER UTILITY FUND	62,545	111,696	264,273	100	23,097	(307,954)	8.7%	241,176
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	**1,198,052**	**4,360,618**	**6,528,700**	**261,588**	**1,174,795**	**698,482**	**18.0%**	**5,353,905**
EDC4B FUNDS	**162,850**	**694,023**	**711,842**	**15,264**	**140,460**	**(24,127)**	**19.7%**	**571,382**
CAPITAL FUNDS	**25,997**	**795,765**	**1,283,626**	**66,131**	**210,373**	**(53,843)**	**16.4%**	**1,073,253**
SPECIAL REVENUE FUNDS	**-**	**48,852**	**126,800**	**5,270**	**17,973**	**(55,000)**	**14.2%**	**108,827**
TOTAL EXPENDITURES	**$ 4,058,523**	**$ 14,030,011**	**$ 17,535,767**	**$ 1,230,289**	**$ 4,085,070**	**$ 983,384**	**23.3%**	**13,450,697**

CITY OF KENNEDALE, TEXAS
ANNUAL PROGRAM OF SERVICES
MONTHLY FINANCIALS

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	73,938	275,131	293,578	22,487	88,048	11,658	30.0%	205,530
MAYOR/CITY COUNCIL	16,452	77,128	88,576	8,139	19,516	(5,530)	22.0%	69,060
CITY SECRETARY	31,894	124,118	135,923	7,799	35,566	(12,421)	26.2%	100,357
MUNICIPAL COURT	41,333	129,204	157,745	5,865	28,433	18,928	18.0%	129,313
HUMAN RESOURCES	34,058	112,356	124,565	11,245	37,009	6,723	29.7%	87,556
FINANCE	94,005	349,477	323,931	34,735	99,180	(96,469)	30.6%	224,751
POLICE	581,786	2,009,458	2,245,833	206,959	697,735	193,639	31.1%	1,548,098
FIRE	514,738	1,627,526	1,728,014	149,643	520,807	79,246	30.1%	1,207,207
COMMUNITY DEVELOPMENT	92,917	348,053	439,480	24,412	106,598	57,053	24.3%	332,882
SENIOR CITIZEN CENTER	13,059	50,569	54,077	5,215	15,652	(32)	28.9%	38,425
LIBRARY	70,084	217,519	239,080	22,446	79,753	9,990	33.4%	159,327
NONDEPARTMENTAL	168,388	344,642	367,317	15,980	164,927	109,510	44.9%	202,390
TOTAL EXPENDITURES	**$ 1,732,652**	**$ 5,665,181**	**$ 6,198,118**	**$ 514,924**	**$ 1,893,223**	**$ 372,294**	**349.2%**	**$ 4,304,895**

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	189,864	1,326,837	1,360,981	53,470	147,073	14,824	10.8%	1,213,908
WATER OPERATIONS	534,030	1,109,432	3,156,143	159,725	572,454	1,374,731	18.1%	2,583,689
DEBT	152,813	186,691	505,472	-	152,813	1,372	30.2%	352,659
NONDEPARTMENTAL	258,800	1,428,650	1,070,631	48,293	279,358	(358,379)	26.1%	791,273
TOTAL EXPENDITURES	**$ 1,135,507**	**$ 4,051,610**	**$ 6,093,227**	**$ 261,488**	**$ 1,151,698**	**$ 1,032,548**	**18.9%**	**$ 4,941,529**

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	193,306	704,161	1,042,537	39,484	242,729	213,861	23.3%	799,809
PARKS MAINTENANCE	37,627	118,624	84,000	7,508	38,614	7,000	46.0%	45,386
TOTAL EXPENDITURES	**$ 230,933**	**$ 822,784**	**$ 1,126,537**	**$ 46,991**	**$ 281,343**	**$ 220,861**	**25.0%**	**$ 845,194**

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	50,003	241,795	176,466	16,281	46,019	(85,995)	26.1%	130,447
DEBT SERVICE	92,117	323,315	319,893	4,573	89,623	(3,475)	28.0%	230,270
TOWN SHOPPING CENTER	20,730	66,817	50,484	1,232	13,395	-	26.5%	37,089
TOWN CENTER REDEVELOPME	-	-	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%**	**$ 537,806**

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 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 02.2016.docx

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 stair, (b) provide for effective handling of grievances, and (c) protect against wrongful conditions, such as nepotism and grossly preferential treatment for personal reasons.

2. Retaliate against any staff member for non-disruptive expression of dissent.

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

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

The city maintains current personnel policy and orientation booklet. City operations are in compliance with the treatment of staff policy. Supervisory and manager staff began supervisory and leadership training on February 10. The training is through ICMA. 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.

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 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:

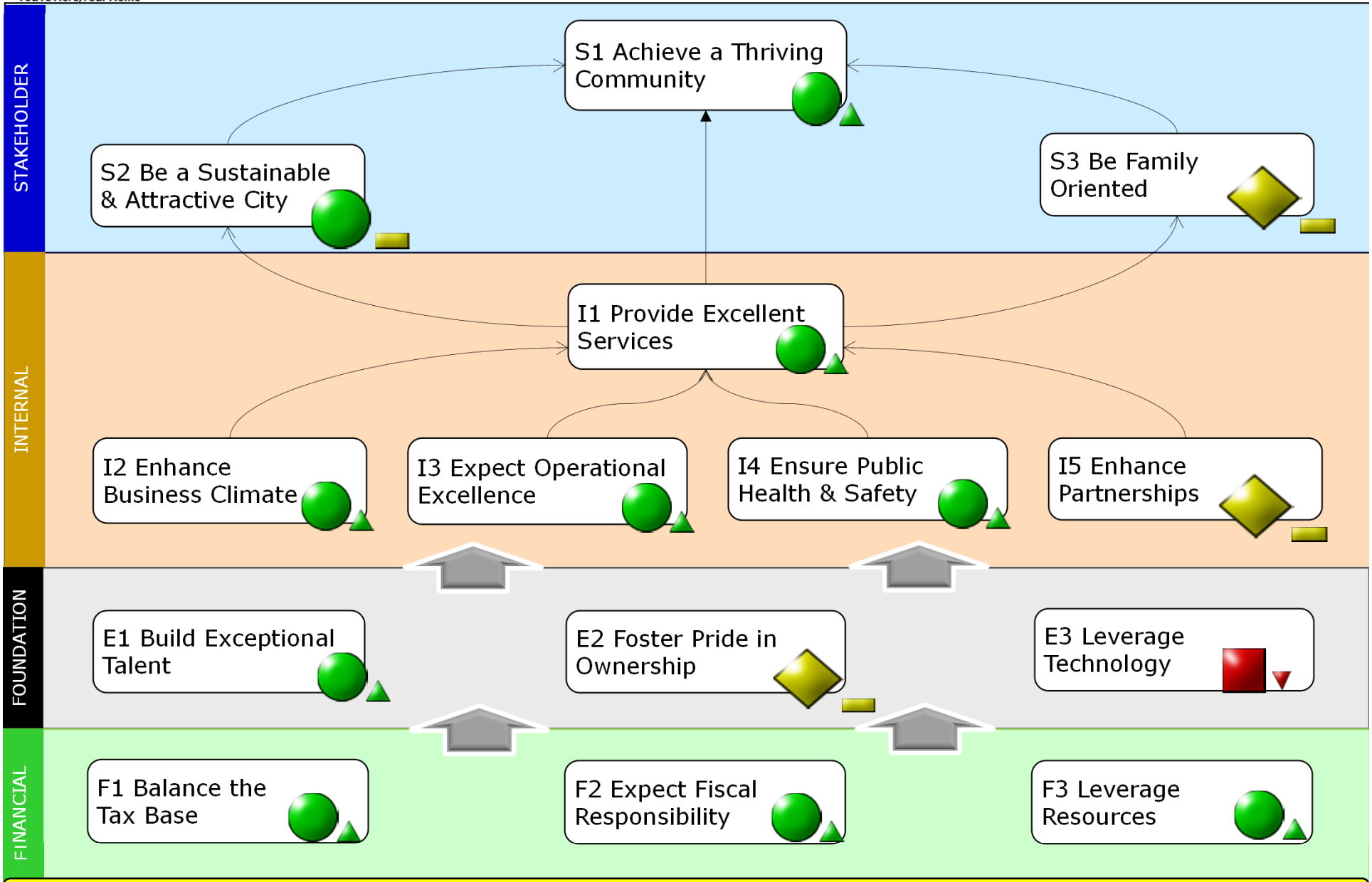
VIII. Attachments:

1.	Balanced Scorecard	Balanced Scorecard.pdf

KENNEDALE
You're Here, Your Home

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

KENNEDALE
13-1
January 2016



CORE VALUES: INTEGRITY ACCOUNTABILITY TEAMWORK INNOVATION COMMITMENT

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 2016

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

I. Subject:
2014 Comprehensive Annual Financial Report (CAFR) Award

II. Originated by:

III. Summary:
We have received the 2014 Comprehensive Annual Financial Report (CAFR) Award.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 2016

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

I. Subject:
Review the 2015 Police Activity Reports regarding crime statistics and use of force

II. Originated by:

Tommy Williams, Police Chief

III. Summary:
Attached for council's review is a summary of police activity for calendar year 2015.

IV. Fiscal Impact Summary:

V. Legal Impact:

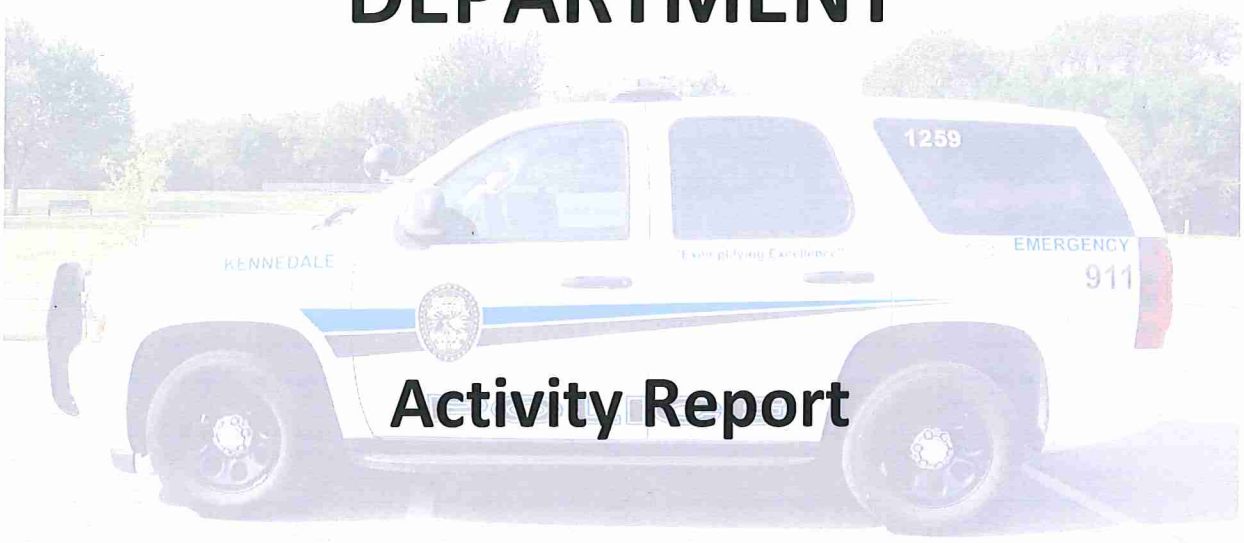
VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

1.	2015 Police Activity Report	2015 Activity Report.pdf

KENNEDALE POLICE DEPARTMENT



Activity Report

2015

KENNEDALE
Police Department
www.cityofkennedale.com

February 15, 2016

To: City Manager, Mayor and Council
From: Chief Tommy Williams
Re: 2015 Activity Report

Enclosed in this packet you will find copies of our 2015 Use of Force Report as well as spreadsheets indicating our activity level and Part 1 Crimes information. I hope you will find this informative and useful.

Use of Force

This report is required under our policy and the Recognition Program's best practices. Each use of force is documented on the day of occurrence and is reviewed by the entire chain of command. The reviews are for issues such as whether the use was within policy, if the use of force was excessive, if further training may be required, and if we have individual officers who are utilizing force at a statistically higher rate than others.

I am pleased to announce that our uses of force were exceptionally low for 2015 and that there were no statistical anomalies indicated. Our force totals fell from 16 in 2014 to 4 for 2015. Of these four incidents, six officers were involved in the calls. While this is a significant decline, I would anticipate that this number will climb for 2016. A normal year for our employees should average around the 15 to 25 incident number. The majority of our physical contacts with citizens continue to be empty hand control tactics and the display of weapons.

We continue to provide training to our officers that relate to use of force. We recently completed a block of training on defensive tactics including ground fighting techniques and take-down holds. We conducted active shooter training during this cycle as well as recertification for Tasers.

Our firearms training moved from quarterly to every two months starting in October of 2015. We are incorporating more decision making and moving scenarios to broaden the officers' understanding of when and how to appropriately utilize their firearm. It is our belief that more time on the range will result in a less likelihood for an improper firearm response in a citizen contact.

We added a new tool to our option pool this past year when we gave officers the choice of carrying a Taser or a new style of pepper gun. This weapon replaces both the Taser and the pepper spray canister with a much more potent formula of spray. The pepper guns do not use aerosol to mist the product but delivers it with a burst like a projectile. It is therefore easier to use in close quarters as it only hits the person it is directed toward. It has the added advantage of looking like a Taser so the deterrence factor is still present.

Vehicle Pursuit Report

We had only one pursuit this year and there was an issue with how it was conducted. A counselling session was conducted with the two involved officers to correct the deficiency.

Part 1 Crimes

We experienced a decrease in Part 1 Crimes in 2015 over 2014. The numbers indicate that we experienced 232 crimes, down from 260 in 2014. Much of this reduction is the result of fewer thefts reported last year. As is always the case, property crimes account for the majority of Part 1 offenses. Interestingly, I was able to track our thefts for this year to determine the prevention potential. I found that of the 106 incidents representing 108 crimes, 57 were completely preventable while 10 others were the result of poor security. Most of the preventable crimes involved citizens leaving valuables in unlocked vehicles overnight while parked outside of a residential garage. These valuables range from wallets/purses to electronics to firearms. Several of the vehicles were locked but the property was left in plain view so that the thief knew that breaking the window would result in easily obtainable property. We could easily cut our theft numbers in half if residents would simply not leave property in unsecured vehicles and locations.

Our clearance rate for Part 1 offenses was 31%.

Other Activity

We handled 27,619 calls for service last year. These are not all dispatched calls but are activities that require officer action to complete. Our call-for-service numbers include dispatched calls, traffic stops, building and property checks, and citizen contacts.

Of the 54 assaults last year, 43 were simple assaults that involved threats, offensive contact, or did not involve bodily injury.

Officers responded to 187 domestic violence complaints, 224 accidents calls, 689 alarms, and handled 28 DWI arrests. There were 1,694 reports generated as well as 2,698 citations issued off of 4,206 traffic stops.

Our average response time to all calls was 3.47 minutes (3 minutes, 28 seconds).

Kennedale Police Department

Use of Force

Analysis

2015

Use of Force Analysis for 2015

This analysis was conducted for the purpose of reviewing the Kennedale Police Department's Use of Force for calendar year 2014. The Kennedale Police Department takes its obligations seriously to provide the most effective and efficient police service with the least adverse impact on our citizens. The Kennedale Police Department is committed to protecting the rights of all persons and in using force only when necessary, and to the extent necessary, to achieve legal objectives. This analysis is conducted each year to comply with Texas Law Enforcement Best Practice 6.10 and to attempt to identify methods for reducing the number of incidents and the inherent risks involved.

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

Use of Force Reporting Requirements

Texas Law Enforcement Best Practice 6.03 and Kennedale Police Department General Order 6.3, requires a written report to be completed anytime an officer uses force. Officers must identify the force used by each officer involved, suspect actions, reason for the contact, and any injuries. The officer's report must indicate the use of force from empty hand control to the use of deadly force. The officers must include less-lethal or non-lethal weapons. The officers also must report any vehicle pursuits as a use of deadly force. The officers also report any time their service firearm is pointed at a suspect.

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

Use of Force Comparison 2014/2015

There were a total of 4 Reported Uses of Force this year compared to last year. This represents a difference of -10. There were a total of 11,586 citizen contacts this year (calls for service, arrests, citations, field interviews, and other contacts) which creates an index of only one Use of Force for every 0.0034 citizen contacts.

The individual Use of Force incident is attached in attachment A. Use of force incidents were down from 26 in 2013 to 16 in 2014.

Use of Force	2014	2015	Difference
Physical Control	4	2	-2
OC Spray	0	0	0
Impact Weapon	0	0	0
Non/Less Lethal	0	0	0
ECD Use "TASER"	0	0	0
TASER Display	1	2	+1
Other	0	0	0
Firearm Discharge	0	0	0
Firearm Pointed at subject	9	1	-8
Vehicle Pursuits	2	1	-1
TOTAL	**16**	**6**	**-10**

There was a decrease of physical control force in 2015. The decrease can be accounted for more officers involved with the call for service verses one officer calls for service. I was unable to see any unusual behavior or patterns.

There was a decrease in firearms pointed at the suspect. There are several contributions that can affect this use of force. The most common is where multiple officers are involved in one incident.

Individual Officer Use of Force

In 2015, 7 officers were involved in use of force situations. These officer's actions were reviewed by the department for appropriateness. While each individual use of force is reviewed immediately after the event to ensure it is in compliance with department policy and law, patterns of behavior can also indicate the need for additional training or supervision. Officers can have significantly different rates in their use of force depending on the crime

activity in the part of the city where they are assigned, their type of assignment, the time of day they work and their experience level.

The department has three patrol shifts.

Day shift (7am-3pm) had 1 use of force incident.

Evening shift (3pm-11pm) had no use of force incidents.

Night shift (11pm-7am) had 3 use of force incidents.

Physical Control

In 2015, Kennedale Police Officers used physical control two times during incidents they were assigned to deal with.

Included in the category are all those incidents requiring only physical force to complete handcuffing or bring a resisting subject under control. If physical control was insufficient to bring the individual under control and a higher level of force was used, that incident is reported in the highest level used by the officers.

In the two instances this year, physical control was sufficient to bring the person under control. Included in this category are all those instances where simple use of or issuance of verbal commands was not sufficient or effective. It includes those instances where officers place their hands on a subject and use more force than simply a strong grip, must forcibly handcuff a person, the use of pressure point control tactics or other soft hand techniques. This category also includes taking the person to the ground in order to forcible handcuff.

In one incident the officer was force to use empty hand control to prevent the suspect from hurting herself. The suspect has a history of mental illness and wanted to commit suicide by walking out into Kennedale Parkway traffic. The officer grabbed the suspect's arm to prevent her from escaping in to the traffic. When the officer grabbed her arm she began to fight with the officer trying to escape. The officer was able to subdue her and prevent any harm to her or others. She was transported to JPS for mental evaluation.

The second incident involved two officers were dispatched to a resident in reference to a disturbance. The disturbance involved about five people. The owner of the resident had asked two visitors to leave due to being extremely intoxicated and causing the disturbance. Once the officers arrived on scene the two that was asked to leave arrived back at the residence. One of the suspects that were asked to leave became belligerent and caused another disturbance. Officers could smell a strong odor of an alcoholic substance. When the officers were asking questions the suspect became upset and began using profane language and yelling at the

officers. The officers decide to make an arrest for the public intoxication. The suspect began to resist the officers. The officers displayed a Taser in an attempt to control the suspect. That attempt did not work and used empty hand control. The suspect started resisting during the handcuffing. The officers were not able to control the suspect in a safe manner and decided to place the suspect on the ground to control his movements. Once the suspect was controlled they placed the suspect in the patrol unit where he continued to resist and spit at the officers.

OC Pepper Spray

In 2015, Kennedale Police Officers did not use department issued Oleoresin Capsicum (OC) spray chemical agent during an arrest or other incident.

Oleoresin Capsicum is a chemical compound derived from various pepper plants and is mixed with a propellant that is used by many law enforcement agencies as a less-lethal alternative to higher and more injury producing levels of force. The chemical spray is usually directed at a resisting subject's face and the spray immediately causes a burning of the eyes, nose, and mouth causing the subject to close their eyes and in most cases stops any physical resistance. The burning will usually dissipate within 30 minutes and most often has no long term after effects.

Included in the category are those incidents where OC Spray was the highest level of force needed to complete handcuffing or bring a resisting subject under control. If the use of OC Spray was insufficient to bring the individual under control and a higher level of force was used, that incident is reported in the highest level used by the officers.

Also included in this category are all those instances where simple use of or issuance of verbal commands was not sufficient or effective and may include other instances where other lower levels of force were used but were ineffective in resolving the issue.

Impact Weapons / Baton

In 2015, Kennedale Police Officers did not use department issued impact weapon during an arrest or other incident.

Impact weapons include the use of the department issued ASP Baton, the use of a closed fist or any other implement that was used to deliver a strike to a person.

The department issues and trains officers in the use of the collapsible baton. Training is provided to instruct officers in the proper placement of strikes that will temporarily stun an opponent allowing the officer time to complete handcuffing. Batons tactics training provided by the department avoids the use of any strikes directed at the head of an individual. If an officer does not have the time or opportunity to deploy the ASP or other less-lethal options,

officers may have to defend themselves with their bare hands. If closed fist strikes were required then those instances are reported in this category.

Included in the category are those incidents where an impact weapon was the highest level of force needed to complete handcuffing or bring a resisting subject under control. If the use of an impact weapon was insufficient to bring the individual under control and a higher level of force was used, that incident is reported in the highest level used by the officers.

Also included in this category are all those instances where simple use of or issuance of verbal commands was not sufficient or effective and may include other instances where other lower levels of force were used but were ineffective in resolving the issue.

Less Lethal Weapon

In 2015, Kennedale Police Officers did not use department issued less lethal Weapons during an arrest or other incident.

The department has a number of less lethal munitions available that can be fired from specially designed firearms that are designed to inflict surprise, pain or trauma that is less severe than the use of deadly force. These less lethal munitions include pepper-ball munitions fired from guns similar to paintball guns. While these rounds are designed to be less lethal than regular firearms, they are still able to cause significant damage to an individual and as such are used only as a last resort when time and opportunity permit.

Included in the category are those incidents where a non/less lethal weapon was the highest level of force needed to bring a subject under control. If the use of OC Spray was insufficient to bring the individual under control and a higher level of force was used, that incident is reported in the highest level used by the officers.

Electronic Control Device

In 2015, Kennedale Police Officers deployed but did not discharge department issued Electronic Control Device during an arrest or other incident.

Electronic Control Devices, commonly called Tasers, are pistol type devices that fire two small darts that are designed to imbed themselves in the skin or clothing of a resisting or combative suspect. The darts are connected to the device by small flexible wires which transmit a short 5 second high voltage/low amperage charge through the darts. This causes disruption of muscle activity and is accompanied by pain which most often temporarily disables the individual. There are usually no long term side effects of the use of the device on healthy individuals.

The Kennedale Police Department trains their officers in the proper and appropriate use of Electronic Control Devices and has policies designed to only allow it use against active aggression toward officers and not in cases of passive non-compliance or as punishment of any kind.

Included in the category are those incidents where the use of an ECD was the highest level of force needed to bring a subject under control. If the use of an ECD was insufficient to bring the individual under control and a higher level of force was used, that incident is reported in the highest level used by the officers.

In one instance this year, the mere threat of the use of an ECD was sufficient to bring the person under control during a traffic stop occurring from a road rage incident. The driver complied after the officer gave commands.

The other incident is the same as the physical force used against the intoxicated person. Which did not affect to incident physical force was used to control the suspect.

Firearms

In 2015, Kennedale Police Officers did not discharge their firearms during an arrest or other incident. Officers did display their weapon one time during 2015 without further use of force.

Firearms are by definition Deadly Force, and their use is very restricted. Officers must comply with not only their intensive training, but with the department's Deadly Force Policy and state law. When an officer fires their weapon in the line of duty, whether or not an individual is hit, a detailed investigation is undertaken to determine if that use was in compliance with both policy and law.

Citizen and Internal Complaints Regarding the Use of Force

During 2015, the Kennedale Police Department received no complaints of unnecessary or inappropriate use of force.

Recommendations

Based on the findings during the analysis, the use of force was used correctly and reported. I recommend we continue to train our use of force and deadly force policy with each use of force training we do.

T. W—010 01/25/2016

Chief of Police Date

Officer Use of Force 2015

DATE	INCIDENT	# OF OFFICERS	FORCE USED	SHIFT	WITHIN POLICY	CORRECTIVE ACTION
5/13/2015	Demented Person	1	Empty Hand Control	DAYS	Y	N/A
8/23/2015	Road Rage/Accident	1	Firearm Pointed	NIGHTS	Y	N/A
8/14/2015	Intoxicated Person/Disturbance	1	Displayed TASER/empty hand control	NIGHTS	Y	N/A
8/26/2015	Traffic Stop	3	Vehicle Pursuit	NIGHTS	N	Written Counceling

Total Incdents	Total
4	6

KENNEDALE
Police Department
www.cityofkennedale.com

January 14, 2016

To: Chief Tommy Williams

From: Captain D. Hull

Ref: 2015 Annual Pursuit Report

Chief Williams,

During the 2015 year we had one motor vehicle pursuit reported. The pursuit required an internal investigation. The I.A was investigated by me.

There were three officers involved in the pursuit. Only two officers violated the pursuit policy. The two officers pursued the suspect vehicle for a traffic violation and pursued the suspect the wrong way on a one way roadway. Both officers were disciplined for the policy violation.

The officers involved in the 2015 pursuit were also involved in the 2014 pursuit where policies were violated. After reviewing 2014 and 2015 pursuits the common denominator was the officer pursued for a traffic violation. With both incidents I had one on one training with the officer over the pursuit policy.

In 2015, we added use of force and pursuit policy training with firearms annual training and inspection. During the training I make myself available for any questions over the policies. The training seems to be a good reminder for all employees. Even though we had a pursuit after the training, I believe the officers recognized the violation and terminated the pursuit.

Respectfully submitted,

Captain Darrell Hull

Kennedale Police Department
Ten Year Activity Summary

	A	B	C	D	E	F	G	H	I	J	K	L
1	Part 1 Crimes	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
2	Homicide	0	0	0	1	3	0	0	0	0	1	1
3	Sexual Assault	4	5	1	1	0	0	4	1	0	2	2
4	Robbery	5	6	14	3	6	8	0	6	6	6	3
5	Assault	21	34	30	18	20	18	8	11	56	61	54
6	Burglary	76	120	87	86	82	76	86	67	40	54	64
7	Theft	203	200	201	183	143	150	154	145	120	125	98
8	Motor Vehicle Theft	35	27	39	39	30	13	18	16	22	10	10
9												
10	**Total Part 1 Crimes**	**344**	**392**	**372**	**331**	**284**	**265**	**270**	**246**	**244**	**260**	**232**
11	**Case Clearance - Part 1**		**20%**	**8%**	**12%**	**20%**	**36%**	**36%**	**28%**	**34%**	**29%**	**31%**
12												
13	Simple Assaults	N/A	N/A	N/A	134	91	75	71	50	50	50	43
14												
15	Family Violence	80	59	27	48		101	83	55	46	144	187
16												
17	DWI	57	23	32	36		20	30	17	18	25	28
18												
19	Arrests										332	293
20												
21	Reports					803	791	705	627	583	1,206	1,694
22												
23	Accidents	107	82	108	118	181	182	327	333	296	226	224
24												
25	CFS	N/A	11,550	15,974	16,162	9,480	8,959	11,241	9,492	8,948	26,759	27,619
26												
27	Citations		5,853	4,081	3,897	3,084	2,465	3,083	2,854	3700	2,539	2,698
28												
29	Traffic Stops	N/A	N/A	N/A	5,019	4,736	3,645	4,850	6,248	7,909	4,287	4,206
30												
31												
32												

Kennedale Police Department
Ten Year Activity Summary

	A	B	C	D	E	F	G	H	I	J	K	L
33	Phone Calls	N/A	24,420 (EST)	29,136 (EST)	27,054	20,746	23,726	28,332	24,874	23,574	N/A	N/A
34												
35	911 Calls	N/A	N/A	4,140	4,532	4,094	5,070	5,249	4,994	4,608	N/A	N/A
36												
37	Alarm Calls	N/A	558	684	490	581	702	737	563	745	635	689
38												
39	**Response Times**											
40	Priority 1	N/A	1.11 Mins	2.0 Mins	3.0 Mins	2.7 Mins	2.8 Mins	2.9 Mins		4.41		3.47
41	Priority 2	N/A	3.34 Mins	2.5 Mins	3.2 Mins	3.3 Mins	3.9 Mins	5.0 Mins		All calls		
42	Priority 3	N/A	4.04 Mins	4.8 Mins	6.1 Mins	7.5 Mins		7.8 Mins				
43												

Kennedale Police Department
2015 Thefts

Date	Offense	Property Secured?	Time Taken	Property Taken?
1/3/2015	Theft	No	Holiday	Uninstalled doors and trim
01/06/15	Theft	Yes - Padlocked in fence	Weekend	Trailer with work tools
01/09/15	Theft	No	Overnight	Trailer
01/10/15	Burglary - Coin Op	Yes	Evening	Suspects broke into machines during open hours
01/16/15	Theft	No	Day	Auto parts from salvage yard
01/16/15	Theft	No	Overnight	Copper tubing removed from unsecured construction site
01/17/15	Theft	No	Overnight	Wheels and tires from vehicle in driveway
01/19/15	Theft	Yes	Overnight	Gokart taken, chained in yard
01/20/15	Theft	Yes - Fence	Overnight	Copper wire from outside of building
01/21/15	Theft	Yes - Chained to trailer	Overnight	ATV
01/30/15	Theft	Yes - Fence	Overnight	Copper wire inside fence
02/08/15	Theft	Yes	Overnight	Vehicle from driveway
02/08/15	Theft	Yes	Overnight	2 Dirt bikes chained on patio
02/09/15	Theft	Yes	Overnight	See above incident
02/16/15	Theft	Yes	Unknown	Tenant removed appliances on moveout
02/18/15	Theft	Yes - Fence	Unknown	Vehicle taken from fenced area - Recovered in Arlington
02/26/15	Theft	No	Overnight	Cooler from trailer in driveway
03/01/15	Theft	No	Overnight	Rims and tires from vehicles on car lot
03/20/15	Theft	No	Overnight	Engine block from yard
03/30/15	Theft	No	Weekend	Tools taken from unlocked trailer by ex-employee
03/31/15	Theft	No	Overnight	Unsecured boat taken
04/04/15	Theft	No	Overnight	Property taken from unsecured U-Haul truck in driveway
04/13/15	Theft	No	Overnight	Unsecured lawn equipment taken from back yard.
04/13/15	Theft	No	Overnight	Tools from an unsecured trailer
04/14/15	Theft	No	Evening	Medication taken by known person
04/22/15	Theft	No	Overnight	Tools from an unsecured trailer
04/30/15	Theft	No	Day	UPS package from porch
05/02/15	Theft	No	Day	Lawn equipment from an unsecured vehicle parked on street
05/04/15	Theft	No	Unknown	Tablet stolen by friend
05/08/15	Theft	No	Evening	Shoplifter
05/12/15	Theft	No	Evening	Item sold through Craigslist - Counterfeit money paid
05/13/15	Theft	No	Day	Unsecured vehicle taken from curb - Didn't run
05/13/15	Vehicle Burglary	No	Day	Purse left in locked vehicle - Window broken out

Kennedale Police Department
2015 Thefts

05/29/15 Theft	No	Unknown	Flags on display at curb taken
06/01/15 Theft	No	Overnight	Light bar from truck parked in driveway
06/04/15 Theft	No	Day	Purse taken from business
06/05/15 Vehicle Burglary	No	Overnight	Wallet from unlocked vehicle
06/06/15 Vehicle Burglary	No	Overnight	Cash from unlocked vehicle
06/06/15 Vehicle Burglary	No	Overnight	Purse from unlocked vehicle
06/06/15 Vehicle Burglary	No	Overnight	Cash from unlocked vehicle
06/06/15 Vehicle Burglary	No	Overnight	Purse from unlocked vehicle
06/07/15 Vehicle Burglary	No	Overnight	Cash from unlocked vehicle
06/16/15 Theft	No	Day	License plate from vehicle
06/17/15 Theft	No	Unknown	Cash taken by family member
06/23/15 Theft	No	Day	Shoplifted beer from store
07/04/15 Vehicle Burglary	Yes	Overnight	Gun and safe taken from vehicle truck by family member
07/06/15 Theft	Yes	Evening	Shoplifter cut security cable on tablet
07/11/15 Theft	No	Overnight	Vehicle with keys stolen from storage area
07/13/15 Theft	Yes	Overnight	Driver carjacked by large group at 3:24 a.m.
07/16/15 Theft	No	Overnight	Car batteries taken from yard
07/17/15 Vehicle Burglary	No	Overnight	Battery taken from car
07/20/15 Vehicle Burglary	No	Evening	Wallet from unlocked vehicle
07/20/15 Theft	No	Day	Vehicle with keys taken from business
07/21/15 Vehicle Burglary	No	Unknown	Title taken from unlocked vehicle
07/26/15 Burglary	No	Overnight	Purse taken from unlocked vehicle in open garage
07/26/15 Theft	No	Overnight	2 bicycles taken from yard - No locks
07/27/15 Theft	Yes	Overnight	Vehicle taken from driveway
07/29/15 Vehicle Burglary	No	Overnight	Camera and electronics from unlocked vehicle in driveway
07/29/15 Vehicle Burglary	No	Overnight	Personal items from unlocked vehicle
07/30/15 Theft	Yes	Overnight	Copper wiring from motor home
07/30/15 Vehicle Burglary	No	Overnight	Portable radio from unsecured vehicle
08/09/15 Vehicle Burglary	No	Overnight	Handgun removed from unsecured vehicle in driveway
08/13/15 Theft	Yes	Overnight	Suspect opened register and removed cash at 1:53 a.m.
08/14/15 Theft	No	Overnight	Unsecured tools taken from yard
08/15/15 Theft	Yes	Evening	Locked truck taken at 11:05 p.m.
08/17/15 Theft	No	Overnight	Suspects removed shop cart from unsecured area
08/17/15 Theft	No	Overnight	Suspects removed copper wire from unsecured property

Kennedale Police Department
2015 Thefts

08/17/15	Theft	Yes	Overnight	Outdoor security cameras taken
08/24/15	Theft	No	Unknown	Cell phone taken by friend
08/26/15	Vehicle Burglary	Yes	Overnight	Tools taken from secured truck
08/26/15	Vehicle Burglary	No	Overnight	Wallet, tools taken from unsecured vehicle
08/27/15	Theft	No	Evening	Cell phone taken by friend
08/31/15	Vehicle Burglary	No	Evening	Suspect took belongings from friend's vehicle
09/03/15	Theft	Yes	Day	Cell phone taken from school locker
09/08/15	Theft	No	Evening	Bag with electronics left on ground by vehicle
09/11/15	Vehicle Burglary	No	Overnight	In-dash stereo taken from unlocked vehicle
09/11/15	Vehicle Burglary	No	Overnight	Attempted theft of stereo from vehicle
09/11/15	Vehicle Burglary	No	Overnight	Jacket taken from unsecured vehicle
09/12/15	Theft	No	Overnight	Trailer taken
09/14/15	Vehicle Burglary	No	Overnight	Property taken from unsecured vehicle in driveway
09/14/15	Vehicle Burglary	Yes	Overnight	Visible electronics taken from vehicle by prying open door
09/18/15	Vehicle Burglary	Unknown	Unknown	Purse taken from vehicle in May
09/28/15	Theft	No	Weekend	Lumber taken from construction site
10/03/15	Theft	No	Unknown	Tenant removed property while closing business
10/05/15	Theft	Yes	Evening	Tailgate removed from truck
10/09/15	Theft	No	Day	Trailer taken from driveway
10/10/15	Theft	Yes	Day	Vehicle taken during workday
10/12/15	Theft	Yes	Evening	Cash taken from safe by known person(s)
10/19/15	Theft	Yes	Overnight	Copper wire from outside of building
11/06/15	Theft	No	Day	Suspect removed papers with customer info from business
11/13/15	Theft	No	Evening	Shoplifter with small child
11/16/15	Vehicle Burglary	No	Evening	Bag with electronics taken from vehicle while getting gas
11/19/15	Theft	Yes	Unknown	Vehicles left for repair - never returned
11/20/15	Theft	Yes	Unknown	See above incident
11/21/15	Theft	No	Unknown	Unsecured kayak taken from yard
11/27/15	Vehicle Burglary	Yes	Overnight	Tailgate taken from truck
12/01/15	Theft	No	Overnight	Paint sprayer taken from yard
12/02/15	Theft	No	Overnight	Property removed from unlocked vehicle in driveway
12/03/15	Theft	No	Overnight	Copper wiring taken from electical feed
12/07/15	Theft	No	Day	Money in a binder taken from a truck hood
12/08/15	Theft	Yes	Overnight	Security camera removed from wall mount (exterior)

Kennedale Police Department
2015 Thefts

12/16/15 Theft	No	Day	Packages from front porch
12/19/15 Theft	No	Unknown	Credit card numbers by a former employee
12/22/15 Theft	No	Overnight	Left cash and property outside overnight for contractor
12/23/15 Theft	No	Unknown	Property stolen by family member
12/30/15 Theft	No	Unknown	Property taken

Total **106**

Preventable	**57**
Poor Security	**10**

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 2016

Agenda Item No: REQUIRED APPROVAL ITEMS - A.

I. Subject:
Consider approval of minutes from January 18, 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 - January 18, 2016	January 18, 2016.pdf

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

KENNEDALE CITY COUNCIL

MINUTES
REGULAR MEETING
January 18, 2016
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 5:35 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. Joint Work Session to discuss the Uniform Development Code with the Planning and Zoning Commission and LSL Planning, Inc. representatives

Planning and Zoning Commission
Present: Stephen Brim, Thomas Pirtle, Billy Gilley, Jeffrey Whitacre
Absent: Ernest Harvey, Carolyn Williamson, Harry Browne

LSL Planning Representative Paul Leblanc met with the Planning and Zoning Commission, City Council and staff to discuss the Uniform Development Code project. Mr. Leblanc presented a blueprint for the project, noting that it will be the framework used to move forward. He stated that LSL has reviewed current regulations, including zoning ordinances and land regulations.

Additionally, he provided a general overview of the project, stating that the next step is to prepare a working draft ordinance. He emphasized that the following goals of the ordinance is to be more user-friendly by making it predictable, flexible, organized, with concise wording, and using clearly defined criteria, streamlined procedures, graphics, drawings, and tables.

The overview continued with a breakdown and recommendation for each section of the blueprint. There was discussion concerning the need to have a well-defined ordinance to eliminate loopholes; yet flexible enough to encourage creativity. In concluding, Mr. Leblanc stated that the Unified Development Code should have at least a 5-year life span.

III. REGULAR SESSION

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

IV. ROLL CALL

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

V. INVOCATION

Greg Adams, Pastor of Covenant Life Baptist Church gave the 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.

There was no one present requesting to speak.

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

Councilman Kelly Turner informed the group that he attended the January meeting for the Emergency Preparedness Planning Council (EPPC); he stated that the State of Texas has issued $1.8 million to be used mainly for police and fire programs. Kelly added that he was hopeful that Kennedale would see some regional funding.

B. Updates from the Mayor

There were no updates from the Mayor.

C. Updates from the City Manager

There were no reports or announcements from the City Manager.

X. MONITORING INFORMATION

A. Monthly Financials - November and December 2015

B. Executive Limitations

C. Ends Review - Balanced Scorecard

Monitoring information updates are in the agenda packet for review.

XI. INCIDENTAL ITEMS

A. Review and accept the Police Department 2015 Racial Profiling Report

Police Chief, Tommy Williams stated that this is the annual report for the State and everything looked to be in order.

Motion To approve the 2015 Racial Profiling Report. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Liz Carrington.
Motion passed Unanimously

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

City Manager Bob Hart stated that we appointed a Committee to review and make recommendations for Charter amendments; there are five (5) broad areas to be reviewed:

- Appointment of the City Secretary
- Changing Council terms from 2 years to 3 years
- Dates for submittal of budget
- Dates for submittal of the audit
- Vacancy of offices

Bob added that the City Attorney, Wayne Olson reviewed the Committee's recommendations and made adjustments and recommended a change to the definition of a Council quorum. Continuing, Bob stated that the Charter Amendment Election must be called by the end of February and ballot language will have to be submitted to Tarrant County.

City Attorney, Wayne Olson provided Council with a brief overview of the recommended amendments. There was discussion concerning the change of term lengths for Mayor and Council. Mayor Johnson stated that one advantage to changing term lengths is it provides time for a learning curve; however, the City will still have an election every year. Councilman Overstreet added that this provides Councilmembers the opportunity to get comfortable with the governance model. Discussions continued on the additional amendments.

Mayor Johnson stated that best practice standards recommend that City's review their charters every 5-year and we have never done this. Councilman Fernandez asked how many amendments will be on the ballot. Bob Hart stated that there will be six amendments.

Motion To authorize staff to move forward to call an Election for Charter Amendments. **Action** Approve, **Moved By** Kelly Turner, **Seconded By** Charles Overstreet.
Motion passed Unanimously

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

Motion To approve all Incidental Items on (Consent) agenda. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Liz Carrington.
Motion passed Unanimously

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

City Planner, Rachel Roberts provided the staff presentation to approve Ordinance 587 regarding a request by the Economic Development Corporation (EDC) for a zoning change from "AG" to "PD" for approximately 8 acres located in the David Strickland Survey. Rachel stated that the property is currently zoned agricultural and is located across from the Southwest Nature Preserve. Property Owner, Ethel Swiney would like to sell the property to the EDC; however, the EDC is only interested in the floodplain area and are currently in partnership with the developer for this rezoning case. This request applies only to the portion of the 15-acres tract outside the floodplain area.

Rachel added that the Planning and Zoning Commission (P&Z) considered this request in November 2015, and asked the developer to make some changes to the proposed Ordinance with clarification and additional controls. The developer implemented the requested changes and brought the case back to P&Z in December 2015; whereas, additional changes have since been made. The final proposed Ordinance is being presented tonight and the Planning and Zoning Commission recommends approval.

Rian Maguire and Ryan Hill with CHC Development provided the applicant's presentation. Mr. Maguire presented a power point presentation with a brief summary of the proposed highlights for the development. The development will consist of 35 lots with HOA and Architectural Controls, along with fencing standards, landscaping requirements, and a HOA maintained park.

There was discussion by Council and staff concerning emergency access and the potential builder. Rachel stated that currently the Fire Department is not concerned with access issues and if anything changes in that regard, it can be addressed during the platting process. Additionally, she informed the Council that a builder has not been selected at this point, which is way P&Z required so many controls.

Public Hearing:
Mayor Johnson opened the public hearing; there was no one present requesting to speak. Mayor Johnson closed the public hearing.

Motion To approve Ordinance 587 as written. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Kelly Turner.
Motion passed with a vote of 4-1; with Frank Fernandez voting against approval.

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

City Planner, Rachel Roberts provided the staff presentation. She stated that this is the property that was the former Cowtown Speedway which closed in 2012 and has been vacant ever since. Last year Council directed staff to initiate rezoning the property from Commercial to AG. She added that the future Land Use Plan shows this as Neighborhood which is intended to be primarily residential. Because this area is in transition and there is a lot of opportunity for development, staff does not want to assign a specific residential zoning district to this property at this time. AG zoning is for places in transition, and will help the family who is currently there to utilize the property for agricultural use and possible tax breaks until they decide what they are going to do with the property.

The Planning and Zoning Commission consider this Ordinance at their December 2015 meeting and held a Public Hearing in which one resident spoke in favor of approval. The Planning and Zoning Commission and staff recommend approval.

Public Hearing:
Mayor Johnson opened the public hearing; there was no one present requesting to speak. Mayor Johnson closed the public hearing.

Motion To approve Ordinance 588 regarding city-initiated rezoning at 3925 Kennedale New Hope Road. **Action** Approve, **Moved By** Liz Carrington, **Seconded By** Charles Overstreet.
Motion passed Unanimously

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

City Manager Bob Hart stated that the City appointed a Rate Committee to work on this project, along with Consultant Carolyn Marshall and City Finance Director Krystal Crump. Bob noted that Committee members Adrienne Kay and Carl Hall were in attendance.

Consultant Carolyn Marshall stated that the City's current position is based on the FY2016 adopted budget, which has a water revenue shortage of $893,046 and a sewer revenue shortage of $1,045,543. The current structures in place depend heavily on volume rates (variable/usage), which is 72% of revenues. Additionally, fixed costs are not being covered by base rates, currently only 28% is being covered. Carolyn continued with a summary of how the base rate and tier system works. She noted that weather and conservation rates impact the amount of variable costs collect each month, which can result in less revenue received to cover fixed costs.

Finance Director Krystal Crump reviewed the two options brought forward to Council for review, noting that the Committee did not consider Option 1 to be feasible. She added that after much discussion and review the Committee agreed to recommend approval for Option 2. Option 2 recommends an increase of the fixed water rates by approximately 50% and adds a fourth tier to water volumes. It will increase the fixed sewer rates by 100% and adds an Industrial Class with a volume rate of $4.90. Option 2 will generally decrease the volume rate for water and sewer. There was a lengthy discussion regarding the proposed increases and the need to better communicate what is going on in the City.

Motion To approve Option 2 of Ordinance 589 approving water and sewer rates. **Action** Approve, **Moved By** Kelly Turner, **Seconded By** Charles Overstreet.
Motion passed with a vote of 4-1; with Frank Fernandez voting against approval.

XIV. EXECUTIVE SESSION

Mayor Johnson recessed into executive session at 9:07 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 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

Mayor Johnson reconvened into open session at 9:36 p.m.
No action required.

XVI. ADJOURNMENT

Motion To adjourn the January 18, 2016 regular City Council meeting. **Action** Adjourn, **Moved By** Liz Carrington, **Seconded By** Michael Walker.
Motion passed Unanimously

The meeting was adjourned at 9:37 p.m.

APPROVED:

Brian Johnson, Mayor

ATTEST:

Leslie Galloway, City Secretary

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 2016

Agenda Item No: REQUIRED APPROVAL ITEMS - B.

I. Subject:
Consider approval of Resolution 480 calling the General Election for May 7, 2016

II. Originated by:

III. Summary:
The City of Kennedale has elected to contact with Tarrant County for general election purposes. There have been no changes to the contract with Tarrant County since it was made in 2010. Dates of importance for the 2016 general election include:

January 20, 2016	First day for filing for place on the ballot.
February 19, 2016	Deadline to file for place on ballot (must be received by 5:00 pm).
February 23, 2016	Deadline to file for write-in candidate (must be received by 5:00 pm).
February 25, 2016	Drawing for place on ballot at 2:00 p.m. in City Secretary's office.
February 26, 2016	Last day for a candidate to withdraw (must receive in writing by 5:00 pm).
March 23, 2016	First day to mail early voting ballots.
April 7, 2016	Last day to register to vote in the May 7, 2016 General Election.
April 25, 2016	First day for early voting by personal appearance. Early voting will be conducted April 25 through May 2, 2016 in the Kennedale Community Center, 316 W. 3rd Street, Kennedale, Texas.
April 26, 2016	Last day to receive an application by mail for a ballot to be voted by mail.
May 2, 2016	Last day for early voting by personal appearance.
May 7, 2016	**ELECTION DAY 7:00 am to 7:00 pm at the Kennedale Community Center.**
May 10-18, 2016	Period for official canvass of returns and oaths of office of newly elected officers, unless runoff is necessary.
June 18, 2016	Runoff Election, if necessary.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution 480	Resolution 480.doc

RESOLUTION NO. 480

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 7, 2016; APPROVING A JOINT ELECTION WITH TARRANT COUNTY; AND ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale, Texas, (the "City") 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 regular election for City Council of the City of Kennedale is required to be held on May 7, 2016, at which time the voters will elect persons to fill the office of Mayor and City Council Places 2 and 4; and

WHEREAS, the election will be held as a joint election, conducted under the authority of Chapter 271 of the Texas Election Code; and

WHEREAS, by this Resolution, it is the intention of the City Council to designate a polling place for the election, to appoint the necessary election officers to establish and set forth procedures for conducting the election, and authorize the Mayor to execute a contract with Tarrant County for conducting the election.

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

Section 1.

General Election Called. An election is hereby called to elect Mayor and City Council Places 2 and 4 to serve from May of 2016 until May of 2018 or until their successors are duly elected and qualified. The election shall be held on May 7, 2016 between the hours of 7:00 a.m. and 7:00 p.m. at Kennedale Community Center, 316 W. 3rd Street, Kennedale, Texas 76060.

Section 2.

Joint Election Agreement Approved. The Joint Election Agreement for Tarrant County and the City of Kennedale (the "Agreement") and incorporated herein for all purposes is hereby approved and the Mayor is authorized to execute the Agreement. In the event of conflict between this resolution and the Agreement, the Agreement shall control.

Section 3.

Application for Place on Ballot. Qualified persons may file as candidates by filing applications in the office of the City Secretary from 8:00 a.m. to 5:00 p.m., Monday through Friday, from January 20, 2016 through February 19, 2016.

Section 4.

Early Voting.

a. Early voting by personal appearance. Early voting by personal appearance shall be conducted beginning April 25, 2016, and continue through May 2, 2016 at the Kennedale Community Center, 316 W. 3rd Street, Kennedale, Texas 76060 at the following times:

Monday, April 25, 2016	8:00 a.m. – 5:00 p.m.
Tuesday, April 26, 2016	8:00 a.m. – 5:00 p.m.
Wednesday, April 27, 2016	8:00 a.m. – 5:00 p.m.
Thursday, April 28, 2016	8:00 a.m. – 5:00 p.m.
Friday, April 29, 2016	8:00 a.m. – 5:00 p.m.
Saturday, April 30, 2016	7:00 a.m. – 7:00 p.m.
Sunday, May 1, 2016	11:00 a.m. – 4:00 p.m.
Monday, May 2, 2016	7:00 a.m. – 7:00 p.m.
Tuesday, May 3, 2016	7:00 a.m. – 7:00 p.m.

b. Early voting by mail. Frank Phillips, the Tarrant County Election Administrator ("Election Administrator") is hereby designated as Early Voting Clerk for the general election. Applications for early voting by mail may be delivered to the Election Administrator at the following address: Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas 76161-0011, not later close of business on April 26, 2016.

c. Early Voting Ballot Board. Early voting, both by personal appearance and by mail, shall be canvassed by the Early Voting Ballot Board established by Tarrant County under the terms of the Agreement.

Section 5.

Appointment of Election Judge and Alternate Election Judge. The Presiding Election Judge and Alternate Presiding Judge shall be appointed by Tarrant County as authorized by Chapter 271 of the Code.

Section 6.

Method of Voting. The Hart InterCivic eSlate (Direct Recording Electronic Voting System) shall be used for voting by personal appearance and on Election Day the Hart InterCivic eSlate (Direct Recording Electronic Voting System) and Hart InterCivic eScan (Optical Scan Voting System) shall be used. The City Council hereby adopts the Hart InterCivic eSlate DRE for early voting and the Hart InterCivic eSlate DRE and Hart InterCivic eScan for Election Day. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Election Code.

Section 7.

Governing Law and Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident qualified voters of the City shall be eligible to vote at the election.

Section 8.

Publication and Posting of Notice of Election. Notice of the election shall be given as required by Chapter 4 of the Code.

Section 9.

Submissions to the United States Justice Department. Tarrant County is authorized to make such submissions as are necessary to the United States Justice Department to seek pre-clearance for any changes in voting practices as authorized by the Voting Rights Act of 1965, as amended.

Section 10.

Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

Section 11.

Runoff Election. Should a runoff election be required following the canvass of the May 7, 2016 election, the Council hereby orders that a runoff election be held on Saturday June 18, 2016. The polling place on Election Day for the runoff election shall be at the same polling places as those of the original election and the hours of voting shall be between 7:00 a.m. and 7:00 p.m.

Section 12.

Effective Date. This resolution shall be effective upon its adoption.

PASSED AND APPROVED this 15th day of February, 2016.

APPROVED:

_____
Mayor, Brian Johnson

ATTEST:

_____
Leslie Galloway, City Secretary

APPROVED AS TO FORM AND LEGALITY:

_____
Wayne K. Olson, City Attorney

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 2016

Agenda Item No: DECISION ITEMS - A.

I. Subject:
Consider approval of Resolution 478 supporting OM Housing's application for housing tax credit for the proposed Village at Hammack Creek project

II. Originated by:

III. Summary:
OM Development has expressed an interest in developing a mixed use development (The Village at Hammack Creek) on an 16-acre site at the intersection of Kennedale Parkway and Sublett Road. Such a development is consistent with the City's adopted comprehensive land use plan. The proposed development would include approximately 150 apartment units (Villas at Hammack Creek) and a combination of retail and office space. Typical apartment financing in today's market is through the tax credit program. For example, the recent apartment construction on Lancaster Avenue, and the Historic Electric Building Apartments in downtown Fort Worth were both funded through the tax credit program. Tax credit financing is in no way similar to the Section Eight Program (which is being phased out). The strength of the tax credit program is that the owner must manage the units for a period of not less than 20 years and the purchasers of the tax credits actually become partners in the project. Common tax credit purchasers include Google, Apple, and other fortune 500 companies. Earlier apartment financing was done with FHA loan guarantees and received a bad reputation because apartment developers would build and flip them to new owners. To avoid this pitfall, the tax credit program was designed to require long-term ownership. Further, the owners place stringent application and management requirements to ensure quality tenants. Actually, these apartments are more difficult to access than purchasing a new home. Moreover, multi-family housing is the housing preference for many millennials, and this product would meet that need that is currently not met in the city. The proposed project will be a LEED Certified structure, the first such sustainable structure in Kennedale.

During the preparation of the Comprehensive Land Use Plan, the P&Z discussed the desirability to extend the Old Town District and TownCenter design elements across Kennedale parkway. It is contemplated the P&Z will prepare a Community Revitalization Plan to accomplish this vision and provide development guidelines for the Village at Hammack Creek. This proposed project will bring much needed density to the area to help with retail development in the "downtown" area of Kennedale.

OM Development has requested a resolution of support. The resolution would permit the application with the state to proceed in its review; it does not give city approval to the project. If the resolution is approved, the developer will then be required to apply for a rezoning of the site, and the City Council would have authority to approve or deny the rezoning request, which would include architectural and site design feature in keeping with the character of the TownCenter. The City Council will also have the authority to negotiate a city-developer agreement at the platting stage. If the zoning change and the city-developer agreement are not approved by City Council, the project cannot go forward.

IV. Fiscal Impact Summary:

V. Legal Impact:

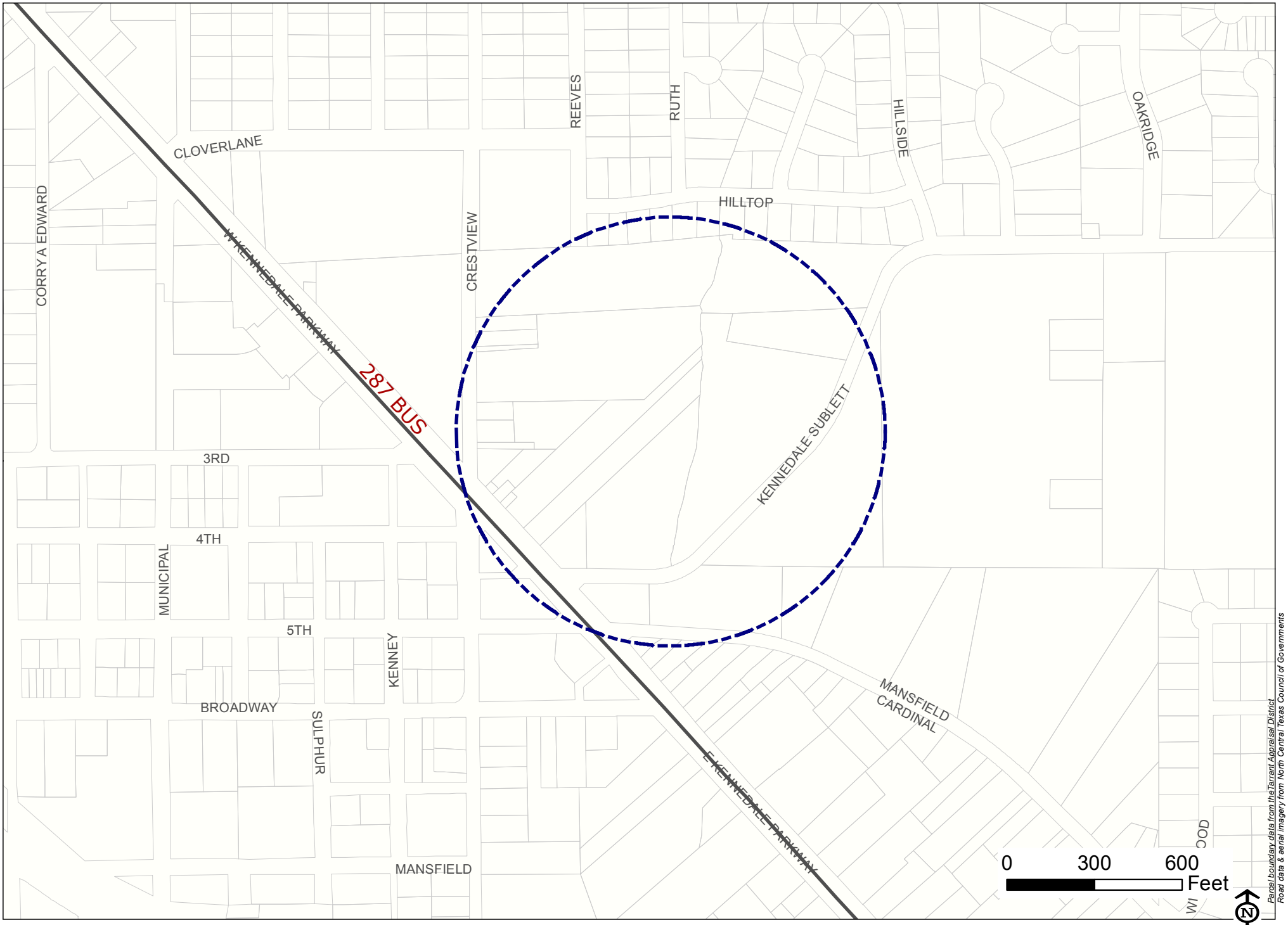
VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Housing Development Site	Housing Resolution Development Site.pdf
2.	Letter from Texas Department of Housing & Community Affairs	letter to mayor from TDCHA.pdf
3.	Resolution 478	R478.pdf

General Location of Proposed Development (not confirmed)



Texas Department of Housing and Community Affairs
Multifamily Finance Division
Notification of Submission of Affordable Housing Applications

January 20, 2016

The Honorable Brian Johnson
Mayor of Kennedale
405 Municipal Drive
Kennedale, TX 76060

Re: Notification of Affordable Rental Housing Application(s) Proposed in Your City

Dear Mayor Johnson:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of a preliminary application(s) for possible funding through the Competitive Housing Tax Credit Program to develop or acquire affordable multifamily rental housing in your community.

This notification is made in accordance with §2306.1114, Texas Government Code, to ensure that you are fully informed of the housing activity in your district and so that you can provide input on the proposed application(s). The Department greatly values your views concerning the need for affordable rental housing within your community and how the proposed development(s) may address that need. Should the applicant(s) submit a full application to the Department on or before [date], the Department will notify you again with more detailed information about the proposed development and provide instructions of how and when to submit public comment should you choose to participate in the process.

The Department's mission is to administer its assigned programs efficiently, transparently, and lawfully and to invest its resources strategically and develop high quality affordable housing which allows Texas communities to thrive.. Through our rental production programs, the Department encourages the new construction or rehabilitation of affordable multifamily housing, primarily through private developers. These developments benefit Texans in your community by providing potential employment, local tax revenue, and affordable, safe, and high quality housing for eligible households.

If you have any questions or need additional information, please contact the Multifamily Director, Marni Holloway at 512.475.1676.

Sincerely,

Marni Holloway

Marni Holloway
Director, Multifamily Finance

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
221 East 11th Street, Austin, TX 78701 | Main Number: 512-475-3800 | Email: info@tdhca.state.tx.us
PO Box 13941, Austin, TX 78711 | Toll Free: 1-800-525-0657 | Web: www.tdhca.state.tx.us
Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.
Relay Texas: 800-735-2989 (TTY) and 711 (Voice).

Relevant Development Information as Presented by the Applicant:

Project Number: 16309

Development Name: Villas at Hammack Creek

Development Address: Kennedale Pkwy and Sublett Rd

Development City: Kennedale **Development Zip:** 76060 **Region:** 3

Regional Allocation: Urban **Target Population:** General

Set Aside: ☐ Nonprofit ☐ USDA ☐ At-Risk

Construction Type: New Construction

Credit/ Funding Request: $1,500,000

Total Low Income Units: 120 **Total Market Rate Units:** 30 **Total Units:** 150

Applicant Information:

Owner Contact: Deepak Sulakhe

Owner Address: 7328 Mimosa Lane

Owner City: Dallas **Owner State:** TX **Owner Zip:** 75230

Owner Phone: (214) 432-7610

Owner Email: dsulakhe@omhousing.com

Resolution No. 478

City of Kennedale Resolution Supporting OM Housing's Application for Housing Credits for the proposed Village (and Villas) at Hammack Creek project

WHEREAS, OM Housing, LLC, has proposed The Village at Hammack Creek - a mixed use development for high quality, eco-friendly, retail, office, and approximately 152 rental apartments (to be known as Villas at Hammack Creek, TDHCA # 16309) at 1337 Kennedale Parkway in City of Kennedale; and

WHEREAS, the naming of the proposed project as "Hammack" is reflective of Kennedale history – D. J. A. Hammack and the tributary located on the site; and

WHEREAS, OM Housing, LLC, intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2016 Housing Credit Program to partially finance the development of Villas at Hammack Creek; and

WHEREAS, The Village at Hammack Creek project will be required to comply with all City zoning and site development regulations/standards, prior to issuance of any building permits; and

WHEREAS, the proposed Village at Hammack Creek will be required to be consistent with the Downtown Village Revitalization Plan, and be architecturally compatible with the TownCenter. Additionally, Villas at Hammack Creek will be a LEED certified facility.

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

This resolution affirms the City of Kennedale's acknowledgement and support of the application for the Village (and Villas) at Hammack Creek subject to the provisions noted in the preamble.

This resolution also affirms that as provided for in 10 Texas Administrative Code §11.3(b), it is expressly acknowledged and confirmed that the City of Kennedale has more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds and

That the City of Kennedale has voted specifically to support the application for the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Texas Government Code §2306.6703(A)(4).

PASSED AND APPROVED by the City Council of the City of Kennedale, Texas, on this 15th day of February, 2016.

_____

Brian Johnson, Mayor

Attest:

_____

Leslie Galloway, City Secretary

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 2016

Agenda Item No: DECISION ITEMS - B.

I. Subject:
Conduct a Public Hearing to consider authorizing funding participation with Tarrant County Community Development and Housing for the 42nd Year Community Development Block Grant (CDBG) Project for sanitary sewer improvements on Dick Price Road

II. Originated by:

III. Summary:
The City participates in the Community Development Block Grant (CDBG) program administered by Tarrant County. Eligible projects must be in census tracts where the majority of the residents are low/moderate income households.

The Public Hearing is to identify potential project for water, sewer, street and draining improvements.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 2016

Agenda Item No: DECISION ITEMS - C.

I. Subject:
Consider approval of Resolution 482 authorizing funding participation with Tarrant County Community Development and Housing for the 42nd Year Community Development Block Grant (CDBG) Project for sanitary sewer improvements on Dick Price Road

II. Originated by:

III. Summary:
The City participates in an annual Public Works project that is funded, in part, by a HUD Community Development Block Grant (CDBG) and administered by Tarrant County. As part of the application process, the County requires the City to authorize the project and pledge any funds that may exceed the HUD grant for the design and construction.

The recommended 2016 (42nd year CDBG) project is the sanitary sewer rehabilitation in the 200-300 block of Dick Price Road. The project includes the reconstruction of 1400 LF of existing 6" sanitary sewer and manholes with 8" PVC and HDPE. Construction shall be a combination of open cut and pipe burst.

The estimated Engineering and Construction cost of the project is $213,640 and the City's participation and matching amount is estimated at $48,640.

IV. Fiscal Impact Summary:
The 2015 -2016 Water Utility budget includes up to $100,000 for the purposed construction project.

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution 482	R482.pdf

RESOLUTION NO. 482

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS AUTHORIZING FUNDING PARTICIPATION WITH TARRANT COUNTY COMMUNITY DEVELOPMENT AND HOUSING FOR THE 42ND YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR SANITARY SEWER IMPROVEMENTS WITHIN THE CITY OF KENNEDALE, TEXAS AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in the City Council meeting of February 15, 2016, the City Council of the City of Kennedale approved the 42nd Year Community Development Block Grant Project (CDBG) to rehabilitate 1,400 linear feet of sanitary sewer lines and manholes for the 200-300 Blocks of Dick Price Road, in the City of Kennedale; and

WHEREAS, the budget for the project approved on January 15, 2016 reflected an estimated construction cost in the amount of $213,648.00 with the City of Kennedale pledging funds in the amount of $48,640.00; and

WHEREAS, the City funds have been budgeted in the 2015/2016 fiscal year budget and will be utilized for project costs in excess of the CDBG funds available for the project.

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

SECTION 1. That all matters stated in the preamble of this resolution are true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That this resolution shall be effective upon its passage.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Kennedale, Texas, this the 15th day of February, 2016.

APPROVED:

_____
Mayor, Brian Johnson

ATTEST:

_____
City Secretary, Leslie Galloway

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 2016

Agenda Item No: DECISION ITEMS - D.

I. Subject:
Consider approval of Ordinance 590 calling a Charter Amendment Special Election for May 7, 2016

II. Originated by:

III. Summary:

The city council appointed a charter review committee to review the City's charter. The committee members were John Clark, Robert Mundy, Earnest Harvey, Ray Cowan, Frank Fernandez, and Charles Overstreet. The committee met several times over a two month period and made the recommendations below. The recommendations have been reviewed by the city attorney and formatted into an ordinance calling for an election on May 7th.

Provision 1.

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) Vacancies on the City Council for offices with three year terms shall be filled as provided in this subsection. 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 vacancy occurs in any other 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. 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) Vacancies on the City Council for offices with two year terms shall be filled as provided in this subsection. The City Council may call a special election or by a majority vote of all remaining Council Members appoint a qualified person to fill the vacancy.

(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

(4) 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, the Council must declare a vacancy at its next regular meeting and shall fill the vacancy as set forth in this Charter.

(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.

Ballot language

Proposition No. 1 – Vacancies in Office

Shall Section 3.06 of the Kennedale Home Rule Charter be amended to provide if a vacancy occurs in a three year term of office of the Mayor or any City Council Member at a time when more than twelve (12) months remains on the unexpired term, it shall be filled through a special election; and if twelve (12) months or less remains on the expired term of the Mayor it shall be filled by the Mayor pro tem; and if twelve (12) months or less remains on the unexpired term of a City Council Member it shall be filled by appointment by a majority vote of the remaining City Council Members; and if a vacancy occurs in a two year term of office, it may be filled by a special election or appointment?

Provision 2 & 4.

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.

(d) Council members for places 1 and 3 shall be elected for three year terms

beginning in 2017.

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

(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.

Ballot language

Proposition No. 2 – Forfeiture of Office

Shall Section 3.06 of the Kennedale Home Rule Charter be amended to allow the City Council to determine if a condition of forfeiture, as set forth in the Charter, exists for creating a vacancy in the office of a City Council Member?

Proposition No. 4 – City Council Places and Terms

Shall Section 4.01 of the Kennedale Home Rule Charter be amended to provide, beginning with the general election in 2017, for the Mayor and City Council Members to be elected for three (3) year terms and to provide for the transition from two (2) year terms to three (3) year terms?

Provision 3.

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. Three (3) members of the City Council shall constitute a quorum. The Mayor's presence shall not be counted for determining a quorum.

Ballot language

Proposition No. 3 – Meeting Procedure

Shall Section 3.08 of the Kennedale Home Rule Charter be amended to provide that the Mayor's presence shall not be counted for determining a quorum?

Provision 5.

Section 5.06 City Secretary

The City Council shall 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 such assistant city secretaries as the City Council may authorize. 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.

Ballot language

Proposition No. 5 – City Secretary

Shall Section 5.06 of the Kennedale Home Rule Charter be amended to provide for the City Council to appoint a City Secretary upon recommendation by the City Manager and to allow the City Manager to appoint assist city secretaries as the City Council may authorize?

Provision 6.

Section 6.02 Budget

(a) Submission of the budget. On or before the fifteenth 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.

Ballot language

Proposition No. 6 – Budget

Shall Section 6.02 of the Kennedale Home Rule Charter be amended to provide for the City Manager to submit a balanced budget to the City Council on or before August 15th of each year?

Provision 7.

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 (180) days after the end of the fiscal year. The City shall provide copies to the public at cost, upon request.

Ballot language

Proposition No. 7 – Audit

Shall Section 6.04 of the Kennedale Home Rule Charter be amended to require the submission of an annual audit by an independent certified public accounting firm to the City Council no later than one hundred eighty (180) days after the end of the fiscal year?

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Ordinance 590	Ordinance 590.doc

ORDINANCE NO. 590

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD ON MAY 7, 2016, FOR THE PURPOSE OF SUBMITTING CHARTER AMENDMENTS TO THE VOTERS; PROVIDING AN ESTIMATE OF ANTICIPATED FISCAL IMPACT; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; 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, it is the desire of the City Council to call a special election to submit proposed amendments to the City Charter to the voters in accordance with Section 9.004 of the Local Government Code; and

WHEREAS, Section 9.004(b) of the Local Government Code requires the election to be held on a uniform election date; and

WHEREAS, Section 41.001 of the Election Code establishes the first Saturday in May as a uniform election date, and the City Council has determined that date sufficient in time to comply with the requirements of the law.

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

SECTION 1
CHARTER AMENDMENT ELECTION CALLED

The City Council does hereby, on its own motion, order a special election to submit to the voters of the City of Kennedale proposed amendments to the City Charter. The proposed amendments to the City Charter are set forth in Exhibit “A” attached to this ordinance and incorporated herein for all purposes and are hereby approved by the City Council for submission to the voters. The election shall be conducted according to the laws of the State of Texas, and shall be held on Saturday, May 7, 2016, from 7:00 a.m. to 7:00 p.m.

SECTION 2
BALLOTS

The official ballots for the election shall be prepared in accordance with the Election Code so as to permit the electors to vote “Yes” or “No” on the propositions, with the ballots to contain such provisions, markings, and language as required by law, and with the propositions to be expressed substantially as set forth in Exhibit “B” attached hereto and incorporated herein for all purposes.

SECTION 3
POLLING PLACES

Voting shall be conducted on Election Day between the hours of 7:00 a.m. and 7:00 p.m. at the following voting places:

County Precincts **Election Day Polling Location**

SECTION 4
ELECTION PROCEDURES

Procedures for this special election shall be established by a separate resolution.

SECTION 5
FISCAL IMPACT

If the charter amendments in this ordinance are approved at the election, it is estimated that there will be no fiscal impact on the City.

SECTION 6
SEVERABILITY CLAUSE

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

SECTION 7
NOTICE

(a) A copy of this ordinance shall be posted not later than the 21st day before the election on the bulletin board used for posting notices of meetings of the City Council. Notice of the election, including a Spanish translation thereof, shall be published at least once, not earlier than the 30th day nor later than the 10th day before the election in a newspaper of general circulation in the City of Kennedale.

(b) Additionally, in accordance with Section 9.004(c) of the Local Government Code, notice of the election shall be published in a newspaper of general circulation in Kennedale on the same day, in each of two consecutive weeks, with the first publication occurring before the 14th day before the election day. The notice shall contain a substantial copy of the proposed amendments and shall include an estimate of the anticipated fiscal impact to the City if the amendments are approved.

SECTION 8
EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after approval.

PASSED AND APPROVED ON THIS 15th DAY OF FEBRUARY, 2016.

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED AS TO FORM AND LEGALITY

_____
City Attorney

EXHIBIT "A"

Proposed Charter Amendments

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) Vacancies on the City Council for offices with three year terms shall be filled as provided in this subsection. 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 vacancy occurs in any other 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. 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) Vacancies on the City Council for offices with two year terms shall be filled as provided in this subsection. The City Council may call a special election or by a majority vote of all remaining Council Members appoint a qualified person to fill the vacancy.

(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

(4) 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, the Council must declare a vacancy at its next regular meeting and shall fill the vacancy as set forth in this Charter.

(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

(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.** 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

(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.

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

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

(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.

Section 5.06 City Secretary

The City Council shall 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 such assistant city secretaries as the City Council may authorize. 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

(a) **Submission of the budget**. On or before the fifteenth 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.

[Paragraphs (b) through (g) remain unchanged.]

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 (180) days after the end of the fiscal year. The City shall provide copies to the public at cost, upon request.

EXHIBIT "B"

Ballot Language

Proposition No. 1 – Vacancies in Office

Shall Section 3.06 of the Kennedale Home Rule Charter be amended to provide if a vacancy occurs in a three year term of office of the Mayor or any City Council Member at a time when more than twelve (12) months remains on the unexpired term, it shall be filled through a special election; and if twelve (12) months or less remains on the expired term of the Mayor it shall be filled by the Mayor pro tem; and if twelve (12) months or less remains on the unexpired term of a City Council Member it shall be filled by appointment by a majority vote of the remaining City Council Members; and if a vacancy occurs in a two year term of office, it may be filled by a special election or appointment?

Proposition No. 2 – Forfeiture of Office

Shall Section 3.06 of the Kennedale Home Rule Charter be amended to allow the City Council to determine if a condition of forfeiture, as set forth in the Charter, exists for creating a vacancy in the office of a City Council Member?

Proposition No. 3 – Meeting Procedure

Shall Section 3.08 of the Kennedale Home Rule Charter be amended to provide that the Mayor's presence shall not be counted for determining a quorum?

Proposition No. 4 – City Council Places and Terms

Shall Section 4.01 of the Kennedale Home Rule Charter be amended to provide, beginning with the general election in 2017, for the Mayor and City Council Members to be elected for three (3) year terms and to provide for the transition from two (2) year terms to three (3) year terms?

Proposition No. 5 – City Secretary

Shall Section 5.06 of the Kennedale Home Rule Charter be amended to provide for the City Council to appoint a City Secretary upon recommendation by the City Manager and to allow the City Manager to appoint assist city secretaries as the City Council may authorize?

Proposition No. 6 – Budget

Shall Section 6.02 of the Kennedale Home Rule Charter be amended to provide for the City Manager to submit a balanced budget to the City Council on or before August 15th of each year?

Proposition No. 7 – Audit

Shall Section 6.04 of the Kennedale Home Rule Charter be amended to require the submission of an annual audit by an independent certified public accounting firm to the City Council no later than one hundred eighty (180) days after the end of the fiscal year?

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 2016

Agenda Item No: DECISION ITEMS - E.

I. Subject:
Consider approval of Resolution 479 authorizing TCAP to negotiate an extension to the current electric supply agreement and approving TCAP contracting with Next Era and authorizing the City Manager to sign an electric supply agreement

II. Originated by:

III. Summary:
This is the resolution for TCAP to negotiate an extension for 2018-2022 to the current electric supply agreement ending in 2017. We also received a proposal from Texas Energy, but due to the City's load factor option B with the TCAP rates provide stability for our load factor with low rates.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution 479	20160215 RESOLUTION 479-Authorizing TCAP to negotiate an electric supply agreement.docx

RESOLUTION 479

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, AUTHORIZING THE TEXAS COALITION FOR AFFORDABLE POWER, INC. (TCAP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR FIVE YEARS FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018; AUTHORIZING TCAP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING CITY MANAGER **TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018 AND COMMITTING TO BUDGET FOR ENERGY PURCHASES IN 2018 THROUGH 2022 AND TO HONOR THE CITY'S COMMITMENTS TO PURCHASE POWER FOR ITS ELECTRICAL NEEDS IN 2018 THROUGH 2022 THROUGH TCAP**

1. **WHEREAS,** the City of Kennedale, Texas (City) is a member of Texas Coalition For Affordable Power, Inc. (TCAP), a non-profit, political subdivision corporation dedicated to securing electric power for its more than 170 members in the competitive retail market; and

2. **WHEREAS,** TCAP has unique rights under Texas law to negotiate directly in the wholesale market and arrange separate contracts for power supply and retail services which provides TCAP leverage to achieve contract provisions that single city negotiations with a Retail Electric Provider (REP) would be unlikely to produce; and

3. **WHEREAS,** TCAP's geographic diversity across all four ERCOT zones produces an aggregated peak load that is lower than the total of individual peak loads of the individual TCAP members, allowing price benefits in the wholesale market that are not likely to be available to any given TCAP member alone; and

4. **WHEREAS,** TCAP and its predecessor organizations, Cities Aggregation Power Project, Inc. (CAPP) and South Texas Aggregation Project, Inc. (STAP), negotiated favorable contract terms that resulted in rebates from the wholesale supplier and reasonable commodity

prices for delivered electricity since 2002 resulting in stable budgets for electricity for members; and

5. **WHEREAS,** commodity prices for electricity experienced significant volatility between 2002 and 2009, with prices ranging from 4 cents to over 13 cents per kWh, causing CAPP and STAP members to welcome a five year contractual commitment that came close to cutting the 2008 prices in half, with that contract being extended until December 31, 2017, with a negotiated price reduction of about 1 cent per kWh; and

6. **WHEREAS,** TCAP has become a forceful voice for consumer protections and market reform to benefit the public and well as cities and other political subdivisions; and

7. **WHEREAS,** TCAP is owned by its members and distributes monetary and other resources according to relative load size of members and is controlled by a 15 member Board of Directors, all of whom must be city employees of members who represent diversity in size and geography; and

8. **WHEREAS,** wholesale power prices within the deregulated Texas market are largely determined by the NYMEX gas futures prices for natural gas which are currently low and relatively stable, but which change daily; and

9. **WHEREAS,** daily price changes require retail customers to execute a contract immediately upon receipt of a favorable offer; and

10. **WHEREAS**, pursuant to Texas Local Government Code Section 252.022(a)(15) expenditures for electricity are exempt from competitive bidding requirements; and

11. **WHEREAS,** on any given day, TCAP is able to capture a favorable wholesale price for any period of time, comparable to or better than any given REP or broker; and

12. **WHEREAS**, TCAP intends to continue to contract with its current wholesale supplier, NextEra, because the relationship with NextEra is such that NextEra is willing, after it knows the size of a given load, to execute a contract at or below prescribed price and terms; and

13. **WHEREAS,** the City desires to execute a contract for electricity for the period beyond the expiration of its current contract on December 31, 2017, that locks-in favorable wholesale prices under one of three different supply options:

Option 1 - fixed-price, full-requirements at a price not to exceed 4.1 cents per kWh for the North and West zones or 4.25 cents per kWh for the South and Houston zones;

Option 2 - fixed price for on-peak hours and variable spot market prices for off-peak hours;

Option 3 - block energy at a fixed price to cover the base load hours, a fixed price for solar energy to cover mid-day peak hours (approximately 10% of total load) and variable spot market prices for all remaining consumption; and

14. **WHEREAS,** TCAP will allow members six weeks from receipt of this resolution to consider whether to participate in this second opportunity to contract for post-2017 electrical supply, and thereafter allow NextEra until June 30, 2016 to contact for power for five years at a price not to exceed 4.1 cents per kWh in the North and West zones and a price not to exceed 4.25 cents per kWh in the South and Houston zones for Option 1 , so long as the aggregated load for any of the three supply options reaches at least 50 megawatts; and

15. **WHEREAS**, wholesale suppliers demand assurance that TCAP will pay for all contracted load; and

16. **WHEREAS**, the City needs to assure TCAP that it will sign a Commercial Electric Supply Agreement (CESA) reflecting the contract extension and budget for energy

purchases for the post-2017 period and honor its commitment to purchase power for its electrical needs for 2018 through 2022 through TCAP,

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

Section 1:
That the TCAP Board of Directors and its consultants and advisors are agents authorized to negotiate for the City's electricity needs as a member of TCAP for the period 2018 through 2022 at a price not to exceed 4.1 cents per kWh for the North and West zones and a price not to exceed 4.25 cents per kWh in the Houston and South zones for supply Option 1;

Section 2:
The City prefers to participate in supply Option B with the following understanding: a) while supply Option 1 is a full-requirements, fixed-price option, Options 2 (fixed price on-peak, variable spot prices for off-peak usage) and 3 (fixed price for base load, fixed price for a portion of peak load, and variable spot market for remainder) have variable price components and savings over Option 1 cannot be guaranteed, and b) if there is insufficient desire among members to achieve a 50 MW threshold for either Option 2 or 3, the member selecting the inadequately subscribed option will be placed in the Option 1 category. If no option is selected, TCAP will assume that a passed Resolution approves of Option 1.

Section 3:
Assuming this resolution is passed before February 25, 2016 and the combined load of TCAP members passing this resolution exceeds 50 megawatts for the preferred Option and NextEra is able to provide TCAP an opportunity prior to June 30, 2016 to contract for power to be delivered to members at a price not to exceed 4.1 cents per kWh for the North and West zones and not to exceed 4.25 cents per kWh in the Houston and South zones for supply Option 1 for the period January 1, 2018 through December 31, 2022, <u>any one of the following individuals</u> is hereby authorized to sign an electric supply agreement for the City within 24 hours of receipt of a contract that has been approved and recommended by the TCAP Board of Directors: City Manager.

Section 4:
That the City will commit to purchase power to meet all of its electricity needs eligible for competition pursuant to the TCAP approved supply agreement and approve funds necessary to pay electricity costs proportionate to the City's load under the supply agreement (whether wholesale or retail) arranged by TCAP and signed by TCAP's Executive Director or President or other TCAP representatives authorized by the TCAP Board.

Section 5:
That a copy of this resolution shall be sent to Jay Doegey, Executive Director, TCAP, 15455 Dallas Parkway, Suite 600, Addison, Texas 75001 and Geoffrey M. Gay, legal counsel to TCAP at 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED, ADOPTED AND APPROVED by the City Council of City of Kennedale, Texas, this the 15th day of February 2016.

_____
Brian Johnson, Mayor

ATTEST:

_____
Leslie Galloway, City Secretary

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 2016

Agenda Item No: DECISION ITEMS - F.

I. Subject:
Consider acceptance of the 2015 Comprehensive Annual Financial Report (CAFR)

II. Originated by:

III. Summary:
City Council to consider acceptance of the 2015 Comprehensive Annual Financial Report.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 2016

Agenda Item No: EXECUTIVE SESSION - A.

I. Subject:
The City Council may meet in closed session at any time during the work session or the regular session, pursuant to Section 551.071 of the Texas Government Code for consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion on any item posted on the agenda and the following items:

1. Land use amortization (6727 Hudson Village Creek Road)
2. Floodplain amortization and remediation

II. Originated by:

III. Summary:

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

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

Staff Report to the Honorable Mayor and City Council

Date: February 15, 2016

Agenda Item No: RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED - A.

I. Subject:
Consider approval of Resolution 481 authorizing the Board of Adjustment to initiate amortization proceedings on property at 6727 Hudson Village Creek Road

II. Originated by:

III. Summary:

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments: