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KENNEDALE CITY COUNCIL AGENDA

REGULAR MEETING
July 18, 2016
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

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

I. CALL TO ORDER

II. WORK SESSION

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

A. Review the 2016 Board and Commission appointment process and calendar

B. Discussion of items on regular agenda

III. 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 matters:

1. Citizen's Petition

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

1. 108 New Hope Road
2. 6727 Hudson Village Creek

IV. REGULAR SESSION

V. ROLL CALL

VI. INVOCATION

VII. UNITED STATES PLEDGE AND TEXAS PLEDGE

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

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

IX. VISITOR/CITIZENS FORUM

At this time, any person with business before the City Council not scheduled on the Agenda may speak to the Council, provided that an official 'Speaker's Request Form' has been completed and submitted to the City Secretary prior to the start of the meeting. All comments must be directed towards the Mayor and Council, rather than individual council members or staff. All speakers must limit their comments to the subject matter as listed on the 'Speaker's Request Form.' No formal action or discussion can be taken on these items.

X. REPORTS/ANNOUNCEMENTS

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

A. Updates from City Council

B. Updates from the Mayor

C. Updates from the City Manager

XI. MONITORING INFORMATION

A. Monthly Financials - June 2016

B. Executive Limitations

C. Ends Review - Balanced Scorecard

XII. REQUIRED APPROVAL ITEMS (CONSENT)

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

A. Consider approval of minutes from June 27, 2016 regular meeting

B. Consider approval of Resolution 488 authorizing continued participation with the Steering Committee and authorize payment to Atmos Energy Corporation

XIII. DECISION ITEMS

A. Consider approval of Resolution 489 calling for a public hearing on August 15, 2016 on the amendment of water, wastewater, and roadway impact fees

B. Consider approval of Ordinance 602 adding Section 12-9 "Solicitation" to Chapter 12 of the City of Kennedale Code

XIV. EXECUTIVE SESSION II

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

1. City Manager's Annual Evaluation

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

XVI. ADJOURNMENT

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

CERTIFICATION

I certify that a copy of the July 18, 2016, agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.

Leslie Galloway

Leslie Galloway, City Secretary

Staff Report to the Honorable Mayor and City Council

Date: July 18, 2016

Agenda Item No: WORK SESSION - A.

I. Subject:
Review the 2016 Board and Commission appointment process and calendar

II. Originated by:

Leslie Galloway, Communications Coordinator
Leslie Galloway, Communication Coordinator

III. Summary:
Based on the timeline as described in Resolution 404 (attached), staff is proposing the following calendar for the 2016 board and commission appointment process. There is a calendar attached as well.

• July 1: Applications become available
• July 11: First Notification in Newsletter/Flyers
• July 22: Notify Board Members of expiring terms
• July 31: Second Notification in Newsletter/Flyers
• Sept 1: Third Notification in Newsletter/Flyers
• Sept 8: Special Budget Meeting (Pending Council Approval)
• Sept 9: APPLICATIONS DUE BY 5:00PM
• Sept 15: Special Budget Meeting (if needed)
• Oct 3, 4, 5, 6: Interviews with Council
• Oct 7: Deadline to notify all applicants of Council's intentions
• Oct 13: Deadline for candidate response
• Oct 17: Official appointments made at regular Council Meeting (Will include work session item to allow time to adjust for candidate responses)

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	R404	R404.pdf
2.	Board Appointment Calendar - 2016	Council Calendar - Boards 2016.pdf

RESOLUTION NO. 404

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS ESTABLISHING AN APPOINTMENT PROCESS FOR BOARDS AND COMMISSIONS APPOINTED BY CITY COUNCIL.

WHEREAS, it is the desire of the Mayor and City Council to encourage participation by citizens, elected officials and appointed officials in the selection process for all appointments to the City's Boards, Commissions, and Committees; and

WHEREAS, the City Council wishes to recruit and appoint highly qualified individuals to serve on behalf of the residents of Kennedale in various capacities; and

WHEREAS, the City Council believes that the establishment of an official annual appointment process will increase awareness and public interest in serving on city boards.

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

SECTION 1.

The following appointment process shall be used for appointments to existing Boards, Commissions and Committees established and appointed by the City Council and to those Boards, Commissions and Committees subsequently established and appointed by the City Council.

Any existing or subsequently established boards, commissions, or committees whose members are not appointed by City Council shall be filled through a separate application process.

SECTION 2.

Current board and commission members whose terms expire that year must provide notification to the City Secretary's office by July 31st indicating either their interest in reapplying for their current seat or their intent to vacate that seat.

SECTION 3.

For annual appointments, the City Secretary shall advertise vacancies and term expirations for at least sixty (60) days in any of the following ways: on the City's website, in the City newsletter, and with announcements at city council and board meetings.

SECTION 4.

Applications will be made available both online and in paper format for a minimum of thirty (30) days prior to the regular City Council meeting in October. Applications must be fully completed and submitted to the City Secretary's Office on or before the advertised due date. Incomplete applications will not be considered. Applicants must agree to abide by the city's Code of Ethics and to the guidelines established by the City of Kennedale Board and Commission Handbook. Applicants will be able to indicate specific boards of interest; however, final placement is left to the discretion of City Council.

Reappointments are not automatic and are subject to the discretion of City Council. Present members who wish to continue to serve in their current seat must abide by the process described herein, including the application and interview process.

SECTION 5.

Upon closure of the application period, all applications and any supporting documents shall be sent to City Council. Interviews of all applicants will be conducted by City Council as a whole prior to the official appointment date in October. Applicants will be expected to attend an interview and be familiar with city initiatives and plans. All applicants will be notified of the status of their application prior to the official appointment date.

SECTION 6.

Official appointments will be made at the regular City Council meeting in October.

SECTION 7.

All applications and supporting documentation shall be kept on file in the City Secretary's office for one (1) year. Should a vacancy occur, the applications on file and any new applications received shall be sent to the City Council for review and consideration for appointment by the City Council.

SECTION 8.

This resolution shall be effective upon its approval by the City Council.

APPROVED this 11th day of July, 2013.

APPROVED: John Clark

Mayor John Clark

ATTEST: Amethyst G. Cirmo

Amethyst G. Cirmo, City Secretary

CITY OF KENNEDALE SEAL TARRANT COUNTY, TEXAS

Board Application Process 2016

S	M	T	W	T	F	S
JULY						
					01 *(board apps available)*	02
03	04 HOLIDAY	05	06	07	08	09
10	11 First Notification in Newsletter	12	13	14	15	16
17	18 **REGULAR MTG**	19	20	21	22 Expiring Board Members Notified	23
24	25	26	27	28	29	30
AUGUST						
31	01 Second Notification in the Newsletter	02	03	04	05 Expiring Board Members Must Inform Staff of Their Intention to Reapply (or not)	06
07	08	09	10	11	12 **BUDGET WKSHP**	13
14	15 **REGULAR MTG**	16	17	18	19 Expiring Board Members Notified (2nd time)	20
21	22	23	24	25	26	27
28	29	30	31			
SEPTEMBER						
				01 Third Notification in the Newsletter	02 Expiring Board Members Notified (3rd)	03
04	05 **HOLIDAY**	06	07 Expiring Board Members Notified (Final)	08 **SPECIAL MTG: BUDGET**	09 *(board apps DUE)*	10
11	12	13	14	15 ***(If needed for tax rate)*** **SPECIAL MTG: BUDGET**	16	17
18	19 **REGULAR MTG**	20	21	22	23	24
25	26	27	28	29	30	
OCTOBER						
						01
02	03 **INTERVIEWS**	04 **INTERVIEWS**	05 **INTERVIEWS**	06 **INTERVIEWS**	07 *(board candidates notified)*	08
09	10	11	12	13 *(deadline to accept nomination)*	14	15
16	17 *(board appts made)* **REGULAR MTG**	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Staff Report to the Honorable Mayor and City Council

Date: July 18, 2016

Agenda Item No: WORK SESSION - B.

I. Subject:
Discussion of items on regular agenda

II. Originated by:

III. Summary:
Discussion of items on regular agenda.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

Staff Report to the Honorable Mayor and City Council

Date: July 18, 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 matters:

1. Citizen's Petition

II. Originated by:

III. Summary:

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

Staff Report to the Honorable Mayor and City Council

Date: July 18, 2016

Agenda Item No: EXECUTIVE SESSION - B.

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

1. 108 New Hope Road
2. 6727 Hudson Village Creek

II. Originated by:

III. Summary:

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

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Staff Report to the Honorable Mayor and City Council

Date: July 18, 2016

Agenda Item No: REPORTS/ANNOUNCEMENTS - A.

I. Subject:
Updates from City Council

II. Originated by:

City Council, City Council

III. Summary:
Updates and information from Council members .

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

Staff Report to the Honorable Mayor and City Council

Date: July 18, 2016

Agenda Item No: REPORTS/ANNOUNCEMENTS - B.

I. Subject:
Updates from the Mayor

II. Originated by:

III. Summary:

Updates and information from the Mayor.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

Staff Report to the Honorable Mayor and City Council

Date: July 18, 2016

Agenda Item No: REPORTS/ANNOUNCEMENTS - C.

I. Subject:
Updates from the City Manager

II. Originated by:

Bob Hart

III. Summary:
Updates and information from City Manager, if any.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

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Staff Report to the Honorable Mayor and City Council

Date: July 18, 2016

Agenda Item No: MONITORING INFORMATION - A.

I. Subject:
Monthly Financials - June 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.	June 2016 Monthly Financials	2016_06 Monthly Financials.pdf

CITY OF KENNEDALE, TEXAS
ANNUAL PROGRAM OF SERVICES
MONTHLY FINANCIALS

REVENUES	FY14-15 YTD	FY14-15 YTD MAY	FY14-15 ESTIMATE	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY14-15 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
GENERAL FUND	4,791,580	4,777,931	5,824,090	6,023,006	6,091,420	569,480	5,275,617	436,952	86.6%	815,802
OTHER GENERAL FUNDS	1,028,899	935,153	1,438,206	1,437,430	1,263,636	158,876	777,027	28,617	61.5%	486,609
GENERAL FUND	**5,820,478**	**5,713,084**	**7,262,295**	**7,460,436**	**7,355,056**	**728,356**	**6,052,644**	**465,568**	**82.3%**	**1,302,412**
GENERAL DEBT SERVICE FUND	**1,264,185**	**1,224,363**	**1,393,601**	**1,340,773**	**1,403,111**	**32,900**	**1,275,736**	**43,928**	**90.9%**	**127,376**
WATER/SEWER FUND	2,092,681	1,826,586	3,363,757	3,460,517	5,672,328	455,218	2,873,234	2,185,873	50.7%	2,799,094
STORMWATER UTILITY FUND	137,132	121,863	159,647	200,108	247,825	26,319	181,339	(17,700)	73.2%	66,486
WATER IMPACT FUND	124,539	124,532	166,034	172,370	116,040	84,242	150,169	30	129.4%	(34,129)
SEWER IMPACT FUND	29,736	29,735	32,010	44,619	6,682	29,179	47,426	(1)	709.8%	(40,744)
WATER/SEWER FUND	**2,384,088**	**2,102,716**	**3,721,448**	**3,877,614**	**6,042,875**	**594,958**	**3,252,168**	**2,168,203**	**53.8%**	**2,790,707**
EDC4B FUNDS	**389,218**	**363,877**	**592,072**	**650,469**	**912,036**	**50,204**	**373,814**	**10,331**	**41.0%**	**538,222**
CAPITAL FUNDS	**216,794**	**209,505**	**809,751**	**827,125**	**1,141,107**	**144,149**	**540,149**	**(107,523)**	**47.3%**	**600,958**
SPECIAL REVENUE FUNDS	**(3,058)**	**6,668**	**106,668**	**42,861**	**126,801**	**1**	**89,673**	**125,000**	**70.7%**	**37,128**
TOTAL REVENUES	**$ 10,071,706**	**$ 9,620,212**	**$ 13,885,835**	**$ 14,199,278**	**$ 16,980,986**	**$ 1,550,568**	**$ 11,584,183**	**$ 2,705,508**	**68.2%**	**5,396,802**

EXPENDITURES	FY14-15 YTD	FY14-15 YTD MAY	FY14-15 ESTIMATE	FY14-15 ACTUAL	FY15-16 ADOPTED	CURRENT MONTH	FY14-15 YTD	CY - PY CHANGE	% OF BUDGET USED	BUDGET REMAINING
GENERAL FUND	4,065,603	3,599,897	5,814,269	5,688,346	6,198,118	431,346	4,297,100	372,294	69.3%	1,901,018
OTHER GENERAL FUNDS	808,116	710,700	1,229,763	1,127,260	1,322,814	68,921	1,041,576	24,818	78.7%	281,238
GENERAL FUND	**4,873,719**	**3,599,897**	**5,814,269**	**6,815,606**	**7,520,932**	**500,267**	**5,338,676**	**397,112**	**69.3%**	**2,182,255**
GENERAL DEBT SERVICE FUND	**1,338,313**	**1,139,537**	**1,344,156**	**1,338,313**	**1,363,867**	**(68)**	**1,173,405**	**20,759**	**86.0%**	**190,462**
WATER/SEWER FUND	3,094,442	2,626,412	4,695,060	4,050,650	6,093,227	283,275	2,894,704	1,032,548	47.5%	3,198,523
STORMWATER UTILITY FUND	295,243	291,026	315,478	111,696	264,273	30,720	90,189	(307,954)	34.1%	174,084
WATER IMPACT FUND	-	-	174,916	174,916	171,200	-	-	(3,716)	0.0%	171,200
SEWER IMPACT FUND	-	-	22,396	22,396	-	-	-	(22,396)	0.0%	-
WATER/SEWER FUND	**3,389,685**	**2,917,438**	**5,207,850**	**4,359,658**	**6,528,700**	**313,995**	**2,984,893**	**698,482**	**45.7%**	**3,543,807**
EDC4B FUNDS	**512,938**	**475,271**	**671,977**	**733,118**	**711,842**	**93,304**	**589,421**	**(24,127)**	**82.8%**	**122,422**
CAPITAL FUNDS	**266,643**	**285,607**	**741,452**	**795,765**	**1,283,626**	**-**	**528,495**	**(53,843)**	**41.2%**	**755,131**
SPECIAL REVENUE FUNDS	**-**	**-**	**101,800**	**48,852**	**126,800**	**16,664**	**105,110**	**(55,000)**	**82.9%**	**21,690**
TOTAL EXPENDITURES	**$ 10,381,298**	**$ 8,417,748**	**$ 13,881,504**	**$ 14,091,312**	**$ 17,535,767**	**$ 924,162**	**$ 10,720,001**	**$ 983,384**	**61.1%**	**6,815,766**

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	190,860	275,390	293,578	14,818	204,024	11,658	69.5%	89,554
MAYOR/CITY COUNCIL	54,726	77,128	88,576	1,201	61,964	(5,530)	70.0%	26,612
CITY SECRETARY	81,454	124,118	135,923	6,734	92,171	(12,421)	67.8%	43,752
MUNICIPAL COURT	93,043	129,204	157,745	14,826	83,590	18,928	53.0%	74,156
HUMAN RESOURCES	82,206	112,330	124,565	8,376	86,725	6,723	69.6%	37,839
FINANCE	264,846	348,750	323,931	19,924	249,482	(96,469)	77.0%	74,449
POLICE	1,416,651	2,033,489	2,245,833	151,313	1,539,247	193,639	68.5%	706,586
FIRE	1,203,866	1,627,526	1,728,014	135,151	1,234,239	79,246	71.4%	493,775
COMMUNITY DEVELOPMENT	222,148	347,889	439,480	42,272	288,455	57,053	65.6%	151,025
SENIOR CITIZEN CENTER	34,556	50,569	54,077	4,376	34,398	(32)	63.6%	19,679
LIBRARY	152,801	217,519	239,080	19,296	176,922	9,990	74.0%	62,157
NONDEPARTMENTAL	268,446	344,434	367,317	13,059	245,885	109,510	66.9%	121,433
TOTAL EXPENDITURES	**$ 4,065,603**	**$ 5,688,346**	**$ 6,198,118**	**$ 431,346**	**$ 4,297,100**	**$ 372,294**	**69.3%**	**$ 1,901,018**

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	777,564	1,326,837	1,360,981	32,833	643,632	14,824	47.3%	717,349
WATER OPERATIONS	1,233,868	1,109,432	3,156,143	153,233	1,089,577	1,374,731	34.5%	2,066,567
DEBT	443,926	186,691	505,472	-	450,087	1,372	89.0%	55,385
NONDEPARTMENTAL	639,084	1,427,690	1,070,631	97,209	711,408	(358,379)	66.4%	359,223
TOTAL EXPENDITURES	**$ 3,094,442**	**$ 4,050,650**	**$ 6,093,227**	**$ 283,275**	**$ 2,894,704**	**$ 1,032,548**	**47.5%**	**$ 3,198,523**

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	465,208	704,161	1,042,537	37,140	829,332	213,861	79.5%	213,206
PARKS MAINTENANCE	69,856	118,624	84,000	19,670	91,316	7,000	108.7%	(7,316)
TOTAL EXPENDITURES	**$ 535,064**	**$ 822,784**	**$ 1,126,537**	**$ 56,810**	**$ 920,648**	**$ 220,861**	**81.7%**	**$ 205,890**

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	153,660	241,795	176,466	84,434	230,610	(85,995)	130.7%	(54,145)
DEBT SERVICE	314,287	323,315	319,893	4,573	304,974	(3,475)	95.3%	14,919
TOWN SHOPPING CENTER	44,992	66,816	50,484	4,297	35,098	-	69.5%	15,386
TOWN CENTER REDEVELOPME	-	-	90,000	-	-	90,000	0.0%	90,000
TX LEVERAGE	-	101,192	50,000	-	18,739	(60,000)	37.5%	31,261
TOTAL EXPENDITURES	**$ 91,744**	**$ 715,745**	**$ 686,842**	**$ 84,494**	**$ 84,494**	**$ (59,471)**	**12.3%**	**$ 97,422**

Staff Report to the Honorable Mayor and City Council

Date: July 18, 2016

Agenda Item No: MONITORING INFORMATION - B.

I. Subject:
Executive Limitations

II. Originated by:

III. Summary:
Reports are attached for review.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Executive Limitations - June 2016	Executive Limitations 07.2016.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.

The utility system remains in a deficit financial position. The recent rate increase will bring the system back into compliance with the fiscal policies within 4 years years. Other operations ae 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 handbook. City operations are in compliance with the treatment of staff policy. Kelly Cooper works well with staff to ensure polices are followed. Staff recently completed supervisory and leadership training. Succession planning is underway for public works, fire, and police.

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 both budget reviews and staff meetings. Krystal Crump is providing excellent support insofar as city finances are concerned. Jack Thompson (EDC & Chamber) is familiar with the business development activities.

Staff Report to the Honorable Mayor and City Council

Date: July 18, 2016

Agenda Item No: MONITORING INFORMATION - C.

I. Subject:
Ends Review - Balanced Scorecard

II. Originated by:

III. Summary:
Reports are attached for review.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

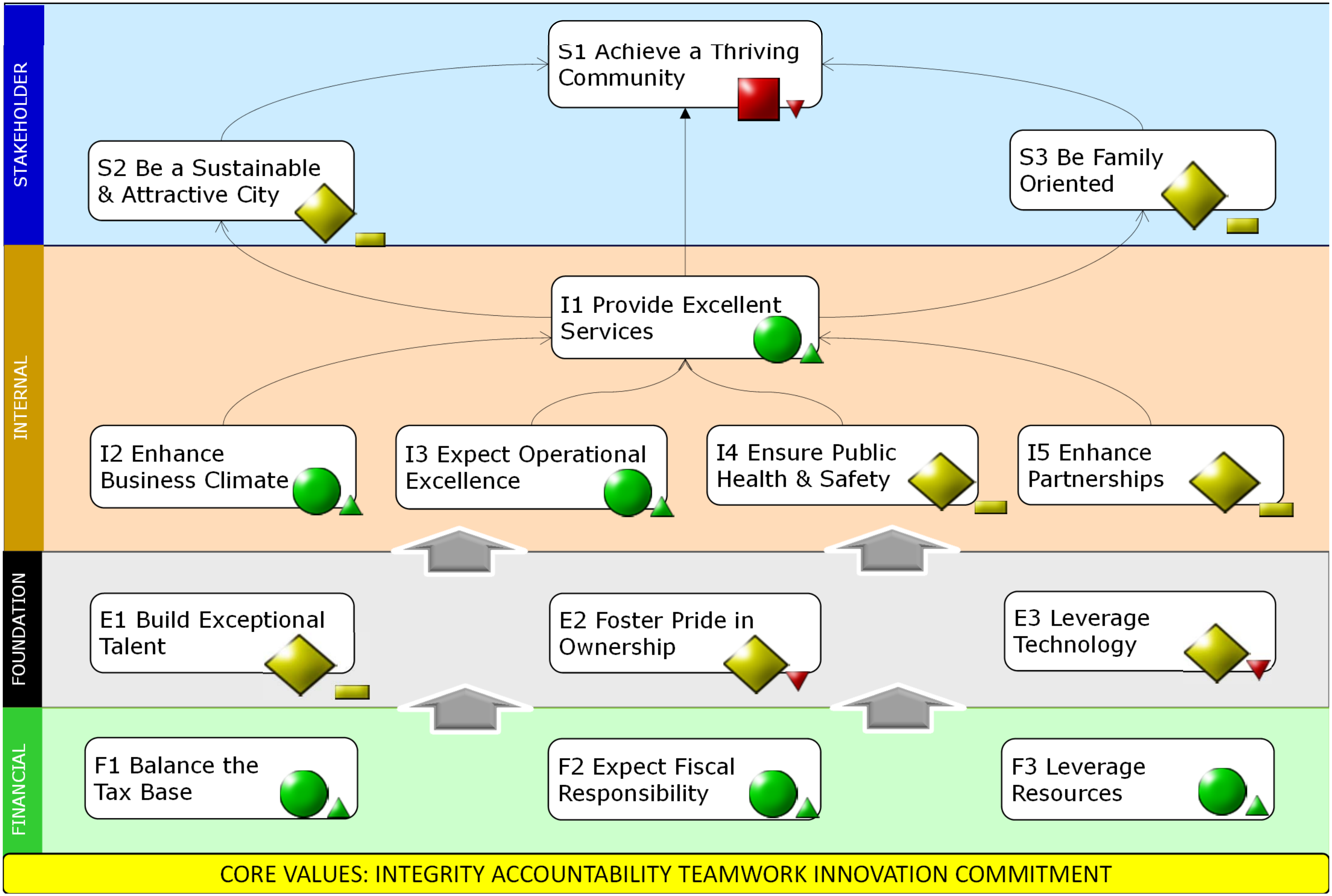
VII. Alternative Actions:

VIII. Attachments:

1.	Balanced Scorecard - June 2016	Balanced Scorecard.pdf

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

KENNEDALE
13-1
June 2016



Staff Report to the Honorable Mayor and City Council

Date: July 18, 2016

Agenda Item No: REQUIRED APPROVAL ITEMS (CONSENT) - A.

I. Subject:
Consider approval of minutes from June 27, 2016 regular 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 - June 27, 2016	6-27-16.pdf

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KENNEDALE CITY COUNCIL

MINUTES
REGULAR MEETING
June 27, 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 5:30 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. Discussion of Kennedale Public Library's Long Range Plan

Library Director Amanda King provided an overview of the long range plan; she noted that a long range plan is needed in order to keep the Library accreditation. Amanda stated that when preparing the long range plan, she wanted it to be something that staff could reference; something that showed where we are going and what are values are; and a statement of what we believe: community, collaboration, respect, learning, and accountability. She noted that we are currently doing these things, but felt it was important to state it. She noted that the ends statement has been revamped due to feedback from community conversations and the Library Advisory Board.

In closing, she stated the goal is to make the Library a community hub and a place where citizens can get community information.

B. Discuss City Council meeting procedures

City Manager Bob Hart stated that at the May budget workshop Council talked about the need to create meeting procedures. Bob added that after looking over examples from several sources, most were common across the board. Also, in the documents provided is an excerpt from a Lewis McClain article about becoming a “teaching council”, which plays to Council’s strengths. As was discussed at the workshop, Council has found a balance over the years where everything flows pretty smoothly and I thought it would be good to have these things in writing.

Mayor Johnson stated that we already have a written document like this, and what Council needs now is a procedure for deciding what's on the agenda. There was lengthy discussion concerning the need to create written procedures regarding request to add items to the agenda; speaking with the media; and order of the meeting. It was noted that we need to follow parliamentary procedures, and it was suggested that Council reviews "Robert Rules of Order" for small boards.

C. Discussion of items on regular agenda

No items were discussed at this time.

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

Covenant Life Baptist Church Pastor Greg Adams provided the invocation.

VI. UNITED STATES PLEDGE AND TEXAS PLEDGE

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

VII. PRESENTATIONS

A. Bulin Family Brick Presentation
Alvin "Red" & Hazel Austin Bulin
Thomas Alvin & Viola Williams Bulin

Mayor Johnson read a statement that listed many of the contributions made by the Bulin Family to the Kennedale community. He presented two brick pavers to the family that will be placed under the clock tower at TownCenter Park.

VIII. VISITOR/CITIZENS FORUM

At this time, any person with business before the City Council not scheduled on the Agenda may speak to the Council, provided that an official ‘Speaker’s Request Form’ has been completed and submitted to the City Secretary prior to the start of the meeting. All comments must be directed towards the Mayor and Council, rather than individual council members or staff. All speakers must limit their comments to the subject matter as listed on the ‘Speaker’s Request Form.’ No formal action or discussion can be taken on these items.

Mayor Johnson opened the Citizens Forum stating that this time is for citizens to speak on topics not on the agenda; noting that Council cannot take action, nor respond. Additionally, he requested that everyone stay on topic and be as brief as possible, due to the number of people signed up to speak.

Cecil Bedford, 12429 Oak Grove Road South, Burleson, he spoke in regard to the naming of the round-a-bouts on Little Road. He is the son of Frank and Wilma (Waddie) Bedford. He requested Council consider naming the round-a-bouts after his family and the Cooper family for their contributions to the community. He added that both families are lifelong members of the community and provided background information on the families.

John Hunt, 924 Sunrise Drive, he introduced himself, stating that he was just elected as president of the Kennedale Independent School Board. He stated that he appreciates the spirit of cooperation between the two boards and extends a hand of friendship. Concluding, he added that he knows how hard the Council's work is and hopes they can corporate and work well together in the future.

Chris Pugh, 715 Timberline Drive, he spoke in regard to the Kennedale Parks, Recreation, and Open Space Master Plan. He stated that he enjoys the parks, but hopes Council will consider what's most important as the budget approaches. Noting that we need to focus on needs, not wants; and that drawing families and businesses to Kennedale requires a dependable infrastructure and reasonable costs of living. He requested Council carefully consider the city's needs and use the opportunities given to resolve, in a timely manner, the infrastructure crisis the city is presently experiencing.

Sandy Mata, 1209 Vera Lane, spoke in opposition of the water rate increase. She stated that the new rate structure is not fair; she should not be paying the same as the family of eight who live across the street. She thanked Councilman Fernandez for voting against the water rate increase, and encouraged Council to take another look at the rate structure.

Gary Swan, 309 Autumnwood Court, spoke in opposition of the water rate increase. He stated that a core group of citizens have been working together to find a solution. He brought a Star Telegram article from 13 years ago where seniors were protesting their rising water costs of 28 percent. He stated that it seems like you have to have a catastrophe to light a fire under people for them to become active. He feels like this issue is not going to go away; and that it is necessary to work together in a collaborative way. Adding, that after the April meeting, he didn't see any public response; there were casual meetings with the Mayor; and outside consultants and groups were asked to weigh in. He informed the Council that there is a petition out there with 600+ signatures; and of those, 330 can be verified through their voter registration. This will be presented to the City Secretary in due time. The Citizen's group talked about a recall, but that is absolutely not the answer. We feel like you are all ethically and morally right, the same as we are. We are recommending that Ordinance 589 be rescinded in its entirety; the city resume the prior water rate billing; and we would like the Kennedale water fund budget be reevaluated collaboratively with the consideration of the citizens.

Gail Uranga, 904 Bell Oak, spoke in opposition of the water rate increase. She is asking Council to please listen carefully to the citizens that are here. She's been listening and community anger is increasing with each bill received. She provided several statements from within the community. She questioned why a municipal bond wasn't considered? How did this become an overnight crisis? Why was this done outside of the regular budget cycle? Why didn't Council considered the impact of this increase after two months of complaints? Adding that citizens feel the expansion costs for the city should not come from their pockets; most have no confidence in the water meters; and now, no confidence in our leaders to protect our interests. She stated that she doesn't know them personally, but believes they have the community's best interests at heart.

Alan Ray, 1025 Winding Creek, spoke in opposition of the water rate increase. He stated that the meters are not trusted by the citizens. His viewpoint is that we have a spending problem. A few years ago, he heard in this room, that they were going to fix the water tower. Where did the money for that go, because it surely hasn't been fixed. Our citizen's group has heard such sad stories about residents not being able to afford their water bill. Even though we don't want to do a recall, there are lots of people out there who are starting to say it. He urged Council to go back to the old rate structure, issue credits for monies collected, and get this resolved.

Carole Ray, 1025 Winding Creek, spoke in opposition of the water rate increase. She stated that she is part of the core group. Adding that she is sure that Council is aware, but may need to be reminded, that with the exception of Mr. Hart, all are elected official and work for the citizens for the betterment of Kennedale. She stated that this was done without any notification and has caused many hardships to the citizens of Kennedale.

Rockie Gilley, 220 S. Dick Price Road, spoke in opposition of the water rate increase. He stated that he doesn't believe Council set out to extract money from the citizens to the extent that it has. He believes they lost sight of the basic needs verses pie-in-the-sky dream projects. He feels some of this process was contrary to the principles of open government... he's not saying it wasn't illegal. He provided a timeline of events starting in September 2015 to current day relating to the rate increase. Besides the way it was passed, he noted the lack of a plan to repair failing lines; including a statement of problem, scope, and timeline. Additionally, he finds some of the statements on the water rate fact sheet misleading. He suggested that perhaps we should consider single-member districts so that the west side of town can get some representation. He stated, this town will grow, but the question is how fast and how much. If you can't take care of what you have, maybe you need to forego the growth plans for a while, and fix what's broke before we bite off something else. He doesn't believe Council promotes the interest of the residents as a whole.

Jan Joplin, 204 Hilltop, spoke in opposition of the water rate increase. She stated that she is a resident, a mom whose kids went through Kennedale schools, now an empty-nester. They received the notice that the water rate would go up about $35; then we started getting bills, and the increase was much more than $35. We are here to try to understand why the increase was so costly. She does understand the need to have reserves; however, why weren't these projects budgeted for years ago? If they were, where is that money? We want to know what can be done. She met with many neighbors, and hears similar stories. People don't know what to do or who to call. Everyone was busy living life and trusting that our officials were doing what's best. She stated that she is hoping that the Mayor, Council, and City Manager are working for the citizens to find a solution.

Adrienne Kay, 918 Shady Creek, spoke in support of Council's decision to increase water rates. She stated that she has been in Kennedale for about 8 years and loves the community, and that she served on the water rate committee. Additionally, she serves on the Economic Development Corporate Board, which is working to attract businesses, and thus revenue. She stated she served on the previous water rate committee three years ago, and although our economy is not perfect today, it's much better than three years ago when an increase was proposed. Council didn't believe it was for the best at that time. Continuing, she stated that we don't have people who want to invest time in committees like this; and that the water rate committee had a varied group and still couldn't find a great solution. So, we brought forward the lesser of two evils. She stated that there comes a time that you have to pay the piper, and that's where we are now. She added that she admires the Council because she knows these are not their full time jobs. In closing, she stated that she still supports the plan, but believes that perhaps there is a better solution; but she doesn't think this plan should be repealed until we have a solution. She agrees that nobody should be forced to choose between water or food and medicine.

Greg Adams, 704 Crestview, spoke in support of Council's decision to increase water rates. He stated that he is not happy with the water rate increase; it has increased his home bill by 50 percent and his Church by 300 percent. He is not in attendance to criticize, but to commend Council; in a climate where politicians cower, this Council was brave enough to make a hard decision. This increase was necessary; I know this because for years I've sat in this room, often as the only attendee at council meetings. I've heard Council lament the fact that this was not dealt with properly years ago, and grapple with the realities of how much of a burden this change might be on residents. This Council has acted openly, above-board, with the citizenry in mind, doing what was necessary. This City is served well by both the people seated before me, and those seated behind me. This community has improved tremendously over the past 6-7 years because of the work of this Council. I'm certain that Council will learn from this experience and become even better representatives.

Raymond Howell, 908 Shady Bend, spoke in opposition of the water rate increase. He provided two handouts with information concerning taxes/school taxes in the surrounding areas. Kennedale had the third highest tax rates of the cities listed; behind Everman and Fort Worth per this article from the handouts. Of the 21 cities, KISD was rated #8. He stated that he would appreciate Council's efforts to try to do something about these issues.

Ernest Harvey, 604 Oak Leaf, spoke in support of Council's decision to increase water rates. He stated that he is the Chair for the Planning and Zoning Commission, and has been involved in studies done by the City in the past. Before I served on a committee, I would attend meetings. This water issue has been facing Councils for multiple administrations. It appears to be new, but it's something this City has been facing for years. Additionally, he stated that this is a nationwide problem that's been documented as far back as 1999. Choosing not to recognize the decay in capital improvements will increase the expenditures of deferred maintenance. We must put the right spending in place and look for a different kind of rate structure, and I think that's what's happened here. I don't like the rate increases either; and he asked Council to look at ways to lessen the burden on those who are income challenged. He commended Council for making this hard decision; and thanked them for protecting the general health, welfare, and safety of the residents.

Robert Gruenhagen, 913 Shady Vale Drive, did not speak, but wished to go on record as to his support to repeal Ordinance 589, which increased the water rates.

Jill Conditt, 1224 Peggy Lane; Vinita Thomas, 412 W. 3rd Street; and Gloria Villaire, 208 Arthur Drive; did not speak, but were in attendance in opposition of the water rate increase.

Mayor Johnson thanked everyone for coming and closed the Citizen's Forum. Council took a five minute recess before moving on with the agenda.

IX. REPORTS/ANNOUNCEMENTS

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

A. Updates from City Council

Mike Walker stated that he attended the Tarrant Regional Transportation Coalition (TRTC) meeting with the Mayor and Bob Hart.

Charles Overstreet stated that he, Bob and Brian met with the Brookhaven HOA to give an update of the City.

B. Updates from the Mayor

Mayor Johnson stated that he also attended the TRTC meeting with Mike Walker. Additionally, he attended the Southeast Tarrant Transportation Partnership meeting where they talked about the I-20/820/287 interchange project. This project is the number one project for COG and will cost $1.4 billion. He added that the project is currently in the environmental study phase. In closing, he joked that he appeared in the Kennedale Junior High School's production of "Annie" as FDR, and was not sure that he'd be invited back next year.

C. Updates from the City Manager

There were no updates from the City Manager.

X. MONITORING INFORMATION

Monitoring information updates are in the agenda packet for review.

A. Monthly Financials - May 2016

B. Executive Limitations

C. Ends Review - Balanced Scorecard

XI. INCIDENTAL ITEMS

There were no Incidental Items for discussion.

XII. REQUIRED APPROVAL ITEMS (CONSENT)

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

A. Consider approval of minutes from May 14, 2016 budget planning workshop

B. Consider approval of minutes from May 16, 2016 Election Business meeting

C. Consider approval of minutes from May 16, 2016 regular meeting

D. Consider approval of the NCTCOG share purchasing co-op

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

Motion passed Unanimously

XIII. DECISION ITEMS

A. Selection of a Mayor Pro-Tem

Mayor Johnson reminded everyone that the Mayor Pro-Tem is usually the senior member of council and will act as Mayor in his absence. Councilman Fernandez recommended the reappointment of Kelly Turner as Mayor Pro-Tem

Motion To reappoint Kelly Turner as Mayor Pro-Tem. **Action** Approve, **Moved By** Frank Fernandez, **Seconded By** Liz Carrington.
Motion passed with a vote of 4-0-1; with Kelly Turner abstaining.

B. **CASE # PZ 16-06** Public hearing and consideration of Ordinance 598 approval regarding a request by CHC Development for an amendment to the concept plan for the Swiney Estates Planned Development District. The Swiney Estates Planned Development District is generally located west of Bowman Springs Rd, south of Bolen Rd, east of a tributary of Village Creek, and north of Pennsylvania Ave.

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 presentation for PZ Case 16-06, stating that it is part of the Swiney property. In January, Council approved a planned development district for this property and during the preliminary platting process; CHC Development noticed that it was possible to move the entrance road from the east side of the property to the south side. This would actually be better and will line up with Pennsylvania Avenue and will allow for a gentler grade for the roads; with lower and fewer retaining walls between the lots and more green space along the periphery. The Planning and Zoning Commission has reviewed and recommends approval. Staff recommends approval, noting that fewer and lower retaining wall makes it easier for homeowners to maintain, and the gentler grade allows for more consistent utility line implementation. Councilman Fernandez questioned why we can't have two entrances. Rachel replied that City code only requires that you have two entrances if there are forty (40) or more lots and this development only has thirty-five (35) lots; therefore, two entries are not required.

Applicant presentation was provided by Ryan McGuire from CHC Development. He stated that Rachel covered most of the points of the revisions. He added that whether you have an entry on the south or north, the grade is so large that it would cause the roads to be steep which would require major retaining walls. Additionally, he noted that it creates a better park entrance which allows for a possible parking area in the future. It also provides additional greenspace between Bowman Springs Road and the neighborhood. Councilman Fernandez questioned the distance between the cul-de-sac and Bowmen Springs Road. Mr. McGuire replied approximately fifty (50) feet. There were additional discussions.

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

There was no Applicant Response or Staff Response and Summary.

Motion To approve Ordinance 598 amending the concept plan for the Swiney Estates Planned Development District. **Action** Approve, **Moved By** Michael Walker, **Seconded By** Charles Overstreet.
Motion passed Unanimously

C. Public Hearing and consider approval of Ordinance 601adopting the Kennedale 2016-2026 Parks, Recreation, and Open Space Master Plan

1. Staff Presentation
2. Public Hearing
3. Staff response and summary
4. Action by Council

Streets/Parks Superintendent Larry Hoover provided a power point presentation of the Parks, Recreation, and Open Space Master Plan. Larry stated that Kennedale's population is projected to double between 2010 and 2030. Adding, that this Master Plan was developed using the National Recreation and Park Association Regulations, the Colorado Small Community Standards (for communities under 10,000), the City of Arlington Open Space Standards, and the 2005 Resident Survey that identified areas of demand for parks.

Mayor Johnson stated that they went to UTA's Urban Planning Department which did this plan for free. He added that a lot of funding for the Master Plan comes from park impact fees paid by developers, which are put it into a conservation fund that can later be used as a grant match for park improvements. He noted that this plan reflects the long-term goals and dreams for the City.

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

Staff Response and Summary:
Larry Hoover stated that the Parks and Recreation Board and the Youth Advisory Board have both reviewed the plan and recommend approval.

Motion To approve Ordinance 601 adopting the Kennedale 2016-2026 Parks Recreation, and Open Space Master Plan. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Liz Carrington.
Motion passed Unanimously

D. Consider approval of Ordinance 597 re-appointing Kennedale Municipal Court Presiding

Judge, William "Bill" Lane and Associate Judge, Craig Magnuson, and re-appointing Erin Bakker, as the alternative Associate Judge

Finance Director Krystal Crump stated that our current ordinance has expired. She added that this will realign these appointments to be in alignment with the Mayor's term.

Motion To approve Ordinance 597 re-appointing Kennedale Municipal Court Judge and Associate Judge. **Action** Approve, **Moved By** Kelly Turner, **Seconded By** Liz Carrington.
Motion passed Unanimously

E. Consider approval of an Ordinance 599 amending the city's schedule of administrative fees

Finance Director Krystal Crump stated that administrative fees include all fees set by the City, excluding utility and impact fees. She noted that the 6 percent charge listed for Municipal Court will be removed before adoption, because this is a fee charged by a third party. The chances include a correction to the cost for finger printing, the addition of a plan review charge, a zoning verification letter fee, a storm drain deposit, and the addition of fees for open record requests, which is in accordance with State Law. She noted that there will be no charge for open records sent electronically.

Motion To approve Ordinance 599 with the removal of the municipal court charge of 6 percent, amending the city's administrative fees. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Michael Walker.
Motion passed Unanimously

F. Consider approval of Ordinance 600 deleting Section 16-117 of the City of Kennedale Code to delete the payment compensation to members of the Youth Advisory Council (YAC)

City Manager Bob Hart stated the advisory boards that make recommendations on policy perspective are the board that should be receiving compensation for service. The Youth Advisory Council does not meet that definition.

Motion To approve Ordinance 600 deleting Section 16-117 of the City of Kennedale Code. **Action** Approve, **Moved By** Frank Fernandez, **Seconded By** Michael Walker.
Motion passed Unanimously

XIV. EXECUTIVE SESSION

Mayor Johnson recessed into executive session at 6:16 p.m.

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.

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

1. 108 New Hope Road
2. 6727 Hudson Village Creek

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

Mayor Johnson reconvened into open session at 6:59 p.m.
No action required.

XVI. ADJOURNMENT

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

The meeting was adjourned at 9:22 p.m.

APPROVED: ATTEST:

Brian Johnson, Mayor

Leslie Galloway, City Secretary

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Staff Report to the Honorable Mayor and City Council

Date: July 18, 2016

Agenda Item No: REQUIRED APPROVAL ITEMS (CONSENT) - B.

I. Subject:
Consider approval of Resolution 488 authorizing continued participation with the Steering Committee and authorize payment to Atmos Energy Corporation

II. Originated by:

III. Summary:
Most municipalities have retained original jurisdiction over gas utility rates and services within municipal limits. The Atmos Cities Steering Committee ("ACSC") is composed of municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division regardless of whether original jurisdiction has been retained. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Mid-Tex. There are 165 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members.

ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution 488	Resolution 488.pdf

RESOLUTION NO. 488

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF TWO AND ONE-HALF CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

WHEREAS, the City of Kennedale is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the city; and

WHEREAS, the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and

WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates; and

WHEREAS, the City is a member of ACSC; and

WHEREAS, in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs,

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

I.

That the City is authorized to continue its membership with the Atmos Cities Steering Committee to protect the interests of the City of Kennedale and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

II.

The City is further authorized to pay its 2016 assessment to the ACSC in the amount of two and one-half cents ($0.025) per capita.

III.

A copy of this Resolution and approved assessment fee payable to *"Atmos Cities Steering Committee"* shall be sent to:

David Barber
Atmos Cities Steering Committee
c/o Arlington City Attorney's Office, Mail Stop 63-0300
101 S. Mesquite St., Suite 300
Arlington, Texas 76010

PRESENTED AND PASSED on this the 18th day of July, 2016, by a vote of ______ ayes and ______ nays at a regular meeting of the City Council of the City of Kennedale, Texas.

____
Brian Johnson, Mayor

ATTEST:

____
Leslie Galloway, City Secretary

APPROVED AS TO FORM:

____
Wayne Olson, City Attorney

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Staff Report to the Honorable Mayor and City Council

Date: July 18, 2016

Agenda Item No: DECISION ITEMS - A.

I. Subject:
Consider approval of Resolution 489 calling for a public hearing on August 15, 2016 on the amendment of water, wastewater, and roadway impact fees

II. Originated by:

III. Summary:
The City Council will hold a public hearing in August on proposed changes to the city's schedule of impact fees. By state law, the Council must approve a resolution calling for the public hearing before the public hearing may be held. The attached resolution authorizes the public hearing to be held.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution 489	Resolution 489.pdf

RESOLUTION NO. 489

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS ESTABLISHING A PUBLIC HEARING DATE TO CONSIDER APPROVAL OF UPDATED LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLANS AND IMPACT FEES FOR WATER, WASTEWATER AND ROADWAYS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of Kennedale has authorized an impact fee study to determine whether to adopt updated land use assumptions, capital improvements plans, and impact fees for water, wastewater and roadways in accordance with Tex. Loc. Gov't Code Chapter 395; and

WHEREAS, Chapter 395 requires the City Council to set a public hearing to consider whether to adopt updated land use assumptions, capital improvements plans and impact fees for water, wastewater and roadways;

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

SECTION 1.

That the above recitals are found to be true and correct and they are incorporated herein as findings of the City Council for all purposes.

SECTION 2.

That a public hearing of the City Council shall be held on **August 15, 2016** at 7:00 p.m. at City Hall 405 Municipal Drive, Kennedale Texas for the purpose of considering amendments to the land use assumptions, capital improvements plans and impact fees for water, wastewater and roadways.

SECTION 3.

That notice of the hearing shall be published in one or more newspapers of general circulation in Tarrant County, before the 30th day before the date set for the hearing.

SECTION 4.

That this Resolution shall take effect immediately upon execution by the Mayor**.**

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

APPROVED:

____
Mayor, Brian Johnson

ATTEST:

____
City Secretary, Leslie Galloway

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Staff Report to the Honorable Mayor and City Council

Date: July 18, 2016

Agenda Item No: DECISION ITEMS - B.

I. Subject:
Consider approval of Ordinance 602 adding Section 12-9 "Solicitation" to Chapter 12 of the City of Kennedale Code

II. Originated by:

Tommy Williams, Police Chief

III. Summary:
With the new development of businesses on Kennedale Parkway at I-20, we have seen an increase in the number of homeless persons begging, or panhandling, patrons for money. Some have gone so far as to park their car at gas pumps and walk the lot soliciting store customers for money until they get enough to fill their gas tanks. We have also had instances of these same people stealing purses and wallets from unsecured vehicles while the driver was present. They will remove property from the passenger side window while the driver is preoccupied with filling the tank on the other side of the vehicle. This has caused a number of people to express feelings of being unsafe while on the premises.

Staff is proposing a panhandling ordinance to prohibit this type of behavior as a means to increase safety and reduce crime. With the new McDonald's being built, this traffic will likely continue to increase unless we act proactively to discourage this type of activity. The proposed ordinance is attached.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Ordinance 602	Ordinance 602.pdf

ORDINANCE NO. 602

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS AMENDING CHAPTER 12, "MISCELLANEOUS PROVISIONS AND OFFENSES" OF THE CITY OF KENNEDALE CODE, AS AMENDED, BY ADDING A NEW SECTION 12-9, "SOLICITATION;" DEFINING TERMS; ESTABLISHING SOLICITATION-FREE ZONES; PROHIBITING OUTDOOR SOLICITATIONS IN SOLICITATION-FREE ZONES; PROVIDING EXCEPTIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council finds that solicitations conducted in outdoor areas of high pedestrian traffic create a safety hazard and an increased potential for criminal activity against persons using businesses, stores, shopping centers, restaurants, clubs, performance halls, parking lots and other venues and facilities associated with retail or entertainment, since those persons often have their attention distracted from their surroundings, sometimes with cash conspicuously in their possessions, thereby making them more vulnerable to and intimidated by solicitors; and

WHEREAS, solicitations conducted in outdoor areas of high pedestrian traffic discourage persons from coming to the areas, thereby hindering the city's goal of promoting tourism, pedestrian traffic, economic development, and residential development; and

WHEREAS, the City Council finds that businesses, stores, shopping centers, restaurants, clubs, performance halls, parking lots and other venues and facilities associated with retail sales or entertainment in the City should be declared as solicitation-free zones to encourage tourism, pedestrian traffic, economic development, and residential development in those areas and to otherwise further public health, safety, and welfare; and

WHEREAS, the City Council finds that regulations addressing all these concerns are in the best interest of the health, safety and welfare of the citizens of Kennedale; and

WHEREAS, it is the intent of the City Council to not infringe on any rights protected by First and Fourteenth Amendments to the United States Constitution.

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

SECTION 1.

The Kennedale City Code is hereby amended by adding a section, to be numbered Section 12-9, "Solicitation" of Chapter 12 "Miscellaneous Provisions and Offenses," which section reads as follows:

"**Sec. 12-9. Solicitation.**

(a) *Definitions.* In this section:

(1) *Aggressive or intimidating manner* means:

a. to approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:

1. imminent bodily injury; or

2. the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession; or

b. to persist in a solicitation after the person solicited has given a negative response; or

c. blocking the path of a person who is the object of the activity; or

d. following behind, ahead, or alongside a person who walks away from the solicitor after being solicited, approached, accosted or offered a handbill, leaflet or any other item.

(2) *Automated teller machine* means a machine, other than a telephone:

a. that is capable of being operated by a customer of a financial institution;

b. by which the customer may communicate to the financial institution a request to withdraw a benefit for the customer or for another person directly from the customer's account or from the customer's account under a line of credit previously authorized by the financial institution for the customer; and

c. the use of which may or may not involve personnel of a financial institution.

(3) *Exterior public pay telephone* means any coin or credit card reader telephone that is:

a. installed or located anywhere on a premises except exclusively in the interior of a building located on the premises; and

b. accessible and available for use by member of the general public.

(4) *Public transportation stop* means an area officially marked and designated as a place to wait for a bus, a light rail vehicle, or any other public transportation vehicle that is operated on a scheduled route with passengers paying fares on an individual basis.

(5) *Self-service car wash* means a structure:

a. at which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine or a station of vacuums used in the cleaning a vehicle whether coin-operated or not; and

b. that is accessible and available for use by the general public.

(6) *Self-service fuel pump* means a fuel pump:

a. from which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, without the aid of an employee or attendant of the premises at which the fuel pump is located; and

b. that is accessible and available for use by the general public.

(7) *Solicitation* means to ask, beg or plead, whether orally or in written or printed manner or with an object for the purpose of receiving contributions, alms, charity, or gifts of items of value for oneself or another person.

(8) *Solicitation-free zone* means any area or structure which provides any service, retail sales, or entertainment for the general public and includes any parking lot used for customer parking associated with those areas or structures.

(9) *Sunrise* means the time of day published by the United States Naval Observatory as the time for sunrise on a particular day in the city.

(10) *Sunset* means the time of day published by the United States Naval Observatory as the time for sunset on a particular day in the city.

(b) *Offenses.*

(1) A person commits an offense if he conducts a solicitation in an aggressive or intimidating manner.

(2) A person commits an offense if he conducts a solicitation in any outdoor area in the city at any time after sunset and before sunrise on any day of the week. It is a defense to prosecution under this subsection if the solicitation:

a. consists exclusively of passive, nonverbal acts; or

b. was being conducted on the property with the advance written permission of the owner, manager, or other person in control of the property.

(3) A person commits an offense if he conducts a solicitation at any time within a solicitation-free zone. It is an affirmative defense to prosecution under this subsection if the solicitation was being conducted on property with advanced written permission of the owner, manager, or other person in control of the property.

(4) A person commits an offense if he conducts a solicitation of any person within 50 feet of:

a. an automated teller machine;

b. an entrance or exit of a bank, credit union, or other similar financial institution;

c. an exterior public pay phone;

d. a self-service car wash;

e. a self-service fuel pump;

f. a public transportation stop; or

g. an outdoor dining area of a fixed food establishment.

(5) A person commits an offense if he conducts a solicitation of any person within 50 feet of:

a. playground equipment;

b. a concession stand; or

c. a public swimming pool.

(c) For the purpose of Subsections (b)(4) and (b)(5) measurement will be made in a straight line, without regard to intervening objects or structures, from the nearest point at which a solicitation is being conducted to whichever is applicable of the following:

(1) the nearest entrance or exit of a facility in which an automated teller machine is enclosed or, if the machine is not enclosed in a facility, to the nearest part of the automated teller machine;

(2) the nearest entrance or exit of a bank, credit union, or other similar financial institution;

(3) the nearest part of an exterior public pay phone;

(4) the nearest part of a structure of a self-service car wash;

(5) the nearest part of a self-service fuel pump;

(6) the nearest point of any sign or marking designating an area as a public transportation stop;

(7) the nearest part of any table in an outdoor dining area or, if the outdoor dining area is contained within an enclosure, the nearest part of that pergola or patio;

(8) the nearest piece of playground equipment;

(9) the nearest part of a structure of a concession stand; or

(10) the nearest entrance or exit of a public swimming pool.

(d) In addition to any enforcement action by a peace officer for a violation of this section, any person who is a victim of a solicitation prohibited under Subsection (b), or who witnesses a violation of Subsection (b) may file a complaint with the police department.

(e) An offense under this section is punishable by a fine not to exceed $500."

SECTION 2.

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

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect 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 the unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

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

SECTION 5.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of Chapter 12 of the Code of Ordinances of the City of Kennedale, as amended, or any other ordinance regarding the regulation of solicitation that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Kennedale is hereby directed to publish in the official newspaper of the City of Kennedale, the caption, penalty clause, publication clause and effective date clause of this Ordinance one (1) time within ten (10) days after the first reading of this Ordinance as required by the Charter of the City of Kennedale.

SECTION 7.

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

PASSED AND APPROVED ON THIS 18th DAY OF JULY, 2016.

____
Brian Johnson, Mayor

ATTEST:

____
Leslie Galloway, City Secretary

EFFECTIVE: ________________________

APPROVED AS TO FORM AND LEGALITY:

____
Wayne K. Olson, City Attorney

Staff Report to the Honorable Mayor and City Council

Date: July 18, 2016

Agenda Item No: EXECUTIVE SESSION II - A.

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

1. City Manager's Annual Evaluation

II. Originated by:

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

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	City Manager Annual Evaluation Form	City Manager Evaluation.doc
2.	2016 Ends Statement with Sub-ends	2016 Ends Statement.pdf
3.	Governance Policies	Governance Policies.pdf

***Manager Performance Evaluation*[1]**

INSTRUCTIONS

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

5 = Excellent (almost always exceeds the performance standard)

4 = Above average (generally exceeds the performance standard)

3 = Average (generally meets the performance standard)

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

1 = Poor (rarely meets the performance standard)

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

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

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

PERFORMANCE CATEGORY SCORING

1. INDIVIDUAL CHARACTERISTICS

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

_____ Exercises good judgment

_____ Displays enthusiasm, cooperation, and willingness to adapt

_____ Exhibits mental and physical stamina appropriate for the position

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

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

2. PROFESSIONAL SKILLS AND STATUS

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

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

_____ Demonstrates a capacity for innovation and creativity

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

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

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

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

3. RELATIONS WITH MEMBERS OF THE ELECTED BODY

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

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

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

_____ Assists by facilitating decision making without usurping authority

_____ Responds well to requests, advice, and constructive criticism

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

4. POLICY EXECUTION

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

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

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

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

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

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

5. REPORTING

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

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

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

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

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

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

6. CITIZEN RELATIONS

______ Is responsive to requests from citizens

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

______ Maintains a nonpartisan approach in dealing with the news media

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

______ Makes an appropriate effort to maintain citizen satisfaction with services

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

7. STAFFING

______ Recruits and retains competent personnel for staff positions

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

______ Stays accurately informed and appropriately concerned about employee relations

______ Manages the compensation and benefits plan professionally

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

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

8. SUPERVISION

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

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

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

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

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

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

9. FISCAL MANAGEMENT

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

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

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

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

_____ Monitors and manages fiscal activities of the organization appropriately

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

10. COMMUNITY

_____ Shares responsibility for addressing the difficult issues facing the community

_____ Avoids unnecessary controversy

_____ Cooperates with neighboring communities and the county

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

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

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

NARRATIVE EVALUATION

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

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

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

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

Ends Statement

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

Sub-ends

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

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

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

1.3 Services are in place to support families

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

1.5 Well planned community following sustainable principles

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

1.5.2 Residents have views of natural landscapes

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

1.5.4 Residents enjoy community based activities

1.6 Business uses are compatible with residential areas

1.7 Kennedale has excellent educational services

1.7.1 The public library serves the community as a central hub for information. The library connects patrons with their community through innovative programs, gathering spaces and services to enrich lives

1.7.2 KISD is an exemplary school system

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

1.7.4 Home-school opportunities and networks are available

2.0 Kennedale entry points are pastoral and serene

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

2.2 Kennedale Parkway is physically attractive

2.2.1 Annexation activity

2.3 Sidewalks and landscaping are integral to the community

2.4 Trees and natural spaces are preserved

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

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

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

4.1 The Kennedale municipal government is well governed

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

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

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

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

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

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

4.6 Buildings are constructed and maintained in compliance with national codes

4.7 Kennedale city government is financially responsible and sustainable

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

4.8.2 Intergovernmental relationships

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

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

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

SECTION I: EXECUTIVE LIMITATIONS

(I-A) 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.

(I-B) 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.

(I-C) TREATMENT OF STAFF

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

The City Manager will not

1. Operate without written personnel rules that (a) clarify rules for staff, (b) provide for effective handling of grievances, and (c) protect against wrongful conditions, such as nepotism and grossly preferential treatment for personal reasons.
2. Retaliate against any staff member for nondisruptive expression of dissent.
3. Allow staff to be unaware of City Manager's interpretations of their protections under this policy.
4. Allow staff to be unprepared to deal with emergency situations.

(I-D) FINANCIAL PLANNING/BUDGETING

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

The City Manager will not allow budgeting which:

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

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

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

(I-E) FINANCIAL CONDITION AND ACTIVITIES

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

The City Manager will not

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

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

3. Use any long-term reserves.

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

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

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

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

8. Acquire, encumber or dispose of real estate.

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

SECTION I: EXECUTIVE LIMITATIONS

(I-F) ASSET PROTECTION

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

The City Manager will not

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

2. Allow personnel access to material amounts of funds.

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

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

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

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

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

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

(I-G) 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.

SECTION I: EXECUTIVE LIMITATIONS

(I-H) COMPENSATION AND BENEFITS

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

The City Manager will not

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

2. Promise or imply permanent or guaranteed employment.

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

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

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

   a) Incur unfunded liabilities,

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

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

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

(I-I) COMMUNICATION AND SUPPORT TO THE CITY COUNCIL

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

The City Manager will not

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

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

3. Allow the Council to be unaware that, in the City Manager's opinion, the Council is not in compliance with its own policies on Governance Process and Council-Management Delegation, particularly in the case of Council behavior which is detrimental to the work relationship between the Council and the City Manager.

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

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

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

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

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

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

SECTION II: THE GOVERNANCE PROCESS

(II-A) GLOBAL GOVERNANCE PROCESS

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

(II-B) GOVERNING STYLE

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

Accordingly,

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

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

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

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

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

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

(II-C) COUNCIL JOB DESCRIPTION

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

Accordingly, the Council will provide

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

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

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

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

(II-D) COUNCIL MEMBERS' CODE OF CONDUCT

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

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

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

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

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

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

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

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

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

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

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

5. Members will be properly prepared for Council deliberation.

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

(II-E) CITY COUNCIL ENGAGEMENT

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

Accordingly,

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

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

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

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

(II-F) ANNUAL PLANNING

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

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

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

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

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

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

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

(II-G) MAYOR'S ROLE

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

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

   a. Meeting discussion content will be only those issues which, according to board policy, clearly belong to the Council to decide or to monitor.

   b. Deliberation will be fair, open, and thorough, but also timely, orderly, and kept to the point.

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

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

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

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

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

(II-H) COUNCIL COMMITTEE PRINCIPLES

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

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

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

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

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

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

(II-I) COST OF GOVERNANCE

The Council will invest in its governance capacity.

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

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

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

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

SECTION III: COUNCIL-MANAGEMENT DELEGATION

(III-A) GLOBAL BOARD-MANAGEMENT DELEGATION

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

(III-B) UNITY OF CONTROL

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

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

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

(III-C) ACCOUNTABILITY OF THE CITY MANAGER

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

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

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

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

(III-D) DELEGATION TO THE CITY MANAGER

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

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

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

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

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

(III-E) MONITORING EXECUTIVE PERFORMANCE

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

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

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

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

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

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

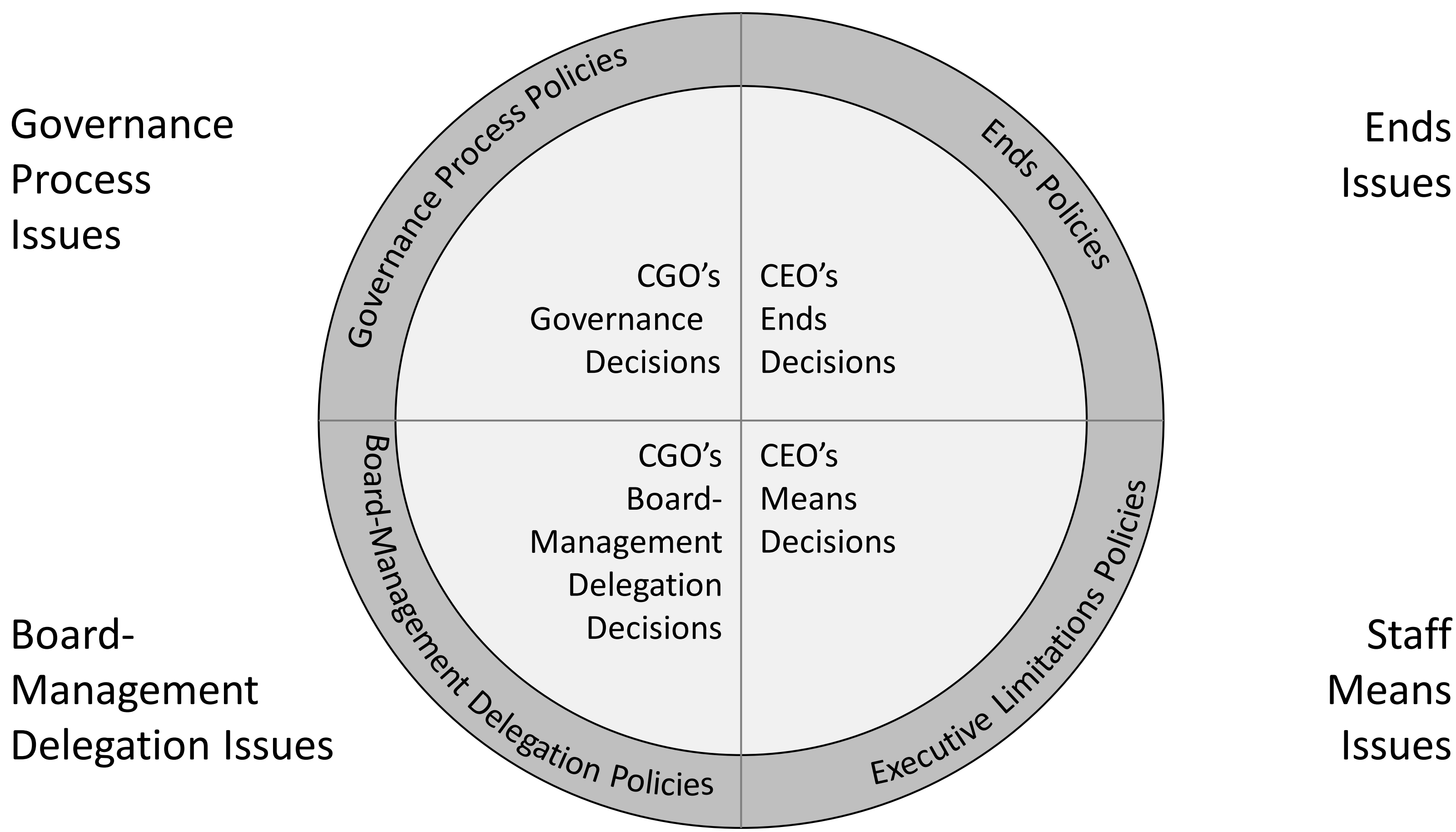
SECTION III: COUNCIL-MANAGEMENT DELEGATION

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

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

ATTACHMENT (A): CATEGORIZED BOARD POLICIES

Board Policies Completed in All Four Categories



ATTACHMENT (B): DOCUMENT UPDATE HISTORY

Date of Last Update	Pages Updated	Description
05.19.2014	All	Document restructure, policy numbers added, table of contents added, page numbers added