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KENNEDALE CITY COUNCIL
AGENDA
REGULAR MEETING
August 9, 2012
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

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

I. CALL TO ORDER

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

A. Announcement of Kennedale Library's summer reading program winners.

B. Effective Tax Rate & Rollback Tax Rate Summary.

C. Review applications for board and commission appointments.

III. REGULAR SESSION

IV. ROLL CALL

V. INVOCATION

VI. UNITED STATES PLEDGE

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

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

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

X. CONSENT ITEMS
All matters listed under consent agenda have been previously discussed, require little or no deliberation, or are considered to be routine by the council. If discussion is desired, then an item will be removed from the

consent agenda and considered separately.

A. Consider approval of minutes from regular meeting dated July 12, 2012.

XI. REGULAR ITEMS

A. CASE # PZ 12-02, a request by Cynthia Sasedor for a zoning change from “C-1” Restricted Commercial and "R-2" Single Family Residential to “PD” Planned Development District for approximately 2.5 acres at an unaddressed parcel at Little School Rd and Potomac Pkwy located in the M P Lamar Survey A987, Kennedale, Tarrant County, Texas. Staff Presentation

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

B. Case PZ 12-03, to hold a public hearing and consider action on an ordinance prohibiting the development of gated communities by amending the subdivision regulations of the City of Kennedale.

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

C. Consider Ordinance 508, establishing the Board of Adjustment as the Building Board of Appeals.

D. Consider appointments to the Board of Adjustment.

E. Consider appointments to the Building Board of Appeals.

F. Consider appointments to the Library Advisory Board.

G. Consider appointments to the Arts and Culture Advisory Board.

H. Consider appointments to the Parks and Recreation Advisory Board.

I. Consider appointments to the Keep Kennedale Beautiful Commission.

J. Consider appointments to the Planning and Zoning Commission.

K. Consider awarding the bid for health, dental, vision, life and AD&D, and voluntary life insurance and authorize the City Manager to sign the agreements

L. Consider awarding bids for sale of city land at the following locations:

- 5411 Kennedale Parkway, Tr 32B01 A1376, Strickland, David Survey
- 600 W Kennedale Parkway, Lot 8 Block 1, Woodlea Acres Addition
- 1083 Bowman Springs Road, Lot 19R Block 1, Woodlea Acres Addition
- 830 W Kennedale Parkway, Lot 8 Block 4, Oak Crest Addition
- 201 N New Hope Road, Lot 3&4 Block 44, City of Kennedale Addition

M. Consider Ordinance 509, authorizing sale of real property located at 201 New Hope Road.

XII. EXECUTIVE SESSION

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

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

XIV. ADJOURNMENT

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

CERTIFICATION

I certify that a copy of the August 9, 2012, 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.

Amethyst G. Cirmo

Amethyst G. Cirmo, City Secretary

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Staff Report to the Honorable Mayor and City Council

Date: August 9, 2012

Agenda Item No: WORK SESSION - A.

I. Subject:
Announcement of Kennedale Library's summer reading program winners.

II. Originated by:

Gwen Bevill, Library Director

III. Summary:
At this time the mayor will present certificates of achievement to the following:

Most time read (6720 minutes) - Scarlett Garee
Most books read (99) - Stella Pearl Haymond
Most books read (99) - Sylvio Haymond

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

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Staff Report to the Honorable Mayor and City Council

Date: August 9, 2012

Agenda Item No: WORK SESSION - B.

I. Subject:
Effective Tax Rate & Rollback Tax Rate Summary.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:
Per our 2012 Tax Rate Worksheet calculations, the City's overall rollback tax rate is $.740798/$100 (adjusted down from $.811514/$100 for sales tax), and the overall effective tax rate is $.732749/$100.

The Property Tax Code specifies that "when a proposed rate exceeds the rollback rate or the effective rate, whichever is lower, the taxing unit's governing body, other than for a small taxing unit, a water district or a school district, must vote to place a proposal to adopt the tax rate on the agenda of a future meeting as an action item."

The Fiscal Year 2012-13 Proposed Budget is funded with a proposed tax rate of $0.722500 per $100 valuation, and it represents no change from the prior year. Because the proposed rate is below both the overall rollback and effective tax rate, the City is not required to conduct two separate tax public hearings nor follow strict publication and notice guidelines as prescribed by the State. Furthermore, the City Council is not required to "Vote To Place A Proposal To Adopt A Tax Rate (generating more revenue than in the previous year) On A Future Agenda." The City is only required to publish a notice and hold a hearing on the budget.

08/09/12	Provide Effective Tax Rate & Schedules
08/10/12	Hold Council FY12/13 Budget Retreat
08/10/12	Publish Notice Of Effective Tax Rate & Schedules
08/24/12	Publish Notice of Public Hearing On Budget
09/12/11	Hold Public Hearing On Budget
09/12/11	Adopt Budget, Adopt Tax Rate, Ratify Budget

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

1.	Notice of Effective Tax Rate	6 - Notice Of Effective Tax Rate.pdf

2012 Property Tax Rates in City of Kennedale

This notice concerns the 2012 property tax rates for City of Kennedale. It presents information about three tax rates. Last year's tax rate is the actual tax rate the taxing unit used to determine property taxes last year. This year's *effective* tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's *rollback* tax rate is the highest tax rate the taxing unit can set before taxpayers start rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per $100 of property value.

Last year's tax rate:	
Last year's operating taxes	$2,815,569
Last year's debt taxes	$1,126,674
Last year's total taxes	$3,942,243
Last year's tax base	$545,639,170
Last year's total tax rate	$0.722500/$100
This year's effective tax rate:	
Last year's adjusted taxes (after subtracting taxes on lost property)	$3,936,159
÷ This year's adjusted tax base (after subtracting value of new property)	$537,176,518
=This year's effective tax rate	$0.732749/$100
(Maximum rate unless unit publishes notices and holds hearings.)	
This year's rollback tax rate:	
Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhanced indigent healthcare expenditures)	$3,176,285
÷ This year's adjusted tax base	$537,176,518
=This year's effective operating rate	$0.591293/$100
x 1.08=this year's maximum operating rate	$0.638596/$100
+ This year's debt rate	$0.172918/$100
= This year's total rollback rate	$0.811514/$100
-Sales tax adjustment rate	$0.070716/$100
=Rollback tax rate	$0.740798/$100

Statement of Increase/Decrease

If City of Kennedale adopts a 2012 tax rate equal to the effective tax rate of $0.732749 per $100 of value, taxes would increase compared to 2011 taxes by $47,490.

Schedule A - Unencumbered Fund Balance

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
General Fund	847,311
General Fund Debt Service	29,109

Schedule B - 2012 Debt Service

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
2005 $790K CO	35,000	25,532	0	60,532
2006 $300K TAX NOTE	50,000	1,088	0	51,088
2007 $4.365M GO	154,375	76,854	0	231,229
2007 $2.735M CO	140,000	81,200	0	221,200
2008 $4.5M CO	105,000	175,981	0	280,981
2010 $2.0M CO	75,000	76,620	0	151,620
2011 $3.260M CO	170,000	98,750	0	268,750

Total required for 2012 debt service	$1,265,400
- Amount (if any) paid from Schedule A	$0
- Amount (if any) paid from other resources	$323,878

- Excess collections last year	$0
= Total to be paid from taxes in 2012	$941,522
+ Amount added in anticipation that the unit will collect only 100.00% of its taxes in 2012	$0
= Total debt levy	$941,522

Schedule C - Expected Revenue from Additional Sales Tax

In calculating its effective and rollback tax rates, the unit estimated that it will receive $385,035 in additional sales and use tax revenues.

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 405 Municipal Drive, Kennedale, TX 76060.

Name of person preparing this notice: Sakura Moten-Dedrick
Title: Director of Finance & Information Technology
Date Prepared: 08/03/2012

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Staff Report to the Honorable Mayor and City Council

Date: August 9, 2012

Agenda Item No: WORK SESSION - C.

I. Subject:
Review applications for board and commission appointments.

II. Originated by:

Amethyst G. Cirmo, City Secretary and Communications Coordinator

III. Summary:
Please see the attached summary and packet of applications.

In alphabetical order the applicants/reapplicants are:
Alan Pederson
Billy Vester
Darrell Dixon
David Smith
Donald Rawe
Donna Gerron
Ernest Harvey
Hollis Matthews
Mark Yeary
Jeff Madrid
Jeffrey Nevarez
LaCresha Sanders
Lana Sather
Laurie Sanders
Linda Elam
Martin Young
Michael Chandler
MIchael Herring
Pat Turner
Patrick Vader
Paul McLean
Rachel Rogers
Rebecca Clark
Richard West
Rick Adams
Robert Mundy
Ronald Whitley
Sharon Dehnel
Stephen Brim
Thomas Pirtle

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

1.	Applicant Summary	2012 Applicant Summary.pdf
2.	2012 Applicant Packet	2012 Applicant Packet.pdf

Up for reappointment this year.
NOT up for reappointment this year
RED Vacant and needs to be filled.

Application deadline is August 1 at 5:00 PM. Appointments will be made at the August regular meeting.

Attendance records are from June 2011 - June 2012. Detailed attendace records are attached.

ARTS & CULTURAL ADVISORY BOARD

2 meetings held

A&C				**Re-applied?**	**Attendance**	**NOTES**
2013	PLACE 1	Regular	Felipe Gutierrez		100.00	
2012	PLACE 2	Regular	Ernest Harvey	yes	0.00	currently Chair of P&Z & has reapplied to P&Z
2013	PLACE 3	Regular	Cheri Yori		100.00	
2012	PLACE 4	Regular	VACANT			
2013	PLACE 5	Regular	Jeffrey Nevarez		100.00	
2012	PLACE 6	Regular	VACANT			
2013	PLACE 7	Regular	VACANT			

New Applicants:

1st Choice	**2nd Choice**	**3rd Choice**	**NOTES**
Paul McLean			New application. Does not currently serve. (Council applicant)
		LaCresha Sanders	Currently serves on KKB and would like to be reappointed to that board.

BOARD OF ADJUSTMENT

4 meetings held

BOA				**Re-applied?**	**Attendance**	***NOTES***
2013	(none)	Regular	Brian Cassady		100.00	
2012	(none)	Regular	Rick Adams	yes	100.00	Would like to be reappointed to this board.
2012	(none)	Regular	Linda Elam	yes	25.00	Would like to be reappointed to this board.
2013	(none)	Regular	Patrick Vader		100.00	
2012	(none)	Regular	VACANT		100.00	
2012	(none)	Regular	Richard West	yes	25.00	Would like to be reappointed to this board.
2012	(none)	Regular	Jeremy Redding	no	0.00	Did not reapply and could not be contacted.
2013	*(none)*	*Alternate*	*Jeff Madrid*		75.00	Would like to be appointed to the vacant regular seat.
2013	*(none)*	*Alternate*	*Darrell Dixon*		75.00	Would like to be appointed to the vacant regular seat.

New Applicants:

1st Choice	**2nd Choice**	**3rd Choice**	***NOTES***
Jeff Madrid			Currently serves as an alternate & would like to be a regular member.
Darrell Dixon			Currently serves as an alternate & would like to be a regular member.
Jeffrey Nevarez			Currently on BBA & A&C.
Donald Rawe			Currently on LAB. Applied for Council.
	Ron Whitley		Ron applied last year but did not meet residency requirements.
	Hollis Matthews		New applicant. Does not currently serve.
		Lana Sather	Currently on BBA. Has reapplied to BBA.

BUILDING BOARD OF APPEALS

3 meetings held

BBA				**Re-applied?**	**Attendance**	***NOTES***
2013	PLACE 1	Regular	Jeffrey Nevarez		100.00	
2012	PLACE 2	Regular	Billy Vester	yes	100.00	Would like to remain on this board.
2013	PLACE 3	Regular	Brian Cassady		100.00	
2012	PLACE 4	Regular	Lin Eason	no	66.67	Due to health reasons, Lin has resigned as of 8/1/2012
2013	PLACE 5	Regular	VACANT			
2012	PLACE 6	Regular	Lana Sather	yes	100.00	Would like to remain on this board.
2013	PLACE 7	Regular	VACANT			

New Applicants:

1st Choice	**2nd Choice**	**3rd Choice**	***NOTES***
Ron Whitley			Applied last year but did not meet residency requirements.
	Donald Rawe		Currently on LAB. Applied for Council.
		David Smith	Currently on PRB and would like to be reappointed to that board.
		Stephen Brim	Currently on PRB and KKB, noted this as a seond choice.

ECOMONIC DEVELOPMENT CORPORATION

14 meetings held

EDC				**Re-applied?**	**Attendance**	***NOTES***
2013	PLACE 1	Regular	Darrell Erwin		64.29	
2012	PLACE 2	Regular	Pat Turner	yes	92.86	Would like to be reappointed to this board.
2013	PLACE 3	Regular	Beverly Hayes		71.43	
2012	PLACE 4	Regular	Robert Mundy	yes	100.00	Would like to be reappointed to this board.
2013	PLACE 5	Regular	Donnie Graham		57.14	
2012	PLACE 6	Regular	Mark Yeary	yes	100.00	Would like to be reappointed to this board.
2013	PLACE 7	Regular	Rebecca Mowell		85.71	

New Applicants:

1st Choice	**2nd Choice**	**3rd Choice**	***NOTES***
Hollis Matthews			New applicant. Does not currently serve.
	Billy Vester		Currently on BBA and would like to stay on BBA
		Ron Whitley	Ron applied last year but did not meet residency requirements.
		Ernest Harvey	Ernest currently serves on P&Z and A&C.

KEEP KENNEDALE BEAUTIFUL COMMISSION

13 meetings held

KKB				**Re-applied?**	**Attendance**	***NOTES***
2013	PLACE 1	Regular	Stephen Brim		100.00	
2012	PLACE 2	Regular	LaCresha Sanders	yes	92.31	Would like to be reappointed to this board.
2013	PLACE 3	Regular	NaMicha Williams		84.62	
2012	PLACE 4	Regular	Michael Chandler	yes	100.00	Would like to be reappointed to this board.
2013	PLACE 5	Regular	Wilda Turner		84.62	
2012	PLACE 6	Regular	Rachel Rogers	yes	69.23	Would like to be reappointed to this board.
2013	PLACE 7	Regular	Vickie Chandler		92.31	
2012	*PLACE 8*	*Alternate*	*Wayne Wooten*	no	0.00	Has resigned.
2013	*PLACE 9*	*Alternate*	*Fred Winters*		69.23	

New Applicants:

1st Choice	**2nd Choice**	**3rd Choice**	***NOTES***
Laurie Sanders			New applicant. Does not currently serve.

LIBRARY ADVISORY BOARD

4 meetings held

LAB				**Re-applied?**	**Attendance**	***NOTES***
2013	PLACE 1	Regular	Shirley Jackson		100.00	
2012	PLACE 2	Regular	Rebekah Brown	no	75.00	
2013	PLACE 3	Regular	Elaine Brower		75.00	
2012	PLACE 4	Regular	Rebecca Clark (Chair)	yes	75.00	Would like to be reappointed to this board.
2013	PLACE 5	Regular	Donald Rawe		75.00	
2012	*PLACE 6*	*Alternate*	*Sharon Dehnel*	yes	100.00	Sharon was appointed mid-term last year and would like to continue.
2013	*PLACE 7*	*Alternate*	*VACANT*			

New Applicants:	**1st Choice**	**2nd Choice**	**3rd Choice**	***NOTES***

No applications indicating interest in this board were received.

PARKS & RECREATION ADVOSIRY BOARD

11 meetings held

PRB				**Re-applied?**	**Attendance**	***NOTES***
2013	PLACE 1	Regular	David Deaver		81.82	
2012	PLACE 2	Regular	David Smith	yes	54.55	Would like to be reappointed to this board.
2013	PLACE 3	Regular	Michael Chandler		100.00	
2012	PLACE 4	Regular	Donna Gerron	yes	72.73	Would like to be reappointed to this board.
2013	PLACE 5	Regular	Cruz Pitre, Jr.		100.00	
2012	*PLACE 6*	*Alternate*	*Stephen Brim*	yes	100.00	Would like to be reappointed to this board.
2013	*PLACE 7*	*Alternate*	*Jill Turner*		81.82	

New Applicants:

1st Choice	**2nd Choice**	**3rd Choice**	***NOTES***
Alan Pederson			New applicant. Does not currently serve.
	LaCresha Sanders		Currently serves on KKB and would like to be reappointed to that board.

PLANNING & ZONING COMMISSION

12 meetings held

P&Z				**Re-applied?**	**Attendance**	***NOTES***
2013	(none)	Regular	Adrienne Kay		91.67	
2013	(none)	Regular	Billy Simpson		75.00	
2012	(none)	Regular	Lori Bryan	no	75.00	Will not be reapplying. Will resign at the end of this term.
2012	(none)	Regular	Thomas Pirtle, III	yes	75.00	Would like to be reappointed to this board.
2013	(none)	Regular	Ray Cowan		83.33	
2012	(none)	Regular	Ernest Harvey	yes	100.00	Would like to be reappointed to this board.
2012	(none)	Regular	VACANT		100.00	
2013	*(none)*	*Alternate*	*Carolyn Williamson*		91.67	
2013	*(none)*	*Alternate*	*Michael Herring*		91.67	Currently serves as an alt, would like to move to vacant regular seat.

New Applicants:

1st Choice	**2nd Choice**	**3rd Choice**	***NOTES***
Michael Herring			Currently serves as an alt, would like to move to vacant regular seat.
Martin Young			New applicant. Does not currently serve.
Alan Pederson			New applicant. Does not currently serve.
	Stephen Brim		Currently on PRB and KKB, noted this as a third choice.
	David Smith		Currently on PRB and would like to be reappointed to that board.
	Patrick Vader		Currently on P&Z.
	Donald Rawe		Currently on LAB. Applied for Council.
		Jeff Madrid	Currently serves on BOA
		Billy Vester	Currently serves on BBA and would like to be reappointed to that board
		Lana Sather	Currently on BBA & has reapplied for that seat.

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Staff Report to the Honorable Mayor and City Council

Date: August 9, 2012

Agenda Item No: CONSENT ITEMS - A.

I. Subject:
Consider approval of minutes from regular meeting dated July 12, 2012.

II. Originated by:

Amethyst G. Cirmo, City Secretary and Communications Coordinator

III. Summary:
PLease see the attached minutes.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	minutes	07.12.2012 CC Minutes.doc

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KENNEDALE CITY COUNCIL
MINUTES
REGULAR MEETING
July 12, 2012
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER

A. Official appointment and Oath of Office for Councilmember, Place 1.

Charles Overstreet was official sworn in by City Secretary Amethyst Cirmo.

II. WORK SESSION

A. Review board and commission attendance since June 2011.

Bob Hart approached the Council regarding attendance and August board appointments. Councilmember Johnson asked that the city look at combining the Building Board of Appeals and the Board of Adjustment, combining the Library Advisory Board and the Parks and Recreation Board, or combining the Arts & Cultural Board and the Library Advisory Board. The Chamber will be taking a much more active role in special events over the next few years which may change the nature of city boards and commissions.

B. Discuss the proposed Tax Increment Refinancing Zone.

Bob Hart approached the Council regarding the proposed TIRZ in the areas of New Hope Road and Bloxom Park Road, which has been discussed over the past several meetings. He noted that improvements would include water, wastewater, and street reconstruction. This TIRZ is one mechanism that the city would like to use to begin to convert land in the southwestern portion of the city to single family homes, which is consistent with the Comprehensive Land Use Plan. The Council discussed the complexities of the plan, financing, and how the TIRZ would potentially affect other future projects within the city.

C. Discuss any other items on the agenda.

Jennifer Bozorgnia, Court Administrator, introduced Craig Magnuson to the Council. Mr. Magnuson is the city's Associate Judge and was recently reappointed to this position. Mr. Magnuson thanked the council for allowing him to continue to serve the City of Kennedale.

III. REGULAR SESSION

IV. ROLL CALL

Present Frank Fernandez, John Clark (Not Voting), Brian Johnson , Kelly Turner, Liz Carrington, Charles Overstreet

V. INVOCATION

VI. UNITED STATES PLEDGE

VII. TEXAS PLEDGE

VIII. VISITOR/CITIZENS FORUM

1 person signed up to speak during the forum:

1. Pat Doescher, Chair of the Kennedale Chamber of Commerce Board of Directors, approached the Council to introduce the new executive director, Jesse Elizondo. Mr. Elizondo gave the Council a brief biography and expressed his excitement in working for the Chamber.

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. TownCenter Veterans Memorial plaque presentations:
- First Sergeant Thomas Hite of the United States Army.
- Sergeant Major Samuel Hite of the United States Army.

Frank Fernandez introduced the individuals and presented their plaques. The plaques will be installed on the Veterans Memorial in Kennedale TownCenter Park.

B. Updates and information from the City Manager, if any.

Bob Hart noted that the city had recently received an additional $150,000 to add to the landscaping of Kennedale Parkway.

C. Updates and information from Councilmembers, if any.

Councilmember Johnson welcomed new Councilmember Overstreet to the Council.

Councilmember Overstreet thanked the Council for the opportunity to serve the community.

D. Updates and information from the Mayor, if any.

Mayor Clark also welcomed Councilmember Overstreet to the Council and thanked all who submitted applications for the position.

X. CONSENT ITEMS

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

A. Consider approval of minutes from June 14, 2012 regular meeting.

B. Consider approval of minutes from July 2, 2012 Special Session.

C. Consider approval of minutes from July 9, 2012 Special Session.

D. Consider approval of minutes from July 10, 2012 Special Session.

E. Consider approval of minutes from July 11, 2012 Special Session.

Motion Consider approval of the consent agenda, minus item B as that meeting was cancelled. , **Action** Approve, **Moved By** Brian Johnson , **Seconded By** Kelly Turner
Motion Passed Unanimously

XI. REGULAR ITEMS

A. Conduct a public hearing to discuss designation of certain areas of New Hope Road and Bloxom Park Road in the City of Kennedale as "Tax Increment Reinvestment Zone Number One, City of Kennedale, Texas"

1. Staff Presentation
   Bob Hart presented the most recent draft of the report to the Council. The zone is proposed for 2 years and encompasses water, wastewater, and street improvements in the areas of New Hope Road and Bloxom Park Road. Total capital cost is estimated to be 12 million dollars.

2. Public Hearing
   Mayor Clark opened the public hearing. No one signed up to speak at the public hearing and it was closed.

3. Staff Response and Summary
   No further response was necessary.

B. Consider approving Ordinance 506, designating certain areas of New Hope Road and Bloxom Park Road in the City of Kennedale as "Reinvestment Zone Number One, Noncontiguous Geographic Area, New Hope Road and Bloxom Road, City of Kennedale."

Motion Approve Ordinance 506., **Action** Approve, **Moved By** Frank Fernandez, **Seconded By** Kelly Turner
Motion Passed Unanimously

C. Consider appointing a Councilmember to serve on the TownCenter Development District.

Motion To appoint John Clark and Brian Johnso, in their capacities as Mayor and Mayor Pro-Tem, to the TownCenter Development District. , **Action** Approve, **Moved By** Kelly Turner, **Seconded By** Frank Fernandez
Motion Passed Unanimously

Mayor Clark closed the regular session and entered executive session at 7:35 PM.

XII. EXECUTIVE SESSION

A. The City Council will meet in closed session pursuant to Section 551.071 of the Texas Government Code for consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion on any item posted on the agenda and legal issues regarding litigation, settlement offers, and/or claims regarding the following matters:

1. Land use complaint regarding 937 Little School Road.
2. Inverse condemnation claim from EOG Resources, etc relating to the Moore South Unit.

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

Mayor Clark called the meeting back into open session at 8:31 PM.

No action pursuant to executive session was necessary.

XIV. ADJOURNMENT
Motion To adjourn , **Action** Adjourn, **Moved By** Liz Carrington, **Seconded By** Brian Johnson
Motion Passed Unanimously

The meeting was adjourned at 8:34 PM.

KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

Staff Report to the Commissioners

Date: August 9, 2012

Agenda Item No: REGULAR ITEMS - A.

I. Subject:
CASE # PZ 12-02, a request by Cynthia Sasedor for a zoning change from “C-1” Restricted Commercial and "R-2" Single Family Residential to “PD” Planned Development District for approximately 2.5 acres at an unaddressed parcel at Little School Rd and Potomac Pkwy located in the M P Lamar Survey A987, Kennedale, Tarrant County, Texas. Staff Presentation

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

II. Originated by:

Rachel Roberts, City Planner

III. Summary:
The applicant for this case has asked for the case to be deferred until the council's next meeting in September. Because the legal notice for the case has already run in the newspaper and interested members of the public might attend the council meeting, we left the case on the agenda so that members of the public can hear information about the case's status.

Staff requests that you defer the case until September.

For your reference, the staff report we had planned to submit to you and preliminary concept plans are attached to this document. Please note that the site plan and landscape plan are expected to be modified before the September council meeting. The applicant is revising the plans based on comments from the Planning & Zoning Commission.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:
Postpone

VIII. Alternative Actions:

IX. Attachments:

1.	Staff report to council, PZ 12-02	Staff Report - Council - PZ 12-02 8.2.2012.doc
2.	Map showing site of rezoning request	PZ 12-02.pdf
3.	PZ 12-02 elevation facing southeast	PZ 12-02 elevation, looking southeast.pdf
4.	PZ 12-02 elevation facing southwest	pz 12-02 elevation looking southwest.pdf
5.	aerial view of proposed facility	PZ 12-02 aerial view.pdf
6.	draft ordinance PZ 12-02	PZ 12-02 Sasedor PD draft revised for council.doc
7.	PZ 12-02 site plan	PZ 12-02 Site Plan.pdf
8.	PZ 12-02 landscape plan	PZ 12-02 Landscape.pdf
9.	PZ 12-02 drainage plan (concept)	PZ 12-02 Drainage.pdf

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III. Summary:
The requested rezoning is for a property at the corner of Little School Road and Potomac Parkway (see attached map). The property is just under 2.5 acres in size.

The Schedule of Uses does not list assisted living facilities, and therefore such uses are not permitted, although convalescent centers are allowed in MF Multi-Family and C-2 General Commercial zoning districts. Convalescent center is defined as "any building or structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age." Staff interprets this definition to refer more to a nursing home, rather than an assisted living facility.

The applicant considered applying for a straight zoning change to C-2. The comprehensive plan, however, designates this area as "neighborhood," and therefore staff would have recommended against granting the rezoning to C-2. A Planned Development District zoning designation allows the city to review site design and other factors as part of the zoning process to ensure compatibility with the "Neighborhood" land use category described in the comprehensive plan.

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Current zoning: C-1 Restricted Commercial
Requested rezoning: PD Planned Development

Current Owner: Johann and Judy Van Beest
Proposed Owner: Cynthia Sasedor, the applicant, intends to purchase the property if the rezoning case is

approved (contract pending).

Utilities: The site is served by existing water (City of Kennedale) and sewer (City of Arlington) utilities. The water line will need to be increased in size before it can serve a facility of this size adequately.

Surrounding Areas:
To the east of the subject site across Little School Road is a residential subdivision. The backs of the homes face the street, and the homes are screened by wooden privacy fences.

To the west of the subject site is a residence (zoned R-2) owned by the same person who currently owns the site for which rezoning is requested.

To the north across Potomac Parkway is a small commercial development (zoned C-1).

To the south of the subject site is a 7.5 acre vacant lot (zoned R-2), recently purchased by a church, which is shown on the concept aerial view attached to this report. The church plans to build a new facility in the future, but no building plans have been submitted, and we do not know at this time when they will build.

City staff asked the applicant to consider establishing a joint access easement with the church, if the assisted living facility is approved.. The applicant's representative has spoken with officials from the church, and they said they would be in favor of the idea and planned to discuss it with their congregation.

****

Comprehensive Plan Guidance:
The Future Land Use Map in the comprehensive plan designates this area as "Neighborhood." Surrounding areas are designated as "Urban Village" (to the north) and "Neighborhood" (to the south and west). Property to the east is in the City of Arlington and is therefore not discussed in the comprehensive plan.

The comprehensive plan states that Neighborhoods are primarily residential in nature and can include (but are not limited to) single family, attached single-family, townhouse/rowhouse, and small multifamily uses.

The proposed facility is one-story and approximately 45 units. Staff considers an assisted living facility of this size to be on the same scale and intensity as a small multifamily development and would consider the assisted living component of the proposed facility as being in compliance with the comprehensive plan. The applicant plans to offer physical rehabilitation services on a limited basis (estimated to be a maximum of two patients per hour). The rehabilitation component could also be considered, as long as it is clearly a minor part of the use.

Comprehensive Plan Goals:
Support a walkable built environment. The regulations set forth in the adopting ordinance are written to promote a walkable built environment (sidewalk connections must be built by the developer).

Promote access to housing. As the Commission is aware, Kennedale does not provide a wide variety of housing options. An assisted living facility would provide a way for Kennedale residents to remain in the city as they become elderly and less able to care for their own homes. Kennedale has nursing home facilities; however, we

have nothing for residents who do not need continuous medical care but do need assistance in their daily activities.

Conditions:
To ensure compliance with the comprehensive plan, city staff has drafted an ordinance that establishes development guidelines for the proposed use. The guidelines regulate (among other elements) building materials, site placement, parking, and landscaping. A site plan, landscape plan, and drainage concept plan are attached to this message for your consideration, to be attached to the ordinance as "Exhibit B."

Staff Comments:
Staff finds no conflict between the proposed use requested under the rezoning and the comprehensive plan or other planning policies. Staff recommends approval of the rezoning request.

Planning & Zoning Commission Recommendation:
The Planning & Zoning Commission held a public hearing on this case on July 19 and voted 4-2 to recommend approval.

Commission members had some concerns that were not addressed by the submitted plans and ordinance, and these documents have been modified since their July 19 meeting to address these concerns. For example, the original plans showed two rows of parking (one row on each side of a drive lane) in front of the proposed facility. After discussions with the applicant's representative, one row of parking will likely be removed or moved to the west side of the property.

Action by the City Council:
According to Section 17-418(d)(3), the Council may approve the concept plan with modifications, approve it without modifications, or reject it. If you approve the rezoning, you may also impose conditions to the approval, which must be met before a certificate of occupancy will be issued (see excerpt from city code, below).

(3) Concept plan required. *An application for a "PD" district or development in a "PD" district shall include a conceptual plan showing a preliminary layout of the proposed uses, access, buildings, parking, open space and the relationship to existing natural features and adjacent properties and uses. Ten (10) copies of the concept plan shall be required to be submitted to the city at the time of application.*
Upon submission of the application for a "PD" district or development in a "PD" district and after proper notice has been given to all affected parties and public hearings have been held, the planning and zoning commission and the city council shall review the application and may either give approval, with or without modifications, or reject it. In approving the application, the city council may impose conditions and these conditions shall be complied with before a certificate of occupancy is issued for the use of land or any structure which is part of the "PD" district.

Detailed drainage and landscaping plans are not required by city code for a PD application for a property smaller than 5 acres. However, the applicant has submitted more information than required in order to give a better idea of plans for the site.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:
Approve

VIII. Alternative Actions:

IX. Attachments:

1.	Map showing site of rezoning request	PZ 12-02.pdf
2.	aerial view of proposed facility	PZ 12-02 aerial view.pdf
3.	PZ 12-02 elevation facing southeast	PZ 12-02 elevation, looking southeast.pdf
4.	PZ 12-02 elevation facing southwest	pz 12-02 elevation looking southwest.pdf
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PZ 12-02

Map showing location of rezoning request

Legend

- PZ 12-02 site
- Kennedale city limits

0 150 300 Feet

N

N Little School Rd
Potomac Rd

ITY OF KENNEDALE

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the City of Kennedale desires to enhance the quality of life in Kennedale by providing access to high-quality services and to provide a variety of housing options; and

WHEREAS, a small-scale assisted living facility would provide a housing option not currently available to residents of Kennedale, and at a scale compatible with the comprehensive plan; and

WHEREAS, Johann and Judy Van Beest, persons or entities having a proprietary interest in property being an approximately 2.5 acre tract in the M P Lamar Survey, Tarrant County, Texas, being that same tract conveyed to Johann Van Beest and wife, Judy Van Beest, by

Warranty Deed recorded by Volume 12889, Page 155, Deed Records, Tarrant County, Texas, have filed an application to rezone the property from its present classification of "C-1" Restricted Commercial District and "R-2" Single Family Residential District to a "PD" Planned Development District; and

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

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 19th day of July 2012 and by the City Council of the City of Kennedale on the 9th day of August 2012 with respect to the zoning changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Local Government Code; and

WHEREAS, the City Council does hereby deem it advisable and in the public interest to amend the City's Zoning Ordinance as described herein,

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

SECTION 1.

The Comprehensive Zoning Ordinance is hereby amended so that the zoning classification and the uses in the hereinafter described area shall be changed and or restricted as shown and described below:

> An approximately 2.5 acre tract in the M P Lamar Survey, being that same tract conveyed to Johann Van Beest and wife, Judy Van Beest by Warranty Deed recorded by Volume 12889, Page 155, Deed Records, Tarrant County, Texas, and more particularly described by metes and bounds on Exhibit "A" attached hereto

and incorporated herein from "C-1" Restricted Commercial District and "R-2" Single Family Residential District to "PD" Potomac Assisted Living Planned Development District for use as an assisted living facility with restrictions, as more fully described on the Site Plan, attached hereto as Exhibit "B" and incorporated herein, and as described in this Ordinance.

SECTION 2.

The use of the Property shall be subject to the restrictions, terms and conditions set forth below and on the Site Plan and supporting documents, attached hereto as Exhibit "B," and the Site Plan is hereby approved. The use of the Property shall further conform to the standards and regulations of the C-1 Restricted Commercial zoning district, to the extent not modified in this Ordinance and the documents attached as Exhibits, and shall be subject to all other applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale. The Property shall conform to the following supplemental standards and regulations, which shall supersede any other requirement to the extent of a conflict:

1. *Permitted Uses.* The only permitted use in the Potomac Assisted Living PD shall be an assisted living facility, as defined below.

Assisted living facility means a facility consisting of individual living units or four (4) or more elderly or adult persons, unrelated to the owner or proprietor of the facility, who need limited assistance with daily living activities due to age, infirmity, or disabilities. A limited number of support services such as meals, laundry, housekeeping, transportation and social or recreational services may be provided or associated with the assisted living facility. Units may be single or double occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care may be provided but is not typically provided by the facility, and may be privately arranged for by individual residents on a part-time or temporary basis, e.g. visiting nurses. Physical rehabilitation facilities may be provided for residents; physical rehabilitation

may be provided for non-residents only as a secondary part of the operation. Use of the facility for drug rehabilitation or mental retardation care is prohibited. The assisted living facility shall be licensed by the State of Texas Department of Aging and Disability Services or as otherwise required by the State of Texas under Chapter 247 Assisted Living Facility Licensing Act of the Texas Health and Safety Code.

2. *Lot coverage*. Notwithstanding the requirements of Section 17-405 of the Kennedale City Code regarding lot coverage, lot coverage shall conform to the approved Site Plan, and supporting documents, attached hereto as Exhibit "B".

3. *Building height*. Notwithstanding the requirements of Section 17-405 of the Kennedale City Code regarding building height, buildings shall not exceed a height of one (1) story.

4. *Masonry requirements.* Buildings constructed in the Potomac Assisted Living PD must be of a minimum eighty percent (80%) masonry as defined in Section 17-405 of the Kennedale City Code.

5. *Setbacks*. Notwithstanding the requirements of Section 17-405 of the Kennedale City Code regarding required front yard, rear yard, side yard - interior lot, and side yard - corner lot setbacks, the Planned Development zoning herein approved shall require the following setbacks:

a. Front setbacks shall be a minimum of twenty-five (25) feet, measured from the property line on Potomac Parkway.

b. Rear setbacks shall be a minimum of ten (10) feet.

c. Side setback shall be a minimum of fifteen (15) feet for the interior side of the lot. Side setback shall be a minimum of twenty (20) feet from the right-of-way along Little School Road.

6. *Base Zoning District*. Except as otherwise stated in this Ordinance and attached Exhibits, all development within the Potomac Assisted Living PD must meet the requirements of the C-1 Restricted Commercial zoning district.

7. *Parking*. Parking areas shall be constructed to meet standards in the Public Works Design Manual. As the discretion of the Director of Public Works, the city may authorize different construction methods or materials that have been demonstrated to reduce storm water runoff while maintaining handicap accessibility standards and while maintaining durability standards, such as those standards included in North Central Texas Council of Government's iSWM Manual. A minimum of fifteen (15) and a maximum of fifty (50) parking spaces shall be provided.

8. *Landscaping*. Landscaping shall conform substantially to the approved Concept Plan attached hereto as Exhibit "B". The use of native or adapted plants is strongly encouraged, and such plants shall make up at least thirty percent (30%) of the required landscaping. Landscaping shall be maintained in good condition. A landscaping buffer strip shall be provided between sidewalks and the street curb. The landscape buffer strip shall be a minimum of six (6) feet in width, but the buffer strip width may be increased or decreased to protect old growth trees, with approval in writing from the Director of Development Services. If buffer strip width is decreased, the sidewalk location may be required or permitted to deviate from the accepted site plan to ensure sidewalks are buffered from the street. Sidewalk locations may be changed only with approval in writing from the Director of Development Services. Landscape materials for

the buffer strip shall be approved by the Director of Development Services and may include xeriscaping.

9. *Sidewalks.* Sidewalks shall be built so as to provide public access to Potomac Assisted Living Facility from Little School Road and Potomac Parkway and shall be constructed according to standards required by the City of Kennedale Code of Ordinances and the Public Works Design Manual. Notwithstanding the requirements of the Code of Ordinances and the Public Works Design Manual, sidewalks must be a minimum of five (5) feet in width and shall be placed between the primary structure and a required landscaped buffer strip described under item *8. Landscaping*, above. Notwithstanding the requirements of the Code of Ordinances and the Public Works Design Manual, at the discretion of the Director of Public Works, the city may authorize different construction methods or materials that have been demonstrated to reduce storm water runoff while maintaining handicap accessibility standards and while maintaining durability standards, such as those standards included in North Central Texas Council of Government's iSWM Manual..

10. *Screening*. Dumpsters shall be screened by masonry construction to match the building of a minimum of seven (7) feet in height on 3 sides and the remaining side shall have an opaque gate.

11. *Signs*. Except as modified by this Ordinance, signs shall comply with the requirements of Chapter 17, Article VII, of the Kennedale City Code. All signs shall be maintained in a safe, presentable and sound structural and operational condition at all times, including replacing malfunctioning, broken, defective, or missing parts, painting, repainting, cleaning, and performing any other acts required for the maintenance of such signs. All signs and sign supports shall be kept painted or otherwise treated to prevent rust, rot, or deterioration.

Signs not meeting the standards imposed by this Ordinance shall be subject to removal or repair. Signs may be illuminated with internal lighting. All signs must be monument signs.

12. *Utilities and Drainage*. Drainage and utilities shall conform substantially to the approved Site Plan, Drainage Plan, and Utilities Plan as depicted in Exhibit "B," unless approval to deviate from these plans is granted, in writing, by the Director of Public Works.

13. *Driveways and Access*. All driveways and access points shall conform to the approved Concept Plan and supporting documents, as depicted in Exhibit "B," and shall meet all standards required by local, state, and federal authorities.

14. *Site Design*. The building and site shall be designed so as to provide a connection between the facility and the public realm and a connection to open space. Design elements should ensure easy access from public right-of-way and from parking areas to the facility and may include, but are not limited to: covered porches or patios, pedestrian paths around the building exterior, with shade provided intermittently by landscaping or structural/architectural features; bay windows; and gardens with shaded seating. Different design elements may be used but shall be approved by the Director of Development Services as part of the building permit review process.

15. *Irrigation*. Rain barrels and cisterns may be used for irrigation purposes, subject to city, county, state, and federal requirements for such facilities.

SECTION 3.

The zoning districts and boundaries as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, flood and other dangers, to provide adequate light and air, to prevent

overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists enforcement of any of the provisions of this ordinance shall be fined

not more than Two Thousand Dollars ($2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

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

SECTION 9.

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

SECTION 10.

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

SECTION 11.

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 9th DAY OF AUGUST, 2012.

_____
MAYOR

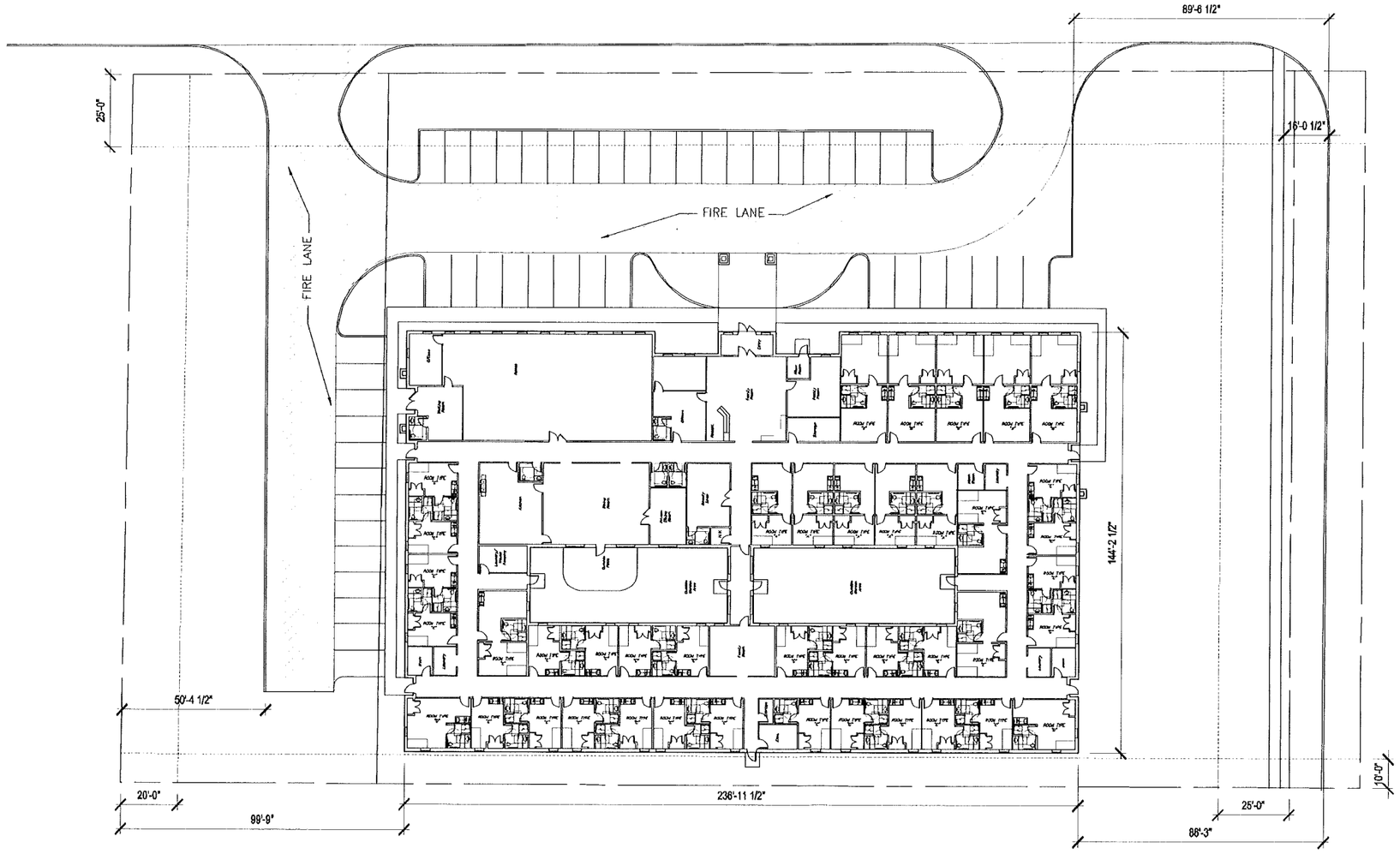
ATTEST:

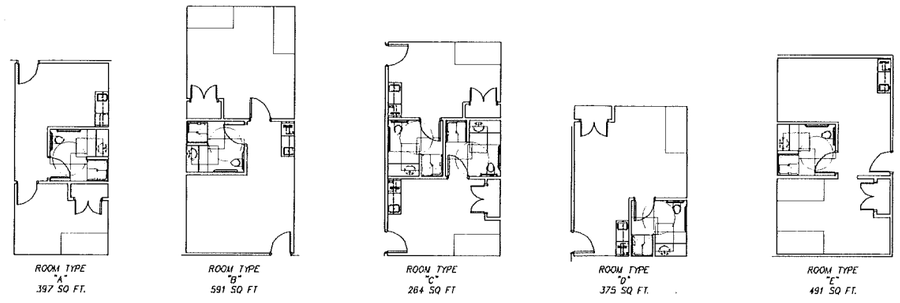
_____-
CITY SECRETARY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

_____
CITY ATTORNEY





1 ARCHITECTURAL SITE PLAN

SCALE: 1/20"=1'-0"

NATIONWIDE CONSTRUCTION
DESIGN-BUILD-SUPERVISION
2151 North Holland, Mansfield TX 76063
Phone (817) 473-0464 Fax (817) 473-0153
www.nationwideconstruction.us

FOR BIDDING PURPOSES ONLY

These documents are for bidding and are not intended for Construction Purposes. They were prepared by,or under the supervision of:

Casedor Assisted Living

DATE ISSUED:
XX/XX/XXXX

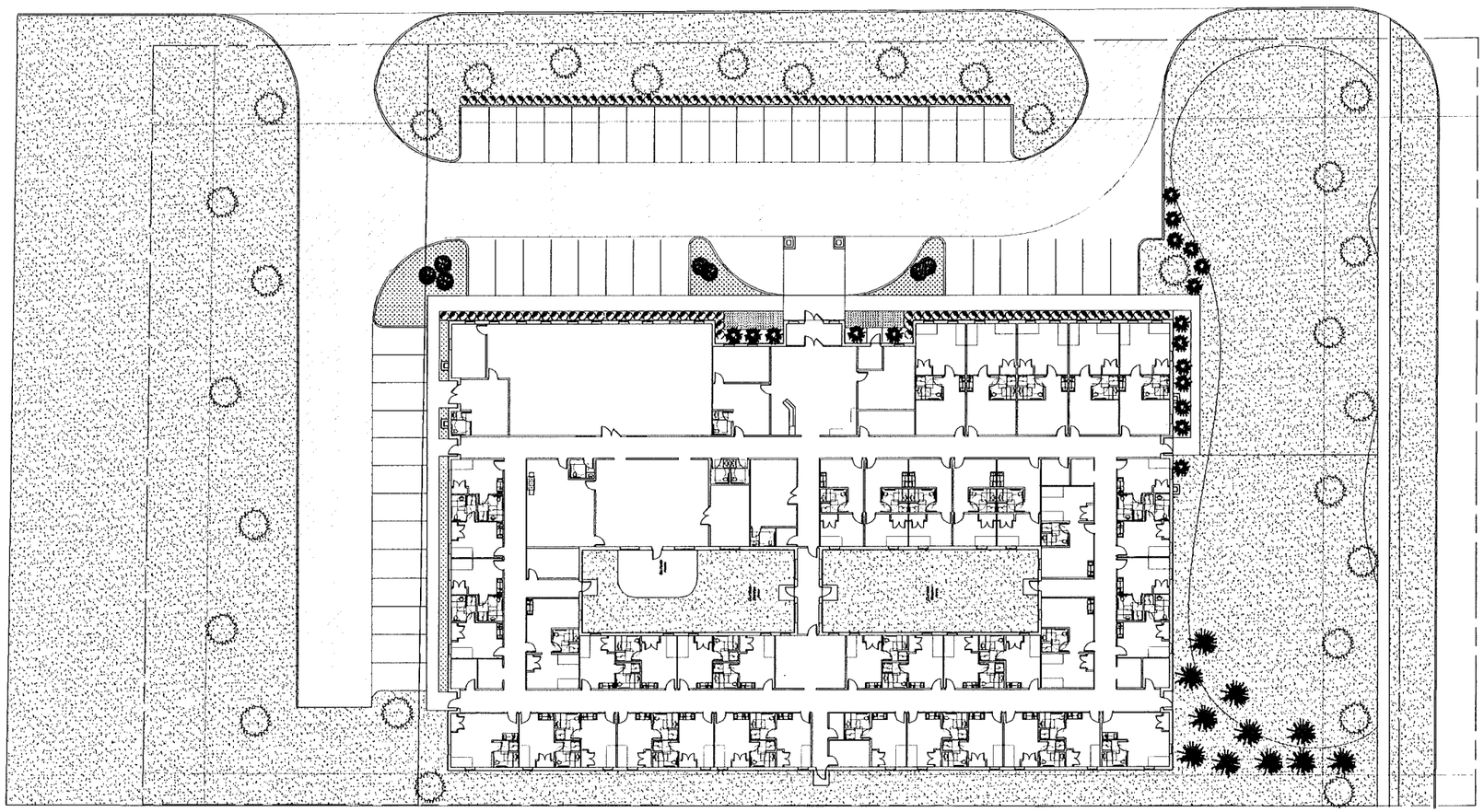
ISSUES:
A: ISSUE FOR BID XX/XX/XXXX

REVISIONS:

SHEET CONTENTS:
ARCHITECTURAL SITE PLAN

SHEET NUMBER:
AS101

TRUE NORTH



1 LANDSCAPE LAYOUT PLAN

SCALE: 1/20"=1'-0"

GENERAL SHEET NOTES

A. XXXX

NOTES BY SYMBOL "○"

1 XXXX

LANDSCAPE LEDGEND

- CEDAR ELM
- CRAPE MYRTLE
- DWF. BURFORD HOLLY
- RED WIND ORNAMENTAL GRASS
- ORNAMENTAL GRASS
- SEASONAL COLOR
- BIG BLUE LIRIOPE
- GRASS

LEGEND

- POINT OF BEGINNING (POB)
- CENTER LINE
- ALIGN
- CONTROL JOINT
- EXPANSION JOINT

TRUE

NATIONWIDE CONSTRUCTION
DESIGN-BUILD-SUPERVISION
2151 North Holland, Mansfield TX 76063
Phone (817) 473-0484 Fax (817) 473-0155
www.nationwideconstruction.com

FOR BIDDING PURPOSES ONLY

These documents are for bidding and are not intended for Construction Purposes. They were prepared by,or under the supervision of:

Casedor Assisted Living

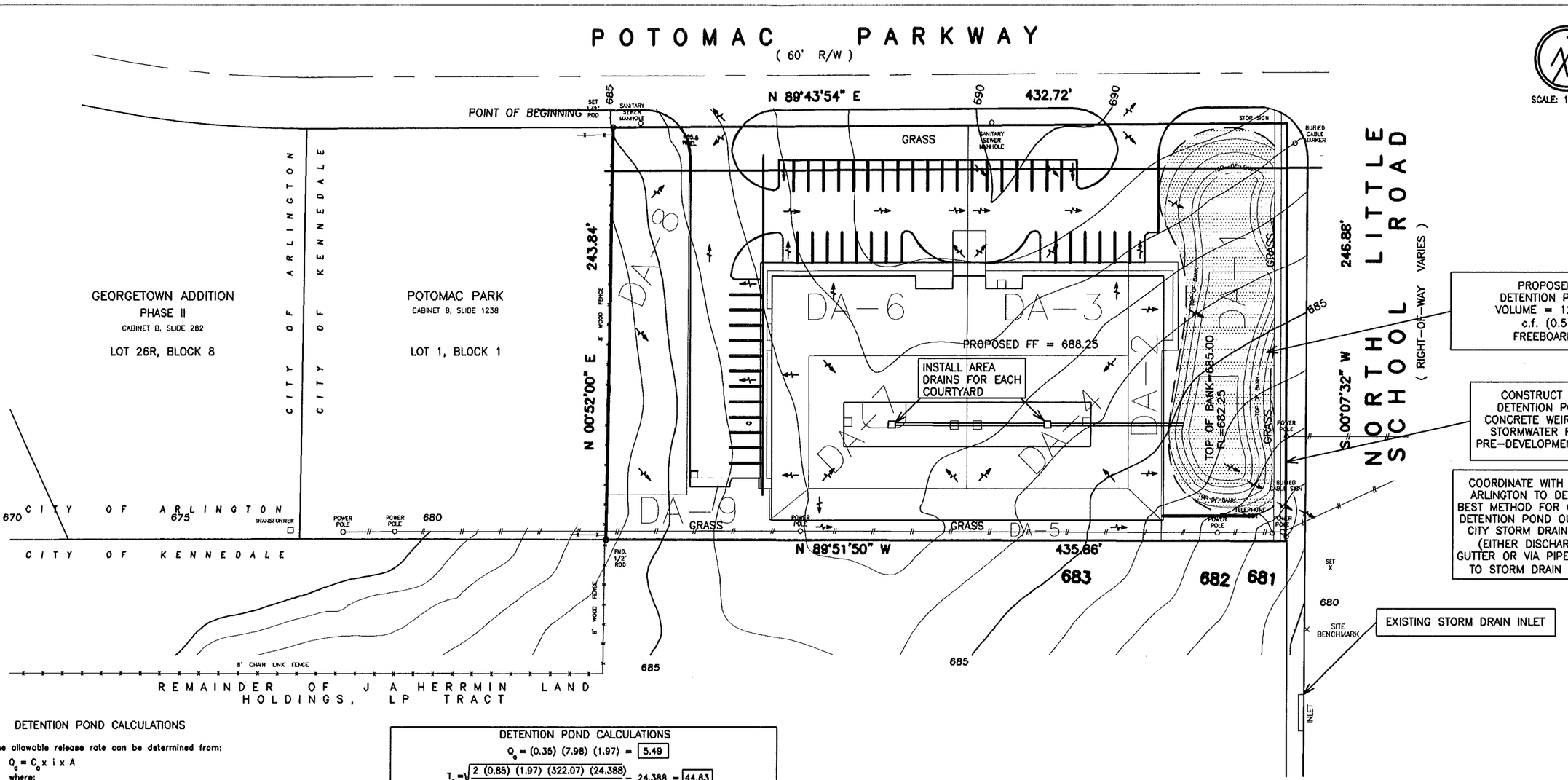
DATE ISSUED:
XX/XX/XXXX

ISSUES:
A: ISSUE FOR BID XX/XX/XXXX

REVISIONS:

SHEET CONTENTS:
LANDSCAPE LAYOUT PLAN

SHEET NUMBER:
LA101



DETENTION POND CALCULATIONS

The allowable release rate can be determined from:

$Q_o = C_o \times i \times A$

where:

Q_o = allowable release rate (cfs)

C_o = predevelopment Rational Method runoff coefficient

i = rainfall intensity for the corresponding time of concentration (in/hr)

A = area (acres)

The critical duration of storm, the time value to determine rainfall intensity, at which the storage volume is maximized is:

$$T_d = \sqrt{\frac{2CAab}{Q_o}} - b$$

where:

T_d = critical storm duration (min)

Q_o = allowable release rate (cfs)

C = developed condition Rational Method runoff coefficient

A = area (acres)

a, b = rainfall factors dependent on location and return period taken from Table 2.1.7-1

The required storage volume, in cubic feet can be obtained from the equations below:

$$V_{preliminary} = 60\ ((CAa - (2CAbAQ_o)^{1/2} + (Q_o/2)\ (b - t_o))$$

$$V_{max} = V_{preliminary} \times P_{180} / P_{td}$$

where:

$V_{preliminary}$ = preliminary required storage (ft^3)

V_{max} = required storage (ft^3)

P_{180} = 3-hour (180-minute) storm depth (in)

P_{td} = storm depth for the critical duration (in)

DETENTION POND CALCULATIONS

$Q_o = (0.35)\ (7.98)\ (1.97) = \boxed{5.49}$

$$T_d = \sqrt{\frac{2\ (0.85)\ (1.97)\ (322.07)\ (24.388)}{5.49}} - 24.388 = \boxed{44.83}$$

$$V_{preliminary} = 60\ ((0.85)(1.97)(322.07) - ((2(0.85)(322.07)(24.388)(1.97)(5.49))\ )^{1/2} + 5.49/2\ (24.388 - 10))$$

$= 60\ ((539.3) - (380.0)\ ) + 39.5 = \boxed{9,598\ ft^3}$

$V_{max} = 9,598 \times 5.43/4.58 = \boxed{11,379\ ft^3}$

DRAINAGE AREA CALCULATIONS (PRE DEVELOPMENT)

Q= CiA

DRAINAGE AREA	C	AREA acres	t_c minutes	i_2 in/hr	i_{10} in/hr	i_{25} in/hr	i_{100} in/hr	Q_2 cfs	Q_{10} cfs	Q_{25} cfs	Q_{100} cfs	COMMENTS
1	0.35	0.168	15	3.90	5.53	6.46	7.98	0.23	0.33	0.38	0.47	
2	0.35	0.066	15	3.90	5.53	6.46	7.98	0.09	0.13	0.15	0.18	
3	0.35	0.335	15	3.90	5.53	6.46	7.98	0.46	0.65	0.78	0.94	
4	0.35	0.175	15	3.90	5.53	6.46	7.98	0.24	0.34	0.40	0.49	
5	0.35	0.095	15	3.90	5.53	6.46	7.98	0.13	0.18	0.21	0.27	
6	0.35	0.659	15	3.90	5.53	6.46	7.98	0.90	1.28	1.49	1.84	
7	0.35	0.173	15	3.90	5.53	6.46	7.98	0.24	0.33	0.39	0.48	
8	0.35	0.464	15	3.90	5.53	6.46	7.98	0.63	0.90	1.05	1.30	
9	0.35	0.167	15	3.90	5.53	6.46	7.98	0.23	0.32	0.38	0.47	
		2.302					TOTAL	3.16	4.46	5.21	6.44	

DRAINAGE AREA CALCULATIONS UNDER MINOR REVISION DUE TO RELOCATION OF DETENTION POND.

Rainfall Intensity based on TABLE A-16 of ISWM Design Manual (TARRANT COUNTY).

DRAINAGE AREA CALCULATIONS (POST DEVELOPMENT)

Q= CiA

DRAINAGE AREA	C	AREA acres	t_c minutes	i_2 in/hr	i_{10} in/hr	i_{25} in/hr	i_{100} in/hr	Q_2 cfs	Q_{10} cfs	Q_{25} cfs	Q_{100} cfs	COMMENTS
1	0.35	0.168	15	3.90	5.53	6.46	7.98	0.23	0.33	0.38	0.47	DISCHARGES TO NORTH LITTLE ROAD
2	0.85	0.066	10	4.71	6.51	7.55	9.24	0.26	0.37	0.42	0.52	DISCHARGES TO NORTH LITTLE ROAD
3	0.85	0.335	10	4.71	6.51	7.55	9.24	1.34	1.85	2.15	2.63	DISCHARGES TO PARKING LOT DETENTION, THEN TO NORTH LITTLE ROAD
4	0.85	0.175	10	4.71	6.51	7.55	9.24	0.70	0.97	1.12	1.37	COURTYARD DRAIN, DISCHARGES TO DETENTION POND
5	0.85	0.095	10	4.71	6.51	7.55	9.24	0.38	0.53	0.61	0.75	DISCHARGES TO PROPOSED DITCH, THEN TO NORTH LITTLE ROAD
6	0.85	0.659	10	4.71	6.51	7.55	9.24	2.64	3.64	4.23	5.18	DISCHARGES TO PROPOSED DETENTION POND
7	0.85	0.173	10	4.71	6.51	7.55	9.24	0.69	0.96	1.10	1.35	COURTYARD DRAIN, DISCHARGES TO DETENTION POND
8	0.85	0.464	10	4.71	6.51	7.55	9.24	1.86	2.57	2.98	3.64	DETENTION POND
9	0.35	0.167	15	3.90	5.53	6.46	7.98	0.23	0.32	0.38	0.47	DISCHARGES TO PROPOSED DITCH, THEN TO NORTH LITTLE ROAD
		2.302					TOTAL	8.33	11.54	13.37	16.39	

DRAINAGE AREA CALCULATIONS UNDER MINOR REVISION DUE TO RELOCATION OF DETENTION POND.

Rainfall Intensity based on TABLE A-16 of ISWM Design Manual (TARRANT COUNTY).

FIRM REGISTRATION F-4313

CITY OF KENNEDALE

ASSISTED CARE FACILITY

POTOMAC AT N. LITTLE SCHOOL RD.

DRAINAGE CONCEPT PLAN

GRANT ENGINEERING, INC.

ENGINEERS 3244 HEMPHILL | SURVEYORS FORT WORTH, TEXAS 76110 | PLANNERS 817-923-3131

DESIGNED	DBR	SCALE 1" = 40'	JOB NO.	SHEET
DRAWN	DBR	DATE 6-27-12	10079	C1
CHECKED	JAG			

REVISED: 7-10-12

ORDINANCE NO. 507

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS, AMENDING DIVISION 14 GATED COMMUNITY/PRIVATE STREETS, ARTICLE 5 SUBDIVISION REGULATIONS OF CHAPTER 17 OF THE KENNEDALE CITY CODE OF ORDINANCES (1991), AS AMENDED, TO PROHIBIT GATED COMMUNITY/PRIVATE STREET DEVELOPMENTS; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Kennedale previously adopted a subdivision ordinance to regulate the division of property within the city limits; and

WHEREAS the City Council is of the opinion that said ordinance as originally adopted and amended does not fully consider research concerning the effect of gated communities or private street developments on the public health, safety, and welfare; and

WHEREAS, the comprehensive land use plan for the City of Kennedale calls for connected neighborhoods and for encouraging a sense of belonging, and gated communities disconnect neighborhoods from the public realm and discourage a sense of belonging to the community as a whole.

WHEREAS, public streets and open communities provide opportunities for shared experience among community members and gated communities prohibit these opportunities; and

WHEREAS, architecture designed to increase neighbors' interaction, such as a decrease in gated communities, has been noted by public health officials as one of the tools for increasing public health; and

WHEREAS, gated communities do not significantly reduce levels of crime or increase sense of community compared with non-gated communities, and therefore the benefits of gated communities do not outweigh the negative effects of privatizing public space in this manner;

WHEREAS after holding a public hearing the Planning and Zoning Commission of the City of Kennedale has forwarded a recommendation to the City Council for adoption of

revised subdivision regulations as contained in Article V of Chapter 17 of the Kennedale City Code,

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

SECTION 1.

Division 14 Gated Community/Private Streets, Article V Subdivision Regulations, Chapter 17 Planning & Land Development of the Kennedale city code is hereby amended to read as follows:

Division 14 – Private Streets
Sec. 17-320. – Gated Communities.
Private street developments as defined in Section 17-310 of this article are prohibited.

Sec. 17-321. - Existing gated communities.
Private street developments in existence and approved by the city prior to adoption of this ordinance shall be allowed to continue. However, such uses may not be expanded, and private infrastructure, easements, and open areas must continue to be maintained by the party responsible for maintenance prior to adoption of this ordinance.

17.322 – 17.349. - Reserved.

SECTION 2.

Section 17-310 Definitions of the Kennedale City Code is hereby amended to include a definition for “Private street development / Gated community,” to read as follows:

Private street development / Gated community. A private street development is any residential development, including but not limited to single family and multi-family development, that contains a group of lots that have no frontage on a publicly dedicated street and are accessible by way of a private street or access easement. Such subdivisions may also limit access to lots or dwelling units by the use of a gate, security guard or other active means of limiting access.

SECTION 3.

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

SECTION 4.

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

SECTION 5.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of the Kennedale City Code (1991), as amended, or any other ordinances regarding the regulation of subdivisions or streets 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 the caption penalty clause publication clause and effective date clause of this ordinance in every issue of the official newspaper of the City of Kennedale for two days or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

SECTION 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.

SECTION 8.

Any person firm or corporation who violates disobeys omits neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars ($2000.00) for all violations involving zoning and Five Hundred Dollars ($500.00) for all other offenses and in addition shall pay all costs and expenses involved in the case. Each day a violation occurs is a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

PASSED AND APPROVED ON THIS 9th DAY OF AUGUST, 2012.

_____
John Clark, Mayor

ATTEST:

_____
Amethyst Cirmo, City Secretary

APPROVED AS TO FORM AND LEGALITY:

_____
City Attorney

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Staff Report to the Honorable Mayor and City Council

Date: August 9, 2012

Agenda Item No: REGULAR ITEMS - C.

I. Subject:
Consider Ordinance 508, establishing the Board of Adjustment as the Building Board of Appeals.

II. Originated by:

Bob Hart, City Manager

III. Summary:
Please see the attached ordinance, establishing the BOA as the BBA. While they must remain separate boards due to specific separate functions by law, this ordinance will establish the same individuals to both boards.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	O508	O508 - BBA&BOA.docx

ORDINANCE NO. 508

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS AMENDING CHAPTER 4 "BUILDINGS AND BUILDING REGULATIONS", ARTICLE IX "BUILDING BOARD OF APPEALS", OF THE CODE OF ORDINANCES OF THE CTIY OF KENNEDALE (1991), AS AMENDED, BY ESTABLISHING THE BOARD OF ADJUSTMENT AS THE BUILDING BOARD OF APPEALS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Kennedale has established a Board of Adjustment pursuant to Section 17-430 of the Code of Ordinances; and

WHEREAS, the City of Kennedale has also established a Building Board of Appeals pursuant to Section 4-246 of the Code of Ordinances; and

WHEREAS, the City Council now deems it advisable and in the public interest to amend the Code of Ordinances by establishing the Board of Adjustment as the Building Board of Appeals.

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

SECTION 1.

That Chapter 4 "Buildings and Building Regulations", Article IX "Building Board of Appeals", is amended by revising Section 4-246 to read as follows:

Sec. 4-246. - Creation.

A building board of appeals, referred to in this article as "the board," is hereby created to accomplish purposes and perform functions set forth in this article. The Board of Adjustment, appointed pursuant to Section 17-430 of the Code of Ordinances, shall serve as the building board of appeals, and shall carry out all functions of the board as described in this Article and the Code of Ordinances. The building official shall be an ex officio member of the board but shall have no vote on any matter before the board.

SECTION 2.

That Chapter 4 "Buildings and Building Regulations", Article IX "Building Board of Appeals", is further amended by repealing Section 4-247 in its entirety.

SECTION 3.

That Chapter 4 "Buildings and Building Regulations", Article IX "Building Board of Appeals", is further amended by revising Section 4-248 to read as follows:

Sec. 4-248. – Qualifications of members.

It is the intent of the city council that the board members shall, to the extent feasible, have experience, education or training in various fields of building construction and building standards.

SECTION 4.

That Chapter 4 "Buildings and Building Regulations", Article IX "Building Board of Appeals", is further amended by revising Section 4-249 to read as follows:

Sec. 4-249. - Organization.

The board shall meet when required to carry out the duties established by this article. The board shall adopt its own rules and procedures and shall keep a record of its proceedings consistent with the provisions of this article and the requirements of law. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its decisions and other official actions, all which shall be filed in the office of the city secretary and kept as public records.

SECTION 5.

That this ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Kennedale, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 6.

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

ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7.

That 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 9TH DAY OF AUGUST 2012.

_____
John Clark, Mayor

ATTEST:

_____
Amethyst G. Cirmo, City Secretary

APPROVED AS TO FORM AND LEGALITY:

_____
Wayne K. Olson, City Attorney

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Staff Report to the Honorable Mayor and City Council

Date: August 9, 2012

Agenda Item No: REGULAR ITEMS - D.

I. Subject:
Consider appointments to the Board of Adjustment.

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: August 9, 2012

Agenda Item No: REGULAR ITEMS - K.

I. Subject:
Consider awarding the bid for health, dental, vision, life and AD&D, and voluntary life insurance and authorize the City Manager to sign the agreements

II. Originated by:

Kelly Cooper, Director of Human Resources

III. Summary:

In April 2012, staff met with Brinson Benefits, the city's current insurance consultant regarding the city's benefit plans, plan utilization and preparation for the July bid process. At that time the 12 month claims loss ratio was approximately 53%, the 24 month claims loss ratio was approximately 79%, 69% utilization of generic pharmaceuticals and only three (3) claims over $15,000.

July 1, 2012, staff received the insurance renewal with an overall decrease of 5%. Although this is good news and acceptable by any standards, staff then bid the insurance to review other competitive offers. The City advertised and received bids from four companies (BCBS, TML-Intergovernmental Employee Benefits Pool, Aetna, and United Health Care). Three companies declined to participate due to an inability to respond with competitive rates (Cigna, Trustmark, and Humana).

In reviewing the proposals, TML-Intergovernmental Employee Benefits Pool was removed from consideration due to limitations and exclusions in the plan design as well as providing only illustrative rates, meaning TML reserved the right to increase the proposed quoted rates after the application process.

Aetna and United Health Care (UHC) both offered the most competitive rates with a decrease of 7.97% and 9.88% respectively but these plans increased the out of pocket costs for employees.

Brinson was able to negotiate with BCBC to maintain the current plan design for an additional reduction of 2.92%. Given consideration to current budget and economic conditions, staff recommends remaining with BCBS for a total premium decrease of 7.92%. The benefit structure will continue to offer the Health Savings Account, and a core PPO with a buy-up option.

Staff also recommends remaining with Blue Cross Blue Shield for dental insurance. The city received quotes from seven companies all of which quoted a 7.84% to a 45% increase in dental rates. Assurant offered the lowest increase, however the plan limits coverage for major dental care for those who enter late and the network access to current dentist was limited. These plan changes could be very costly to an employee.

Lincoln Financial was the only other plan that came in under BCB. Lincoln offered a similar plan design, however the network and ADA codes actually reduced the benefit coverage overall. Remaining with

BCBS for another year will increase the annual cost to the city by $2,557.00.

The City received a rate pass on the basic life insurance plan. Six companies quoted life insurance all with increases from 16.67% to 116% over the current rates provided by BCBS. Staff recommends remaining with BCBS.

Vision insurance proposal with Ameritas remained flat and therefore staff is recommends continuing offering vision insurance through the current provider.

In maintaining the current medical, dental and life insurance coverage through Blue Cross Blue Shield and Vision through Ameritas, the city will experience an overall expenditure of $407,488 a savings of $38,584 in the proposed budget.

Recommendation: Recommend acceptance of Blue Cross Blue Shield proposal for medical, dental, and life insurance and Ameritas as the vision provider for a total allocation of $407,488 and Brinson Benefits as the agent of record and authorizing the City Manager to execute the agreements.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

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Staff Report to the Honorable Mayor and City Council

Date: August 9, 2012

Agenda Item No: REGULAR ITEMS - L.

I. Subject:
Consider awarding bids for sale of city land at the following locations:

- 5411 Kennedale Parkway, Tr 32B01 A1376, Strickland, David Survey
- 600 W Kennedale Parkway, Lot 8 Block 1, Woodlea Acres Addition
- 1083 Bowman Springs Road, Lot 19R Block 1, Woodlea Acres Addition
- 830 W Kennedale Parkway, Lot 8 Block 4, Oak Crest Addition
- 201 N New Hope Road, Lot 3&4 Block 44, City of Kennedale Addition

II. Originated by:

Bob Hart, City Manager

III. Summary:
Bids were posted according to the council's direction. The following were submitted:

1. 5411 Kennedale Parkway, Tr 32B01 A1376, Strickland, David Survey
   Bid from EDC (100% of proceeds from sale of property)

2. 600 W Kennedale Parkway, Lot 8 Block 1, Woodlea Acres Addition
   Bid from EDC (100% of proceeds from sale of property)

3. 1083 Bowman Springs Road, Lot 19R Block 1, Woodlea Acres Addition
   Bid from EDC (100% of proceeds from sale of property)

4. 830 W Kennedale Parkway, Lot 8 Block 4, Oak Crest Addition
   Bid from EDC (100% of proceeds from sale of property)

5. 201 N New Hope Road, Lot 3&4 Block 44, City of Kennedale Addition
   Bid from Living Waters Baptist Church ($10,000 and 1.96 acres of land)

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

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Staff Report to the Honorable Mayor and City Council

Date: August 9, 2012

Agenda Item No: REGULAR ITEMS - M.

I. Subject:
Consider Ordinance 509, authorizing sale of real property located at 201 New Hope Road.

II. Originated by:

Bob Hart, City Manager

III. Summary:
Please review the attached ordinance, authorizing the sale of the old library/city hall property.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	O509	O509 - Sale.doc

ORDINANCE NO. 509

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS, AUTHORIZING THE MAYOR OR CITY MANAGER TO SELL AND CONVEY THE OLD LIBRARY BUILDING PROPERTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale owns real property and various improvements thereto (commonly known as the Old Library Building) located at 201 New Hope Road in the City of Kennedale, which was previously used for a library; and

WHEREAS, the City Council deems it prudent to sell and convey the real property and any improvements thereto, pursuant to a valid contract and subject to any restrictions contained within the contract; and

WHEREAS, Chapter 253 of the Texas Local Government Code permits a municipality to sell land or an interest in land and any improvements thereto that it owns.

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

SECTION 1.

The Mayor and/or City Manager is hereby directed and authorized to enter into a contract to sell and convey the property owned by the City of Kennedale, located at 201 New Hope Road (Old Library Building), such sale and conveyance to be subject to the terms and conditions set forth in the contract.

SECTION 2.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared

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

SECTION 3.

This ordinance shall be in full force and effect upon passage and it is so ordained.

PASSED AND APPROVED ON THIS 9TH DAY OF AUGUST, 2012.

_____
MAYOR JOHN CLARK

ATTEST:

_____
CITY SECRETARY, AMETHYST G. CIRMO

APPROVED AS TO FORM AND LEGALITY:

_____
CITY ATTORNEY, WAYNE K. OLSON

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Staff Report to the Honorable Mayor and City Council

Date: August 9, 2012

Agenda Item No: EXECUTIVE SESSION - A.

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

II. Originated by:

Bob Hart, City Manager

III. Summary:
At this time the Council will meet in executive session, if necessary.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments: