

KENNEDALE CITY COUNCIL AGENDA
REGULAR MEETING | FEBRUARY 18, 2020
CITY HALL COUNCIL CHAMBERS
405 MUNICIPAL DRIVE, KENNEDALE, TX 76060
WORK SESSION AT 5:30 PM | REGULAR SESSION AT 7:00 PM

I. CALL TO ORDER

To address the City Council regarding a Work Session item, submit a 'Request to Speak' form before the meeting begins. Speakers are allotted three (3) minutes, must limit their comments to the subject indicated on the form, and should address the Council as a whole, rather than individual Councilmembers or staff.

II. WORK SESSION

A. WORK SESSION REPORTS

1. Receive a presentation, hold a discussion, and provide staff direction regarding domestic violence ordinances
2. Receive a presentation, hold a discussion, and provide staff direction regarding game room regulation
3. Presentation and discussion regarding the 46th Annual Community Development Block Grant (CDBG) Program proposal by the City of Kennedale for rehabilitation of water lines along Third Street

B. REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA

III. EXECUTIVE SESSION

The City Council reserves the right to meet in Executive Session at any time during this meeting pursuant to the below cited sections of the Texas Government Code:

A. PURSUANT TO §551.071 — *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 of any item posted on the agenda, legal issues regarding the Open Meetings Act, and the following:*

1. Discussion with the City Attorney regarding Destiny/USA Prime Baseball
2. Discussion with the City Attorney regarding salvage yards, including A&A Pickup & Van, Inc., Apache, Abs 1 Auto Parts, and special exception/special use permits

B. PURSUANT TO §551.072 — *Deliberation regarding the purchase, exchange, lease, or value of real property:*

1. 1001 W Kennedale Pkwy, Fort Worth, TX 76140

C. PURSUANT TO §551.087 — *(1) Deliberation regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1):*

1. Economic Development and Performance Agreement, Tax Abatement, and Chapter 380 Agreement with Compressed Air Systems for project located at Harris Corporation Addition, Block 1 Lot 1A2 (Linda Road)

IV. REGULAR SESSION

A. ROLL CALL

B. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

C. VISITOR AND CITIZEN FORUM

At this time, any person may address the City Council, provided that a 'Request to Speak' form is submitted before the meeting begins. Speakers are allotted three (3) minutes, must limit their comments to the subject indicated on the form, and should address the Council as a whole rather than individual Councilmembers or staff. Neither formal action nor discussion may occur at this time. Those wishing to speak on an agenda item should indicate as much on the form, and will be called upon to speak when the Council considers that item.

D. REPORTS AND ANNOUNCEMENTS

In addition to any items below, the Mayor and Council may give or receive reports regarding items of community interest, including, but not limited to, recognition of officials, citizens, staff, or departments; information regarding holiday schedules; and upcoming or attended events.

1. Updates from the City Council
2. Updates from the Mayor
 - Proclaiming Support for the 2020 Census
3. Updates from the City Manager
4. Financial Reports for the City and the EDC
5. Fire Department Badge Pinning Ceremony

E. CONSENT AGENDA

These matters have appeared on previous agendas, require little or no deliberation, or are considered routine. If discussion is desired, items may be removed for separate consideration.

1. Approval of the minutes from the January 21, 2020 regular meeting

F. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider adoption of Resolution 566 in support of the Safe Routes to School (SRTS) plan for infrastructure improvements in the Crestdale area around James F. Delaney Elementary and James A. Arthur Intermediate Schools and the 2020 application for SRTS funding
2. Consider adoption of Resolution 567, approving the sale of 7215 Bloxom Park Road, real property owned by the Economic Development Corporation (EDC)
3. Consider adoption of Resolution 568 approving the sale of 7224 Bloxom Park Road, real property owned by the Economic Development Corporation (EDC)

G. PUBLIC HEARINGS

1. **CASE # PZ 20-01** — Conduct a public hearing and consider a request by Azam Shaikh for a replat of approximately 1 acre of land at 800 Shady Bend Drive, legal description of Block 1, Lot 36, Shady Creek East Addition, Kennedale, Tarrant County, Texas

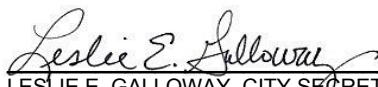
H. TAKE ACTION NECESSARY, PURSUANT TO EXECUTIVE SESSION, IF NEEDED

1. Take any action deemed necessary as a result of the Executive Session

V. ADJOURNMENT

CERTIFICATION

I DO HEREBY CERTIFY THAT THE FEBRUARY 18, 2020 KENNEDALE CITY COUNCIL AGENDA WAS POSTED INSIDE THE MAIN ENTRANCE OF CITY HALL (405 MUNICIPAL DRIVE), IN A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES; AND THAT SAID AGENDA WAS POSTED AT LEAST SEVENTY-TWO (72) HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING, IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOVERNMENT CODE.


LESLIE E. GALLOWAY, CITY SECRETARY

In compliance with the Americans with Disabilities Act (ADA), the City of Kennedale will provide for reasonable accommodations for persons attending meetings. This facility is wheelchair accessible and accessible parking spaces are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meeting by calling 817-985-2104 or (TTY) 1-800-735-2989.

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: WORK SESSION ITEM II.A.1.

SUBJECT

Receive a presentation, hold a discussion, and provide staff direction regarding domestic violence ordinances

ORIGINATED BY

George Campbell, City Manager

SUMMARY

Burleson Mayor Ken Shetter will offer a brief presentation and be available to answer any questions from the Council regarding two Ordinances adopted by Burleson aimed at addressing particularly harmful aspects of domestic violence victimization.

These Ordinances were developed in partnership with One Safe Place Family Justice Center of Tarrant County and address "Protection of Children Exposed to Unjustified Violence (Child Witnesses)" and "Strangulation Protocol".

RECOMMENDATION

Council discussion and comment regarding the City of Kennedale's consideration of adoption of similar ordinances is respectfully requested.

ATTACHMENTS

1.	Burleson Ordinances Pamphlet	Burleson Domestic Violence Ordinances Pamphlet.pdf
2.	Burleson Ordinance Child Witness	Burleson Child Witness Ordinance CSO#702-09-2017.pdf
3.	Burleson Ordinance Strangulation	Burleson Strangulation Ordinance CSO#781-02-2018.pdf

A BETTER WAY

to serve victims of domestic violence



**CITY OF BURLESON
DOMESTIC VIOLENCE
ORDINANCES**

In recent years, the City of Burleson passed two first-of-their-kind ordinances crafted to address particularly harmful and ubiquitous aspects of domestic violence victimization. The ordinances were developed in partnership with the One Safe Place Family Justice Center of Tarrant County.

Child Witness Ordinance

A 2017 ordinance made it a criminal offense to commit unjustified violence in the presence of one's child. The ordinance received an update in 2019, adding procedures to ensure municipal prosecutions under the ordinance do not conflict with prosecutions of associated assault charges and another provision requiring development of protocols for the appropriate engagement of child witnesses on the scene of domestic violence incidents.

Strangulation Protocol Ordinance

In 2018, the City passed an ordinance creating protocols related to the response to incidents of strangulation. In addition to mandating the creation of a multidisciplinary task force and training and checklists for first responders, the ordinance requires an emergency medical response to any incident that involves a suspected or alleged recent strangulation.



CITY OF BURLESON DOMESTIC VIOLENCE ORDINANCES

The Need to Protect Child Witnesses

- Each year, 5 million children witness incidents of domestic violence in the United States.
- Children exposed to domestic violence are 6 times more likely to commit suicide, 50 percent more likely to abuse drugs or alcohol, 74 percent more likely to commit a violent crime against someone and 3 times more likely to commit domestic violence as an adult.
- Childhood exposure to domestic violence is directly correlated with difficulties learning, lower I.Q. scores, deficiencies in visual motor skills and problems with attention and memory.
- Children exposed to domestic violence are physically abused or seriously neglected at a rate 1500% higher than the national average.
- Witnessing domestic violence causes the same kind of harm to children's mental health and learning as if the child had been physically abused.
- One study found that half the children who were physically abused were caught in the middle of an intimate partner attack.

We Can Make a Difference

Appropriate law enforcement engagement with children at domestic violence incidents has been shown to decrease the impact on children and increase the likelihood that adult victims will contact the police in the future.

Important Components of the Child Witness Ordinance

- Creates an offense for intentionally, knowingly, or recklessly committing unjustified violence against another in the presence of a child relation or a child of the person's household.
- "Unjustified violence" is defined as an act that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places an individual in fear of imminent physical harm, bodily injury, assault or sexual assault but does not include defensive measures to protect oneself.
- A person cannot be prosecuted under the ordinance who was the direct victim of the unjustified violence.
- Any person convicted of violating the ordinance is guilty of a Class C misdemeanor.
- Before any violation of the city ordinance can be prosecuted, the municipal prosecutor must ensure that any and all higher charges arising from the same incident are rejected by the State's attorney or otherwise finally disposed.
- The Chief of Police is required to issue a protocol defining the proper response to child witnesses on-scene, considering the proper identification of child witnesses and helpful communications with any child witnesses and the protective parent.



The Need for a Better Response to Incidents of Strangulation

- Strangulation is alarmingly common in incidents of domestic violence. Up to 68 percent of victims of intimate partner violence experience near-fatal strangulation.
- A victim of domestic violence who has been strangled is 750 percent more likely to be killed by their abuser.
- Victims of domestic violence who are strangled are likely to be strangled again.
- Many strangulations of victims do not exhibit visible injuries and “feel fine”, but may actually have serious or life-threatening injuries.
- Death can occur days or weeks after strangulation due to carotid artery dissection and respiratory complications.
- Common psychological injuries include PTSD, depression, suicidal ideations, memory problems, nightmares, anxiety, severe stress reaction, amnesia, and psychosis.
- A number of studies indicate that the majority of cop killers are men who have a history of strangling an intimate partner.

Important Components of the Strangulation Protocol Ordinance

- When strangulation is alleged or suspected, the **peace officer is required to summon emergency medical personnel to the scene** to evaluate and render aid to the victim.
- The peace officer is required to document the emergency medical responder’s presence and role in the police report.
- Peace officers are required to provide the victim with referral information for appropriate support agencies.
- Peace officers are required to utilize a checklist approved by the Chief of Police to help evaluate the situation and render aid to the victim.
- Emergency medical personnel are required to conduct a medical evaluation and assessment to help evaluate the situation and render aid to the victim.
- The Chief of Police is required to designate a task force composed of members of law enforcement, medical personnel and advocate representatives. The task force is responsible for advising the fire and police chiefs in developing and implementing checklists, questionnaires and education programs.



Early Success

In the first year of enforcement of the domestic violence ordinances, Burleson police officers identified 68 violations of the child witness ordinance and more than 100 children who had witnessed acts of domestic violence. The number of incidents of strangulation identified by first responders more than doubled and many offenders who would have otherwise been charged with misdemeanor assault were appropriately charged with felony aggravated assault. Since implementation of the strangulation protocol ordinance, emergency medical aid has been rendered on-scene every time Burleson police have responded to an incident involving strangulation.

Burleson officials are currently developing a task force in partnership with One Safe Place and the Burleson Independent School District to ensure children who witness incidents of domestic violence receive the help they need.

Resources

Download a copy of the ordinances at
www.onesafeplace.org/resources

If you have questions or need further information, contact:

Ken Shetter
Mayor, City of Burleson
mayor@burlesontx.com

Billy Cordell
Chief of Police, City of Burleson
bcordell@burlesontx.com

K.T. Freeman
Fire Chief, City of Burleson
ktfreeman@burlesontx.com

Matt Ribitzki
Deputy City Attorney, City of Burleson
mribitzki@burlesontx.com

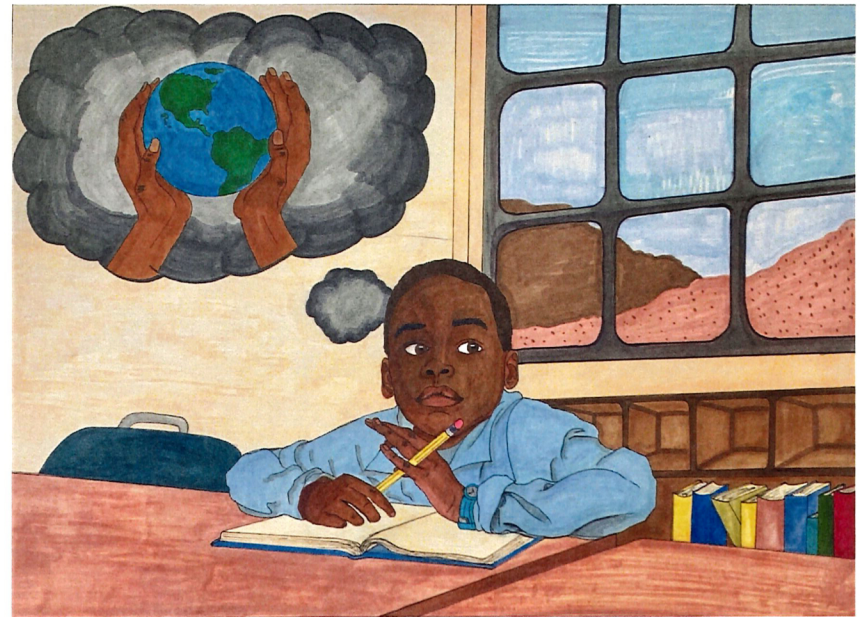
Michelle Morgan
Vice President & Director of the Family Justice Center,
One Safe Place
mmorgan@onesafeplace.org



**This publication was
prepared and provided
by the One Safe Place
Family Justice Center.**



**One Safe Place is a comprehensive crime prevention
agency devoted to preventing crime and violence in
Tarrant County's neighborhoods, schools and homes.**



**The artwork featured are awarding winning images from
the One Safe Place 2019 Imagine No Violence Art Contest.**



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, CREATING ARTICLE X, "PROTECTION OF CHILDREN EXPOSED TO UNJUSTIFIED VIOLENCE", OF CHAPTER 54, "MISCELLANEOUS OFFENSES"; PROVIDING A PENALTY FOR VIOLATION HEREOF; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the exposure of society's children to violence is a pervasive problem that plagues society at every level; and

WHEREAS, a study by the U.S. Department of Justice found that sixty percent of American children were exposed to violence, crime, or abuse in their homes, schools, and communities; and

WHEREAS, witnessing violence puts children at a greater risk of taking their own life; it being estimated that children who grow up in homes with domestic and family violence are six times more likely to commit suicide; and

WHEREAS, children exposed to violence, whether as victims or witnesses, have a high risk of experiencing learning difficulties, speech and language impairments, and school failure; and

WHEREAS, exposure to violence is a strong predictor of violent delinquent behavior among adolescents, and it is estimated that children who grow up in homes with domestic and family violence are seventy-four percent more likely to commit a violent crime against someone else; and

WHEREAS, children exposed to violence may be more aggressive and are more likely to use violence to resolve situations; studies have demonstrated that children of domestic violence are three times more likely to repeat the cycle in adulthood, and that growing up with domestic violence is the most significant predictor of whether or not someone will be engaged in domestic violence later in life; and

WHEREAS, the City Council hereby finds and determines that the regulations set forth herein are in the best interest of the public and are adopted in furtherance of the public health, safety, morals, and general welfare.

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

SECTION 1.

ADOPTION

That Article X, "Protection of Children Exposed to Unjustified Violence", of Chapter 54 of the Code of Ordinances of the City of Burleson is hereby adopted to read as follows:

ARTICLE X. PROTECTION OF CHILDREN EXPOSED TO UNJUSTIFIED VIOLENCE

Section 54-170. GENERAL PURPOSE OF ORDINANCE.

It is the purpose of this Ordinance to protect children whose health, safety, and welfare may be jeopardized through exposure to unjustified violence.

Section 54-171. DEFINITIONS.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) Allow. Allow means to permit, enable, grant, or approve.
- (2) Child. Child means a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.
- (3) Child Relation. Child Relation means a lineal descendant by blood or adoption, or a foster child, or a minor ward, of either the person described in Section 54-172(a) or their spouse, or the victim against whom the act of unjustified violence is commissioned or their spouse.
- (4) Household. Household means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other. Member of a household includes a person who previously lived in a household.
- (5) Intentionally. Intentionally means "Intentionally" as defined in Texas Penal Code § 6.03(a).
- (6) Knowingly. Knowingly means "Knowingly" as defined in Texas Penal Code § 6.03(b).
- (7) Presence. Presence means occurring such that the act may be seen or heard.
- (8) Recklessly. Recklessly means "Recklessly" as defined in Texas Penal Code § 6.03(c).
- (9) Unjustified Violence. "Unjustified Violence" means an act that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that

reasonably places an individual in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.

Section 54-172. VIOLATION AND DEFENSES.

- (a) It shall be unlawful for a person to intentionally, knowingly, or recklessly commit unjustified violence against another in the presence of a child relation or a child of the person's household.
- (b) It is a defense to prosecution that the conduct of any alleged violation of this Section is justified under Chapter 9 of the Texas Penal Code.
- (c) It is an exception to prosecution that the person was the direct victim of the unjustified violence described in Subsection (a).

Section 54-173. PENALTIES.

- (a) Any person convicted of violating the provisions of Section 54-172(a) shall be guilty of a Class C misdemeanor and shall be punished by a fine not to exceed \$500.
- (b) This Section does not serve to limit any other remedies available to the jurisdiction in law or equity.
- (c) Each violation shall constitute a separate offense.

Sections 54-174 -- 54-179. - RESERVED.

SECTION 2.
FINDINGS OF FACT

The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

SECTION 3.
CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Burleson, Texas, 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 4.
SEVERABILITY CLAUSE

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

SECTION 5.
SAVINGS CLAUSE

All rights and remedies of the City of Burleson are expressly saved as to any and all violations of the provisions of the Burleson City Code 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.
PUBLICATION CLAUSE

The City Secretary of the City of Burleson is hereby directed to give notice of the passage of this ordinance by causing the caption or title and penalty clause of this ordinance to be published as required by Section 36 of the Charter of the City of Burleson.

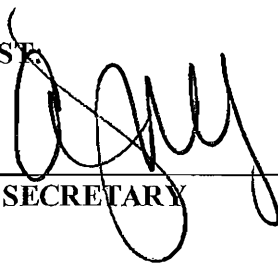
SECTION 7.
EFFECTIVE DATE

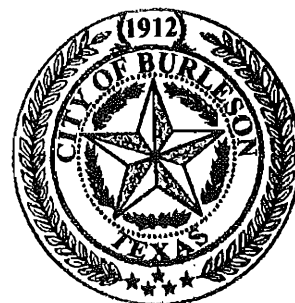
This Ordinance shall be in full force and effect after its publication as provided by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED THIS 18th DAY OF September, 2017.


MAYOR

ATTEST

CITY SECRETARY



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, CREATING ARTICLE XI, "EFFECTIVE RESPONSE TO STRANGULATION", OF CHAPTER 54, "MISCELLANEOUS OFFENSES"; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, strangulation is an indicator of the escalation of violence and associated with increased risk of serious injury and/or death in cases of intimate partner violence; and

WHEREAS, strangulation has been identified as one of the most lethal forms of domestic violence and sexual assault; and used to exert power over a victim by taking from them control of their own body; and

WHEREAS, intimate partners who have a history of strangulation pose a greater risk to their victim and society at-large; and

WHEREAS, when strangled, unconsciousness and anoxic brain injury may occur within seconds and death within minutes; and

WHEREAS, oftentimes, even in fatal cases, there is no external evidence of injury from strangulation, yet because of underlying brain damage due to the lack of oxygen during strangulation assault, victims may have serious internal injuries or die days, or even weeks, later; and

WHEREAS, many first responders lack the specialized training to identify the signs and symptoms of strangulation and often focus on visible, obvious injuries like stab wounds, or contusions; and

WHEREAS, this lack of training has led to the minimization of this type of violence, exposing victims to potential serious short-term and long-term health consequences, permanent brain damage, and increased likelihood of death; and

WHEREAS, there is a need to develop more experts in the field of strangulation and to use those experts in court proceedings to educate juries and judges so they understand the signs and symptoms associated with this crime, and the severity of this crime; and

WHEREAS, some jurisdictions and nationwide have taken legislative measures to address the brutality and lethality of strangulation assaults, many states, to date, still do not adequately

address strangulation in their law enforcement training and/or criminal statutes, underestimating the significance of the act of strangulation and potential lethality; and

WHEREAS, lacking specific legislation and specialized training, many near-fatal strangulation cases are only prosecuted as misdemeanor crimes; and

WHEREAS, given the lethality of strangulation, offenders should be held accountable with a penalty that is commensurate with the nature of their crimes which is equivalent of attempted homicide or serious felony assault; and

WHEREAS, the International Association of Chiefs of Police assembled at its 121st Annual Conference in Orlando, Florida, supports statutes and legislation that hold perpetrators accountable for the potentially lethal strangulation assaults; and

WHEREAS, the City Council hereby finds and determines that the regulations set forth herein are in the best interest of the public and are adopted in furtherance of the public health, safety, morals, and general welfare.

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

SECTION 1.
ADOPTION

That Article XI, "Effective Response to Strangulation", of Chapter 54 of the Code of Ordinances of the City of Burleson is hereby adopted to read as follows:

ARTICLE XI. EFFECTIVE RESPONSE TO STRANGULATION

Section 54-180. GENERAL PURPOSE OF ORDINANCE.

It is the purpose of this Ordinance to protect victims whose health, safety, and welfare may be jeopardized through exposure to violence by means of strangulation.

Section 54-181. DEFINITIONS.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) Chief of Police. Chief of Police means the chief of police of the city.
- (2) Family Violence. Family Violence means "Family Violence" as defined in Texas Family Code § 71.004.
- (3) Fire Chief. Fire Chief means the fire chief of the city.

- (4) Emergency Medical Personnel. Emergency Medical Personnel means a firefighter, emergency medical technician, or emergency care attendant that provides first response to requests for emergency medical services and provides immediate on-scene care to ill or injured persons, while acting in his or her official capacity, and is employed by or contracted by the city or a separate governmental entity that has entered into an inter-local agreement with the city to provide such services.
- (5) Peace Officer. Peace Officer means a "Peace Officer" as defined in Texas Code of Criminal Procedure Article 2.12 that is employed by the city and acting in his or her official capacity.
- (6) Strangulation. Strangulation means impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth.

Section 54-182. PROTOCOL FOR RESPONDING TO AN ACCUSATION OF STRANGULATION.

- (a) When the act of strangulation is alleged or suspected within the city, the peace officer will summon emergency medical personnel to the scene to evaluate and render aid to the victim.
- (b) The peace officer will document emergency medical personnel's presence and role in the police report by including their name, identification number, employment agency and unit number.
- (c) Peace officers shall provide the victim referral information to the appropriate support agency for assistance and document the referral in their police report.
- (d) Peace officers will thoroughly document the suspect's behavior, actions, and any comments made during the act of strangulation.
- (e) When the act of strangulation is alleged or suspected within the city, peace officers shall utilize a checklist approved by the Chief of Police to help evaluate the situation and provide aid to the victim.
- (f) When the act of strangulation is alleged or suspected within the city, emergency medical personnel shall conduct a medical evaluation and assessment to help evaluate the situation and provide aid to the victim.

Section 54-183. STRANGULATION TASK FORCE.

The Chief of Police shall designate a strangulation task force (STF) consisting of members from law enforcement, emergency medical personnel, medical community personnel, advocate representatives, and any other members deemed appropriate by the Chief of Police. The STF

shall aid and advise the Chief of Police and Fire Chief in developing and implementing checklists, questionnaires, and an education training program for peace officers, emergency medical personnel, and other first responders encountering strangulation scenarios.

Section 54-184. PENALTY.

Any violator of this article may be punished by administrative means by the city manager or the city manager's designee in their discretion. A violation of this article is not subject to the penalties outlined in Section 1-14 of this code. The imposition of the penalty provided in this section is not a criminal conviction and may not be considered a conviction for any purpose. The penalty provided in this section shall be cumulative of other remedies provided by state law.

Sections 54-185 – 54-189. - RESERVED.

**SECTION 2.
FINDINGS OF FACT**

The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

**SECTION 3.
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Burleson, Texas, 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 4.
SEVERABILITY CLAUSE**

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

**SECTION 5.
SAVINGS CLAUSE**

All rights and remedies of the City of Burleson are expressly saved as to any and all violations of the provisions of the Burleson City Code of Ordinances 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.
PUBLICATION CLAUSE

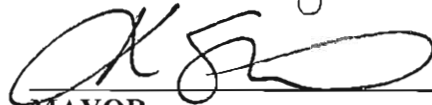
The City Secretary of the City of Burleson is hereby directed to give notice of the passage of this ordinance by causing the caption or title and penalty clause of this ordinance to be published as required by Section 36 of the Charter of the City of Burleson.

SECTION 7.
EFFECTIVE DATE

This Ordinance shall be in full force and effect sixty (60) days after its publication as provided by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED THIS 19th **DAY OF** February, 2018.



MAYOR

ATTEST:



CITY SECRETARY



MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: WORK SESSION ITEM II.A.2.

SUBJECT

Receive a presentation, hold a discussion, and provide staff direction regarding game room regulation

ORIGINATED BY

George Campbell, City Manager

SUMMARY

Under Texas law, "game rooms" featuring simple slot machines (often called "eight-liners") are generally allowed as long as prizes are not paid in cash and are not worth more than ten (10) times the cost of one play or \$5.00 — whichever is less. The statute provides for the permitting and regulation of these gaming rooms at the County level. At their November 12, 2019 meeting, the Tarrant County Commissioners Court — in an effort to further regulate these establishments as well as offer municipalities the opportunity to exercise more local control — unanimously adopted a 29-page Game Room Regulations (attached), effective April 1, 2020, which includes, among others, the following regulations:

- Requirement of a permit to operate a "game room" (including a \$1,000.00 annual fee; and up to three inspections) *(from Section 2.1 (2) on page 7 of the attached Regulation)*
- Hours of operation limited to 8:00 a.m. to 10:00 p.m. *(from Section 3.5 (b) on page 20)*
- Game rooms restricted from being within 1,500 feet of a school, church, or residential neighborhood; or within 2,000 feet of another game room *(from Section 3.8 (b) on page 23)*
- At least two windows must provide "a clear and unobstructed view of all machines" *(from Section 3.4 on page 19)*

The Regulation also allows for an interlocal agreement (ILA) whereby Cities can appoint a local "Game Room Permit Administrator" to have primary administrative and enforcement responsibilities over these establishments within their jurisdiction. The County provided a draft of such an ILA, which is also attached.

Relevant Sections from the Commissioners Court Regulation Include

1.2. ADMINISTRATION (page 3): (e) The Tarrant County Commissioners Court allows incorporated cities or towns in Tarrant County, Texas that have executed interlocal agreements with Tarrant County, Texas to designate their own Game Room Permit Administrator. The Game Room Permit Administrator shall supervise, control, and operate the Permit Office. The Game Room Permit Administrator shall investigate, deny, issue, attach conditions to, administratively suspend, or revoke Game Room Permits pursuant to the Regulations and any applicable state law(s). The Tarrant County Sheriff shall notify the Tarrant County Fire Marshal and Public Health of permits issued, suspended and/or revoked.

2.1 APPLICATION (page 8): (c) In municipalities which have elected to adopt the Regulations, and where the Tarrant County Commissioners Court has approved an Interlocal Agreement between the municipality and Tarrant County, Texas, the municipality shall designate an entity to receive and process Game Room applications. The municipality shall adopt a common operating procedure with requirements and processes reasonably similar to those set out by the Regulations. The municipality shall provide the application along with a description of the application and inspection process on the municipality's website.

The City Attorney has reviewed the Policy Regulation adopted by Tarrant County and the ILA and has raised a number of significant questions that will require further discussion. This item is placed on the Work Session agenda to make Council aware of the request by Tarrant County but not to seek specific direction until further review can be made.

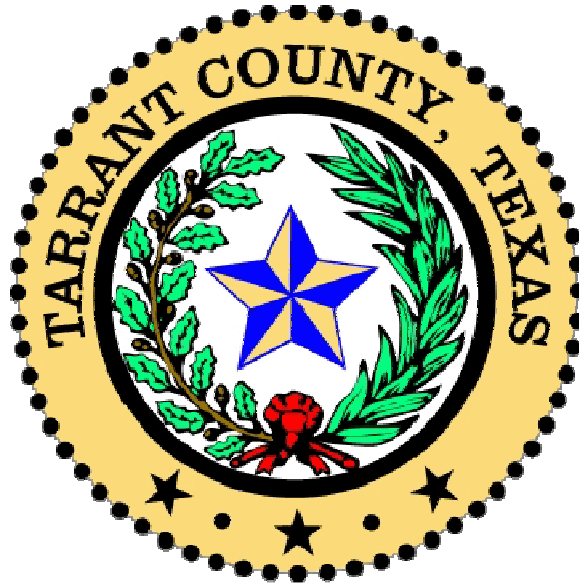
RECOMMENDATION

Council discussion and direction regarding the placement of such an ILA on a future agenda is respectfully requested.

ATTACHMENTS

1.	Commissioners Court Game Room Regulations	Game Room Regulations.PDF
2.	ILA_Game Room Regulation_DRAFT	ILA_Game Room Regulation_DRAFT.pdf

TARRANT COUNTY GAME ROOM REGULATIONS



AS

ADOPTED ON _____
EFFECTIVE ON _____

TARRANT COMMISSIONERS COURT:

COUNTY JUDGE, B. GLEN WHITLEY
COMMISSIONER PRECINCT 1, ROY CHARLES BROOKS
COMMISSIONER PRECINCT 2, DEVAN ALLEN
COMMISSIONER PRECINCT 3, GARY FICKES
COMMISSIONER PRECINCT 4, J.D. JOHNSON

TARRANT COUNTY GAME ROOM REGULATIONS

Adopted by Commissioners Court: _____

NOTICE: The Game Room Regulations provided herein are in addition to any and all municipal or state regulations required for compliance with code and statutory regulations and laws, including, but not limited to, municipal zoning, building, fire, sales tax, required of the Texas Alcohol and Beverage Commission, Office of State Comptroller, Texas Secretary of State, public health, and any other governing agency, including but not limited to the compliance required to obtain licenses, required permits and certificates of occupancy.

SECTION 1. GENERALLY.

WHEREAS, the Legislature of the State of Texas has amended Chapter 234 of the Local Government Code authorizing counties to regulate Game Rooms; and,

WHEREAS, Tarrant County, Texas desires to reduce the adverse secondary effects of illicit Game Rooms, which were presented in briefings, public testimony, hearings and reports and made available to the Tarrant County Commissioners Court.

THEREFORE, THE TARRANT COUNTY COMMISSIONERS COURT FINDS:

1. Game Rooms should be separated from sensitive land uses to minimize the impact of their adverse secondary effects upon such uses, and should be separated from other Game Rooms, to minimize the adverse secondary effects associated with such uses and to prevent an unnecessary concentration of Game Rooms in one area.
2. Tarrant County, Texas has a substantial government interest in preventing and abating adverse effects that constitute a harm. The substantial government interest in preventing adverse secondary effects, which is Tarrant County, Texas' rationale for the Regulations, exists independent of any comparative analysis between legal Game Rooms and illicit Game Rooms. Tarrant County, Texas' interests in regulating Game Rooms extend to preventing future adverse secondary effects of either current or future Game Rooms that may locate to Tarrant County, Texas.

1.1. Authority to Regulate.

- (a) The Regulations are promulgated pursuant to, and in conformity with, Chapter 234 of the Local Government Code, as amended, titled County Regulation of Businesses and Occupations. According to Section 234.133 of the Local Government Code, the commissioners court of a county may regulate the operation of Game Rooms to promote the public health, safety, and welfare.
- (b) It is the purpose of the Tarrant County Commissioners Court to exercise its regulatory and police power, as established under Chapter 234 of the Local Government Code, to

establish reasonable and uniform regulations of Game Rooms, to promote the public health, safety, and welfare, and to prohibit business activities which might enable, or serve as a front for, criminal activities, including, but not limited to, organized crime, gambling and tax evasion.

- (c) The Regulations do not legalize anything prohibited under the Texas Penal Code or any other state or federal law(s) or regulation(s).

1.2. Administration.

- (a) The Tarrant County Commissioners Court hereby designates any law enforcement agency to investigate for violations of the Regulations. Any Peace Officer that is certified by the State of Texas may enforce the Regulations.
- (b) Under Section 234.138 of the Local Government Code, as amended, a Person commits a criminal offense if the Person intentionally or knowingly operates a Game Room in violation of a regulation adopted pursuant to Section 234.133. An offense under this Section is a Class A misdemeanor.
- (c) In accordance with Section 234.133 of the Local Government Code, the State of Texas has granted Tarrant County Commissioners Court authority to promote public health, safety, and welfare.
- (d) Except as provided in Subsection 1.2(e) of the Regulations, the Tarrant County Commissioners Court designates the Tarrant County Sheriff as Game Room Permit Administrator for Tarrant County, Texas. The Tarrant County Sheriff shall supervise, control, and operate the Permit Office. The Tarrant County Sheriff shall investigate, deny, issue, attach conditions to, administratively suspend, and/or revoke Game Room Permits pursuant to the Regulations and any applicable state law(s). The Tarrant County Sheriff shall notify the Tarrant County Fire Marshal and Public Health of permits issued, suspended and/or revoked.
- (e) The Tarrant County Commissioners Court allows incorporated cities or towns in Tarrant County, Texas that have executed interlocal agreements with Tarrant County, Texas to designate their own Game Room Permit Administrator. The Game Room Permit Administrator shall supervise, control, and operate the Permit Office. The Game Room Permit Administrator shall investigate, deny, issue, attach conditions to, administratively suspend, or revoke Game Room Permits pursuant to the Regulations and any applicable state law(s). The Tarrant County Sheriff shall notify the Tarrant County Fire Marshal and Public Health of permits issued, suspended and/or revoked.

1.3. Areas Covered by the Regulations.

Pursuant to Section 234.133 of the Local Government Code, the Regulations apply to all areas of Tarrant County, Texas. This includes the incorporated and unincorporated areas of Tarrant County, Texas.

1.4. Definitions.

As used in the Regulations:

- (a) “***Amusement Redemption Machine***” means any electronic, electromechanical, or mechanical contrivance designed, made, and adopted for bona fide amusement purposes that rewards the player exclusively with non-cash merchandise, prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once, or \$5, whichever amount is less.
- (b) “***Applicant***” means an individual, proprietorship, corporation, association, and/or other legal entity required to obtain a Game Room Permit and/or an individual, proprietorship, corporation, association, and/or other legal entity that has applied for a Game Room Permit.
- (c) “***County Employee***” means any individual authorized by Tarrant County, Texas to inspect a Game Room for compliance with the Regulations.
- (d) “***Current Annual Fire Inspection Report***” means a fire inspection report issued by the Tarrant County Fire Marshal or a similar inspection by the department having competent jurisdiction within the incorporated area of the county within ninety (90) days immediately preceding the date of any application for operation of a Game Room or renewal of a Game Room Permit for Fire Code compliance.
- (e) “***Fire Safety Official***” means the Tarrant County Fire Marshal or the department official having competent jurisdiction within the incorporated area of the county to conduct a fire and life safety inspection.
- (f) “***Gambling Device***” means a device described in Article 47.01(4) (A) of the Texas Penal Code.
- (g) “***Game Room***” means a for-profit business located in a building or place that contains six (6) or more:
 - (1) Amusement Redemption Machines, or
 - (2) electronic, electromechanical, or mechanical contrivances that, for consideration, afford a player the opportunity to obtain a prize or thing of value, the award of which is determined solely or partially by chance, regardless of whether the contrivance is designed, made, or adopted solely for bona fide amusement purposes.
- (h) “***Game Room Permit Administrator***” means the Sheriff of Tarrant County, Texas, the Sheriff’s designated agent, or the designated official for a cooperating municipality.

- (i) **“Game Room Permit Office”** means the primary office or place of business of the Game Room Administrator.
- (j) **“Interlocal Agreement”** means a cooperative agreement between Tarrant County, Texas and an incorporated municipality.
- (k) **“Notice”** is deemed effective on the date written notice to an Applicant, permit holder, or agent thereof is hand delivered or posted on the front exterior door of the Game Room, or upon receipt by certified mail.
- (l) To **“Operate a Game Room”** means to:
 - (1) be an Owner or Operator of a Game Room as those terms are defined by Subsection 1.4(n) and 1.4(m) of the Regulations;
 - (2) perform security services for a Game Room, including but not limited to, screening Game Room customers, regulating entry of customers into a Game Room, monitoring Game Room customers, and locking and/or unlocking a Game Room’s door(s) during business hours;
 - (3) fund the operation of a Game Room;
 - (4) have a financial interest in a Game Room;
 - (5) receive any profit from a Game Room;
 - (6) supply machines described in Subsection 1.4(g)(1)-(2) to a Game Room;
 - (7) own machines described in Subsection 1.4(g)(1)-(2) located in a Game Room;
 - (8) receive any profit from a machine described in Subsection 1.4(g)(1)-(2) located in a Game Room; or,
 - (9) have machines described in Subsection 1.4(g)(1)-(2) registered in your name with Tarrant County, Texas, the City of Fort Worth, and/or the Texas Comptroller located in a Game Room.
- (m) **“Operator”** means an individual who:
 - (1) operates a cash register, cash drawer, or other depository on the premises of a Game Room or of a business where money earned or the records of credit card transactions or other credit transactions generated in any manner by the operation of a Game Room or activities conducted in a Game Room are kept;
 - (2) displays, delivers, or provides to a customer of a Game Room; merchandise, goods, entertainment, or other services offered on the premises of a Game Room;

- (3) takes orders from a customer of a Game Room for merchandise, goods, entertainment, or other services offered on the premises of a Game Room;
 - (4) acts as a door attendant to regulate entry of customers or other persons into a Game Room; or,
 - (5) supervises or manages other persons at a Game Room in the performance of an activity listed in this Subsection.
- (n) “**Owner**” means a Person who:
- (1) has an ownership interest in, or receives the profits from, a Game Room or an Amusement Redemption Machine located in a Game Room;
 - (2) is a partner, director, or officer of a business, company, or corporation that has an ownership interest in a Game Room or in an Amusement Redemption Machine located in a Game Room;
 - (3) is a shareholder that holds more than ten (10) percent of the outstanding shares of a business, company, or corporation that has an ownership interest in a Game Room or in an Amusement Redemption Machine located in a Game Room;
 - (4) has been issued by the County Clerk an assumed name certificate for a business that owns a Game Room or an Amusement Redemption Machine located in a Game Room;
 - (5) signs a lease for a Game Room;
 - (6) opens an account for utilities for a Game Room;
 - (7) receives a certificate of occupancy or certificate of compliance for a Game Room;
 - (8) pays for advertising for a Game Room; or,
 - (9) signs an alarm permit for a Game Room.
- (o) “**Peace Officer**” means an individual described in Article 2.12 of the Texas Code of Criminal Procedure.
- (p) “**Person**” means an Owner, Operator, individual, employee, independent contractor, agent, proprietorship, corporation, association, or other legal entity.
- (q) “**Public Building**” means a building used by Federal, State, or local government that is open to the general public.
- (r) “**Regulations**” and/or “**the Regulations**” means these Regulations of Tarrant County, Texas for the operation of Game Rooms.

- (s) “**School**” means a facility, including all attached playgrounds, dormitories, stadiums, and other appurtenances that are part of the facility, used for the primary purpose of instruction or education, including primary and secondary schools, colleges, and universities, both public and private.
- (t) “**Sheriff**” means the Sheriff of Tarrant County, Texas or the Sheriff’s designated agent.

SECTION 2. GAME ROOM PERMITS.

2.1. Application.

- (a) It shall be unlawful for a Person to Operate a Game Room, use a Game Room, or maintain a Game Room in Tarrant County, Texas that has not been issued a Game Room Permit pursuant to the Regulations. A Person who violates this Subsection shall be assessed a civil penalty not to exceed \$10,000 per violation. Each day a violation occurs or continues to occur is considered a separate violation.
- (b) A complete application shall be filed with the Game Room Permit Administrator. The application shall be filed on the form provided by the Game Room Permit Administrator or on an accurate and legible copy of that form. A copy of the application can be obtained from the Tarrant County Sheriff’s Office website or from another source as determined by the Game Room Permit Administrator of a cooperating municipality.
 - (1) The Applicant shall apply in person. The Applicant shall be an Owner of the Game Room, as defined in these Regulations. The Game Room Permit Administrator shall establish the hours that an application can be submitted.
 - (2) The Game Room Permit Administrator shall provide the fee schedule and application form on the Game Room Permit Office’s website. The fee shall not exceed the annual Game Room Permit fee limit of \$1,000 as established by the Tarrant County Commissioners Court. The application fee shall be attached to the application form.
 - (3) Incomplete applications shall not be accepted. Once a complete application has been submitted, the application process will begin.
 - (4) A receipt shall be hand delivered or sent by certified mail to the Applicant within fourteen (14) days of submission of a complete application and payment of the application fee to the Game Room Permit Administrator. A receipt showing payment of the application fee is not a Game Room Permit.
 - (5) Once a complete application has been received, the Game Room Permit Administrator shall conduct up to three (3) inspections of the Applicant’s proposed Game Room to ensure compliance with the Regulations. The Applicant must be present, in person, during these inspections. Furthermore, it shall be the

responsibility of the Applicant to provide an interpreter if necessary during the inspection(s).

- i. After the initial inspection, the Applicant will be informed in writing of what corrections, if any, shall be made to the proposed Game Room in order to comply with the Regulations.
 - ii. If the proposed Game Room fails the initial inspection, a re-inspection will be performed and the Applicant will again be informed in writing of what corrections shall be made to the proposed Game Room in order to comply with the Regulations.
 - iii. If after a third (3rd) and final inspection, the Applicant's proposed Game Room fails to comply with the Regulations, the Game Room Permit Administrator shall deny the application.
 - iv. If the proposed Game Room passes inspection, the Game Room Permit Administrator shall approve the application.
- (6) The Applicant has sixty (60) days from the initial inspection to complete the inspection process. Failure to complete the inspection process within these sixty (60) days shall result in denial of the application. It is the duty of the Applicant to ensure that the process is completed in the requisite sixty (60) days.
- (7) Failure to provide any information required by this Section, or a determination by the Game Room Permit Administrator that inaccurate, erroneous, and/or incomplete information has been submitted, the Game Room Permit application shall be denied.
- (c) In municipalities which have elected to adopt the Regulations, and where the Tarrant County Commissioners Court has approved an Interlocal Agreement between the municipality and Tarrant County, Texas, the municipality shall designate an entity to receive and process Game Room applications. The municipality shall adopt a common operating procedure with requirements and processes reasonably similar to those set out by the Regulations. The municipality shall provide the application along with a description of the application and inspection process on the municipality's website.
- (d) Each application shall be accompanied by:
- (1) a Current Annual Fire Inspection Report from a Fire Safety Official showing compliance with all applicable Fire Safety Codes and showing all corrections have been made that were ordered by the Fire Safety Official;
 - (2) a copy of the certificate of occupancy and/or certificate of compliance issued by the appropriate entity for the proposed Game Room;

- (3) a copy of the diagram and/or floorplan to include the designed occupancy load prepared by a licensed architect or engineer and approved by the entity with competent jurisdiction;
- (4) a true and correct copy of the assumed name certificate filed in the office of the Tarrant County Clerk, bearing the file mark or stamp that evidences its filing, if the Game Room will be operating under an assumed name;
- (5) a copy of the formative legal documents for the applicable legal entity(s) (e.g., the Articles of Incorporation);
- (6) a non-refundable application fee of \$1,000 (the amount established by the Tarrant County Commissioners Court);
- (7) a photocopy of the Applicant's driver's license or government-issued photo identification;
- (8) proof as required by Subsection 3.13 that the proposed Game Room is exempt from the requirements set forth in Subsection 3.2 of the Regulations;
- (9) proof as required by Subsection 3.13 that the proposed Game Room is exempt from the requirements set forth in Subsection 3.4 of the Regulations;
- (10) proof as required by Subsection 3.13 that the proposed Game Room is exempt from the requirements set forth in Subsection 3.5 of the Regulations;
- (11) proof as required by Subsection 3.13 that the proposed Game Room is exempt from, or will be located in compliance with, the requirements set forth in Subsection 3.9 of the Regulations;
- (12) a copy of the current and valid lease agreement between the owner of the real property where the proposed Game Room is planning to operate from, and the Applicant, with the Applicant listed as an Owner of the Game Room, or proof that the Applicant owns the real property where the proposed Game Room is planning to operate;
- (13) a complete and accurate list of all Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), and any other individual(s), proprietorship(s), corporation(s), association(s), or other legal entity(s) acting for, or acting on behalf of the Game Room along with a photocopy of the individual(s) driver's license or government-issued identification or incorporation papers as applicable;
- (14) a copy of the State of Texas coin-operated machine occupation tax record(s) and the State of Texas coin-operated machine license or registration certificate(s) for each machine exhibited or displayed, or permitted to be exhibited or displayed, in the Game Room in a spread sheet format. Records shall include information

detailing each machine found on the premises of the Game Room by identifying the machine by:

- i. the name of the manufacturer;
- ii. the serial number;
- iii. the type of machine;
- iv. the State of Texas Tax Stamp including the year of expiration of each tax stamp required;
- vi. the name of the individual(s), proprietorship(s), corporation(s), association(s), and/or other legal entity(s) that own, receive profits from, and has registered the machine in their name with the Texas Comptroller along with a description of their ownership and financial interest in the machine.

- (15) the Game Room Applicant's Federal Employer Identification Number (FEIN);
 - (16) a certification that none of the Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), and any other individual(s), acting for, or acting on behalf of the Game Room have been convicted of any level of any of the offenses listed in Subsection 2.2(b)(1) of the Regulations; and,
 - (17) a certification that all of the contents of the application, and the material presented above, are true and correct under the penalty of Perjury as defined by Section 37.02 of the Texas Penal Code. Additionally, any misrepresentation by the Applicant on his/her application is a third (3rd) degree felony offense as defined by Section 37.10 of the Texas Penal Code.
- (e) A Game Room application shall be rejected upon failure to produce all documents required in Subsection 2.1(d), except for the exemptions listed in Subsection 2.1(d)(8)-(11). Failure to provide proof required by Subsection 2.1(d)(8)-(11) will result in denial of the specific exemption described in that particular Subsection.
 - (f) A GAME ROOM SHALL NOT OPERATE DURING THE PENDENCY OF THE APPLICATION AND SHALL NOT OPERATE UNTIL THE GAME ROOM APPLICATION HAS BEEN APPROVED AND THE GAME ROOM PERMIT ISSUED.
 - (g) A Game Room Permit, in accordance with the Regulations, is not transferable, assignable, or divisible, and it is a violation of the Regulations for any Person to attempt to do so. If ownership of a Game Room changes, the Game Room shall be deemed unpermitted and the new Owner(s) must reapply and must do so before the Game Room may operate.

- (1) A Person commits a Class A misdemeanor if they intentionally or knowingly transfer, assign, or divide a Game Room Permit issued pursuant to the Regulations, or attempt to do so. Further, they shall be assessed a civil penalty not to exceed \$10,000 per violation. Each Game Room Permit that is transferred, assigned, or divided or attempted to be transferred, assigned, or divided is a separate violation.
- (h) An Applicant who submits an application under the Regulations must swear and affirm the truth of the contents therein under the penalty of Perjury as defined by Section 37.02 of the Texas Penal Code. Additionally, any misrepresentation on the application is a third degree felony offense as defined by Section 37.10 of the Texas Penal Code.

2.2. Grounds for Denial, Revocation, or Suspension of a Game Room Permit.

- (a) Any violation of any Section or Subsection of the Regulations, or failure to meet all requirements of any Section or Subsection of the Regulations, where applicable, shall be grounds for denial, revocation, or suspension of a Game Room Permit. If a Game Room's Permit has been denied, revoked, or suspended, the Game Room shall not operate during the pendency of any appeal to the hearing examiner from the denial, revocation, or suspension of a Game Room Permit.
- (b) **Denial of a Game Room Permit.** A Game Room Permit shall be denied upon a finding by the Game Room Permit Administrator of any of the following facts:
 - (1) an Applicant, Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), or any other individual(s), acting for or on behalf of the Game Room, has previously violated, or been convicted of, any level of offense for the following crimes:
 - i. gambling, gambling promotion, keeping a gambling place, communicating gambling information, possession of gambling devices or equipment, or possession of gambling paraphernalia, as described by Chapter 47 of the Texas Penal Code;
 - ii. forgery, credit card abuse, or commercial bribery as described by Chapter 32 of the Texas Penal Code;
 - iii. any criminal offense described by Chapter 34 of the Texas Penal Code;
 - iv. criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses; or any other offense to the laws of another state or of the United States that, if committed in this State, would have been punishable as one or more of the aforementioned offenses; and,

- A. less than two (2) years has elapsed since the date of the violation, or of the conviction, or of the date of release from confinement imposed by the conviction, whichever is the later date, if the violation or conviction was a misdemeanor offense; or,
 - B. less than five (5) years has elapsed since the date of the violation, or conviction, or the date of release from confinement imposed by the conviction, whichever is the later date, if the violation or conviction was a felony offense.
- (2) an Applicant makes a misleading statement in the application for a Game Room Permit; provides false, fraudulent, or untruthful information in the application for a Game Room Permit; and/or withholds pertinent information in the application for a Game Room Permit;
- (3) an Applicant is under eighteen (18) years of age;
- (4) an Applicant, Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), or any other individual(s), acting for or on behalf of, the Game Room, has had a Game Room Permit revoked within the one hundred and eighty (180) day period immediately preceding the date the application was filed;
- (5) an Applicant, Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), and any other individual(s), acting for, or on behalf of, the Game Room, is delinquent in the payment to the county of taxes, fees, fines, or penalties assessed or imposed regarding the operation of a Game Room;
- (6) an application or renewal fee required by the Regulations has not been paid;
- (7) an Applicant fails to pass any and all required Fire Code, public health or other required inspections of the Permit Administrator or fails to complete the inspection process within the sixty (60) day period described in Subsection 2.1 of the Regulations;
- (8) an offense described in Subsection 2.2(b)(1) or Subsection 3.12(b) of the Regulations was committed at the Game Room or another Game Room at the same location within one (1) year prior to the application; or,
- (9) any violation of Section 2 or 3 of the Regulations.
- (c) If the Game Room Permit Administrator denies a Game Room Permit application, the Game Room Permit Administrator shall document the denial and provide Notice to the Applicant of the denial within twenty-one (21) days from the date on which the denial was documented by the Game Room Permit Administrator. The denial letter shall provide the reason(s) for the action.

- (d) **Revocation or Suspension of a Game Room Permit.** The Game Room Permit Administrator shall have the authority and power to initiate a proceeding to revoke, or administratively suspend, a Game Room Permit if one (1) or more of the following events or conditions has occurred:
- (1) any violation of any of the offenses described in Subsection 2.2(b)(1), or Subsection 3.12(b), of the Regulations has occurred on the premises of the Game Room;
 - (2) the Applicant made a misleading statement in the application for the Game Room Permit; provided false, fraudulent, or untruthful information in the application for a Game Room Permit; and/or withheld pertinent information in the application for a Game Room Permit;
 - (3) the Game Room Permit should not have been issued pursuant to the Regulations;
 - (4) an Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), or any other individual(s), acting for or on behalf of, the Game Room, has failed to make corrections ordered by a Fire Safety Official;
 - (5) an Applicant, Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), or any other individual(s), acting for or on behalf of the Game Room, has violated any of the offenses described in Subsection 2.2(b)(1), or Subsection 3.12(b), of the Regulation; and/or,
 - (6) any violation(s) of Section 2 or 3 of the Regulations.
- (e) If any of the stated events or conditions providing a basis for revocation or suspension of a Game Room Permit under Subsection 2.2(d) has occurred, the Game Room Permit Administrator shall document the violation and provide Notice to the Applicant or permit holder of revocation or suspension within twenty-one (21) days from the date on which the violation was documented by the Game Room Permit Administrator. The revocation or suspension letter shall provide the reason(s) for the action. A revocation or suspension of a Game Room Permit by the Game Room Permit Administrator shall become final on the seventh (7th) day after Notice, except for situations outlined in Subsection 2.2(f) of the Regulations.
- (f) A revocation or suspension of a Game Room Permit by the Game Room Permit Administrator shall take immediate effect upon Notice by the Game Room Permit Administrator if:
- (1) an Applicant, Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), or any other individual(s), acting for or on behalf of the Game Room violated any offense described in Subsection 2.2(b)(1) or Subsection 3.12(b) of the Regulations;

- (2) a violation of any offense described in Subsection 2.2(b)(1) or Subsection 3.12(b) of the Regulations has occurred on the premises of the Game Room;
- (3) there is a necessity for immediate action to protect the public from injury or imminent danger; or,
- (4) a Game Room Permit was issued based on a misrepresentation in the application, and but for the misrepresentation, the Game Room Permit would not have been issued.

2.3. Game Room Permit Appeal Hearings.

- (a) If the Game Room Permit Administrator denies a Game Room Permit application, revokes a Game Room Permit, or administratively suspends a Game Room Permit, the Applicant or permit holder shall have the opportunity to make a written request for a hearing before a hearing examiner appointed by the Tarrant County Commissioners Court. The hearing examiner shall not have participated in any investigation of the alleged grounds for denial, revocation, or suspension.
- (b) All requests for hearings must be in writing and delivered to the Game Room Permit Administrator within fourteen (14) days following Notice to the Applicant or permit holder. The Applicant or permit holder waives the right to a Game Room Permit appeal hearing if the request is not timely received by the Game Room Permit Administrator.
- (c) The Game Room Permit appeal hearing shall be held within twenty-one (21) days from the Game Room Permit Administrator's receipt of the request for a Game Room Permit appeal hearing. The Applicant, permit holder, and Game Room Permit Administrator shall be provided an opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel at the appeal hearing. The formal rules of evidence do not apply.
- (d) It shall be the responsibility of the Applicant or permit holder to incur the cost of a court reporter and an interpreter, if necessary, for the Game Room Permit appeal hearing before the hearing examiner.
- (e) The Applicant or permit holder shall be present, in person, at the Game Room Permit appeal hearing. If the Applicant or permit holder is not present, in person, at the Game Room Permit appeal hearing, his or her Game Room Permit shall be automatically denied or revoked.
- (f) The hearing examiner has the power to uphold or reverse the denial, revocation, or suspension of the Game Room Permit. The hearing examiner shall issue a written order based on his or her determination within twenty-one (21) days from the date of the Game Room Permit appeal hearing.

- (g) If the hearing examiner determines, based upon the nature of the violations, that a suspension in lieu of revocation is appropriate, operation of the Game Room shall be suspended for a period not to exceed one hundred and eighty (180) days. The hearing examiner shall issue a written order suspending the Game Room Permit and attaching conditions, if applicable, and the suspension shall become effective on the date the hearing examiner issues his or her order.
- (h) Upon a finding by the hearing examiner that Subsection 2.2(d)(1), 2.2(d)(2), 2.2(d)(3), 2.2(d)(4), and/or 2.2(d)(5) of the Regulations has been violated, revocation of the Game Room Permit shall be mandatory.
- (i) The decision of the hearing examiner shall be final. On final decision by the hearing examiner, the losing party may appeal the decision by filing a petition in a district court in the county, with jurisdiction, within thirty (30) days after the date of the decision by the hearing examiner. Appeals to the district court shall be governed by the substantial evidence rule defined by Section 2001.174 of the Government Code.

2.4. Game Room Operation During the Pendency of an Appeal to District Court.

- (a) If the Applicant's or permit holder's appeal to the hearing examiner for revocation or suspension is unsuccessful, the Game Room shall not operate during the pendency of an appeal to the district court.
- (b) If the Applicant's or permit holder's appeal to the hearing examiner for denial, revocation, or suspension is successful, the Game Room may resume operation and may operate during the pendency of an appeal to the district court.
- (c) No Game Room may operate pending an appeal for denial of a Game Room Permit to the district court.

2.5. Reapplication.

- (a) After the hearing examiner's final ruling of permit denial or revocation, an Applicant may reapply for a Game Room Permit after the expiration of one hundred and eighty (180) days from the date of his or her ruling.
- (b) This application will be considered a new application in regard to the application timelines and fee established in Subsection 2.1 and for the distance requirements set forth in Subsection 3.9.

2.6. Permit Renewal; Permit Fee—Levied; Amount; Payment.

- (a) A Game Room Permit may be renewed for the following year starting sixty (60) days before expiration of the current permit by filing a complete application for a Game Room Permit with the Game Room Permit Administrator and paying the applicable fee set forth in the Regulations. A renewal application shall be subject to the same requirements in the

Regulations as are required for a Game Room Permit application. As long as the completed renewal application was submitted within this sixty (60) day period, the previous permit will remain in effect until the Game Room Permit Administrator makes a determination in accordance with the Regulations as to whether the Game Room Permit will be renewed.

- (b) An Applicant shall pay a non-refundable Game Room Permit fee of \$1,000 as established by Tarrant County Commissioners Court. The Game Room Permit fee shall be paid in person to the Game Room Permit Administrator upon application renewal. A receipt of payment and of renewal application submission shall be hand delivered or sent by certified mail to the Applicant within fourteen (14) days of the receipt of the non-refundable fee.

2.7. Contents of a Game Room Permit.

When the application process is complete and the proposed Game Room has met all the requirements set forth in the Regulations, the Game Room Permit Administrator shall give the Applicant a signed certificate. The certificate constitutes a Game Room Permit to operate the proposed Game Room for one (1) year from the date the Game Room Permit is issued.

- (a) The Game Room Permit shall contain the following information:
 - (1) The identity of the issuing Game Room Permit Administrator;
 - (2) The date of issue and the date of expiration;
 - (3) The name of the permit holder;
 - (4) The name and physical address of the Game Room;
 - (5) If the permit holder is a corporation or other legal entity, the individual(s) asserting control over the legal entity; and
 - (6) Any and all exemptions to the requirements of Section 3 of the Regulations for which the permit holder has qualified for.
- (b) The Game Room Permit Administrator shall keep a signed copy of the Game Room Permit for his or her records.

2.8. Penalty for Operating a Game Room without a Game Room Permit.

- (a) A Person who Operates a Game Room without first paying the fee and securing a Game Room Permit pursuant to the Regulations, or who Operates a Game Room after the Game Room Permit has been revoked or suspended, shall be assessed a civil penalty not to exceed \$10,000 per violation. Each day a violation occurs or continues to occur is considered a separate violation.

- (b) A Person commits a Class A misdemeanor offense if they intentionally or knowingly Operate a Game Room in violation of this Subsection.
- (c) A violation of Section 2 of the Regulations is grounds for denial, revocation, or suspension of a Game Room Permit.

2.9. Effect.

Each Applicant, Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), or any other individual(s) acting for or on behalf of a Game Room must meet and comply with all requirements of all applicable law(s). The issuance of a Game Room Permit pursuant to the Regulations shall not excuse any Applicant, Owner(s), Operator(s), employee(s), independent contractor(s), agent(s), any other individual(s) acting for or on behalf of a Game Room, or any patrons of such premises from compliance with such law(s) or regulation(s).

SECTION 3. GAME ROOMS.

3.1. Inspection by a Peace Officer.

- (a) **Inspection.** Peace Officers, Fire Safety Officials, code compliance officers, and/or designated County Employees are authorized to inspect any business in Tarrant County, Texas for violations of the Regulations. The Regulations do not authorize admittance that is otherwise prohibited by law. Peace Officers, Fire Safety Officials, code compliance officers, and/or designated County Employees may enter a business with consent, with a warrant, or under exigent circumstances. A Game Room Permit issued pursuant to the Regulations gives Peace Officers, Fire Safety Officials, code compliance officers, and/or designated County Employees implied consent to enter and to inspect any Game Room for violations of the Regulations.
- (b) **Unpermitted Game Rooms.** An unpermitted business that holds itself out as a Game Room by sign, advertisement, word-of-mouth, by offering memberships, and/or by offering for play or displaying six (6) or more machines described in Subsection 1.4(g)(1)-(2), is subject to inspection by any Peace Officer, Fire Safety Official, code compliance officers, and/or designated County Employee and is a Game Room under the Regulations.
 - (1) Refusal to allow any Peace Officer, Fire Safety Official, code compliance officers, and/or designated County Employee entry to inspect such unpermitted Game Room may be considered in establishing probable cause for the issuance of a search warrant to inspect for violations of the Regulations.
 - (2) An unpermitted Game Room is subject to the Regulations and will be held liable for all civil and criminal penalties listed herein.

- (c) **Compliance Inspection.** Any Peace Officer, Fire Safety Official, code compliance officers, and/or designated County Employee may inspect a permitted Game Room located within their jurisdiction to determine whether or not the Game Room is in compliance with the Regulations.
- (d) **Consent to Entry.** A Person who does not allow a Peace Officer, Fire Safety Official, code compliance officers, and/or designated County Employee to inspect a Game Room commits an offense. If a Person Operates a Game Room in violation of this Subsection, they shall be assessed a civil penalty not to exceed \$10,000 per violation. Each Peace Officer, Fire Safety Official, code compliance officers, and/or designated County Employee denied entry will be considered a separate violation.
- (e) A Person commits a Class A misdemeanor offense if they intentionally or knowingly Operate a Game Room in violation of this Subsection.
- (f) Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room Permit.

3.2. Game Room Sign Required.

- (a) It shall be the duty of an Owner or Operator to ensure compliance with this Subsection.
- (b) In addition to visible street address numbers prominently posted on the building or structure, a Game Room shall have each outside door marked with a sign that:
 - (1) reads "GAME ROOM" in four (4) inch or larger block lettering;
and,
 - (2) is legible and visible at all times from a distance of twenty-five (25) feet from the outside door.
- (c) A Person who Operates a Game Room in violation of this Subsection shall be assessed a civil penalty not to exceed \$10,000 per violation. Each outside door not marked is considered a separate violation. Each day a violation occurs or continues to occur is considered a separate violation.
- (d) A Person commits a Class A misdemeanor offense if they intentionally or knowingly Operate a Game Room in violation of this Subsection.
- (e) A Game Room that has been issued an exemption pursuant to Subsection 3.13 of the Regulations is exempt from the Game Room sign requirements.
- (f) Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room Permit.

3.3. Fire and Life Safety.

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) A Game Room shall provide entry and exit doors that are readily accessible without the use of a key, special knowledge, or effort during business hours or any other hours of operation.
- (c) A Game Room shall comply with all construction and fire codes, and shall pay any court-approved fee(s) associated with a fire and life safety inspection, plan review, occupancy load calculation, or complaint.
- (d) All construction and fire code regulations will be strictly enforced and Game Rooms shall provide any Fire Safety Official with immediate access to the premises at all times.
- (e) A Game Room shall not use electronic locks to prevent entry during business hours.
- (f) A Person who Operates a Game Room in violation of this Subsection shall be assessed a civil penalty not to exceed \$10,000 per violation. Each day a violation occurs or continues to occur is considered a separate violation.
- (g) A Person commits a Class A misdemeanor offense if they intentionally or knowingly Operate a Game Room in violation of this Subsection.
- (h) Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room Permit.

3.4. Transparent and Uncovered Windows and Doors Required.

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) A Game Room shall provide at least one (1) window in the front of the building and at least one (1) other window on one (1) other side meeting the criteria set forth in Subsection (c), allowing a clear and unobstructed view of all machines described in Subsection 1.4(g)(1)-(2) located in the Game Room.
- (c) It shall be unlawful for a Person to exhibit or display, or to permit to be exhibited or displayed, any machine described in Subsection 1.4(g)(1)-(2) in a Game Room unless the required transparent walls or windows of the Game Room:
 - (1) are located on at least two (2) sides of the Game Room, and each machine described in Subsection 1.4(g)(1)-(2) located therein is visible through such walls or windows; and,
 - (2) at the lowest point are not more than four (4) feet above the adjacent sidewalk or ground level; and,

- (3) at the highest point are at least eight (8) feet higher than the adjacent sidewalk or ground level; and,
- (4) are at least four (4) feet wide.
- (d) A Game Room shall provide transparent uncovered glass in each exterior Game Room window or door.
- (e) It shall be unlawful for a Person to cover or tint a Game Room window or door, or otherwise block a Game Room window or door, so as to obscure the view of any machine described in Subsection 1.4(g)(1)-(2) located in a Game Room, or the interior of the location from a sidewalk through a Game Room window or door.
- (f) A Person who Operates a Game Room in violation of this Subsection shall be assessed a civil penalty not to exceed \$10,000 per violation. Each day a violation occurs or continues to occur is considered a separate violation.
- (g) A Person commits a Class A misdemeanor offense if they intentionally or knowingly Operate a Game Room in violation of this Subsection.
- (h) A Game Room that has been issued an exemption pursuant to Subsection 3.13 of the Regulations is exempt from the Game Room windows requirements.
- (i) Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room Permit.

3.5. Hours of Operation.

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) A Game Room shall operate only between the hours of 8 a.m. and 10 p.m.
- (c) A Person who Operates a Game Room in violation of this Subsection shall be assessed a civil penalty not to exceed \$10,000 per violation. Each hour of the day that a Game Room is operating during prohibited hours in violation of the Regulations is a separate violation.
- (d) A Person commits a Class A misdemeanor offense if they intentionally or knowingly Operate a Game Room in violation of this Subsection.
- (e) A Game Room that has been issued an exemption pursuant to Subsection 3.13 of the Regulations is exempt from the Game Room hours of operation requirements.
- (f) Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room Permit.

3.6. Display of a Game Room Permit.

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) A Game Room shall post or display the current, original Game Room Permit in plain sight in a common area accessible to the public without having to enter into a controlled area of the business.
- (c) A Person who Operates a Game Room in violation of this Subsection shall be assessed a civil penalty not to exceed \$10,000 per violation. Each day a violation occurs or continues to occur is considered a separate violation.
- (d) A Person commits a Class A misdemeanor offense if they intentionally or knowingly Operate a Game Room in violation of this Subsection.
- (e) Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room Permit.

3.7. Recordkeeping.

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) A Game Room shall maintain, onsite, and produce to any Peace Officer, Fire Safety Official, and/or designated County Employee for inspection:
 - (1) a record for each employee that contains the name, address, date of birth, state identification number or social security number, job function, W-2 or W-4 form, a copy of the application of employment with the Game Room, a copy of the Form I-9 filed as part of Employment Eligibility Verification for the Department of Homeland Security, and a photograph of the employee;
 - (2) a daily register that contains the name, date of birth, state identification number or social security number, and job function of each employee and/or independent contractor present at the establishment that day. Every Owner, Operator, employee, independent contractor, agent, and/or any other individual acting for or acting on behalf of the Game Room is required to sign the daily register with the information required above immediately upon entering the Game Room; and,
 - (3) a copy of the Tarrant County and State of Texas tax record forms detailing each machine found on the premises of the Game Room by identifying the machine by name of manufacturer, serial number, type of machine, the serial number of the State of Texas Tax stamp to include the year of expiration of each tax stamp required, the Tarrant County Tax Stamp to include the year of expiration of each tax stamp required, and the name of the individual(s), proprietorship(s), corporation(s), association(s), or other legal entity(s) that owns, receives profits from, and has registered the machine in their name with the Texas Comptroller

with a brief description of their ownership and financial interest in the machine in a spread sheet format.

- (c) A Game Room shall preserve the daily register required by Subsection (b)(2) for ninety (90) days after the date the register was made. The register must be maintained at the Game Room, it must be accessible by any Person on duty at the Game Room, and must be made available to any Peace Officer, Fire Safety Official, and/or designated County Employee upon request.
- (d) A Person who Operates a Game Room in violation of this Subsection shall be assessed a civil penalty not to exceed \$10,000 per violation. Each record required under this Subsection that is missing and/or is deficient is considered a separate violation. Each day the record is missing and/or is deficient is considered a separate violation.
- (e) A Person commits a Class A misdemeanor offense if they intentionally or knowingly Operate a Game Room in violation of this Subsection.
- (f) Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room Permit.

3.8. Prohibited Employment.

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) It shall be unlawful for any Owner, Operator, employee, independent contractor, agent, and/or any other individual acting for, or on behalf of, a Game Room to have been previously convicted of, entered a plea of nolo contendere or guilty, or received deferred adjudication for any offense set forth in Subsection 2.2(b)(1).
- (c) It is the responsibility of any Owner or Operator to conduct a criminal background check on every Owner, Operator, employee, independent contractor, and/or any other individual acting for, or on behalf of, a Game Room.
- (d) Failure to comply with any of the requirements of this Subsection shall result in a violation and be punishable by a civil penalty assessed against any Owner or Operator not to exceed \$10,000 per violation. Every prohibited Owner, Operator, employee, independent contractor, and/or any other individual acting for, or on behalf of, a Game Room that was convicted of, entered a plea of nolo contendere or guilty, or received deferred adjudication for any offense set forth in Subsection 2.2(b)(1) and/or not subjected to a criminal background check is considered a separate violation. Each day a violation occurs or continues to occur is considered a separate violation.
- (e) An Owner or Operator commits a Class A misdemeanor offense if they intentionally or knowingly Operate a Game Room in violation of this Subsection.

- (f) Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room Permit.

3.9. Distance Restrictions.

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) A Game Room in operation shall not be located:
 - (1) within 1,500 feet from any existing or planned school, regular place of religious worship, and/or residential neighborhood. “Planned” means that steps have been taken toward the facility’s or structure’s development including but not limited to a permit received, a plat approved, design work started, a bond received, or an order approved by a governmental entity’s governing body; or,
 - (2) within a distance of 2,000 feet from another Game Room.
- (c) For the purposes of this Subsection, measurements shall be made in a straight line from the nearest portion of the building or appurtenances used by the Game Room to the nearest portion of the building or appurtenances that are used for the purposes identified in Subsection (b) above.
- (d) Game Rooms are exempt from the distancing restrictions upon proof that the Applicant continuously owned, operated the Game Room, and is in good standing with the municipality in which the Game Room is located, at the same location, and under the same name prior to October 15, 2019. If the Game Room changes its name, its Owner, and/or adds another Owner after this date, or if the Game Room Permit is thereafter suspended or revoked, or if the Game Room Permit is thereafter denied renewal, or if the Game Room Permit is allowed to lapse, then the Game Room will be considered a new Game Room and not exempt from the distance requirements outlined in this Subsection. **All applications claiming a distance exemption under this Subsection must have been submitted on or before December 31, 2019.** However, this subsection does not exempt or otherwise preempt the compliance of a Game Room of any and all other municipal or state regulations required for compliance with code and statutory regulations and laws, including, but not limited to, municipal zoning, building, fire, sales tax, required of the Texas Alcohol and Beverage Commission, Office of State Comptroller, Texas Secretary of State, public health, and any other governing agency, including but not limited to the compliance required to obtain licenses, required permits and certificates of occupancy.
- (e) A Person who Operates a Game Room in violation of this Subsection shall be assessed a civil penalty not to exceed \$10,000 per violation. Each day a violation occurs or continues to occur is considered a separate violation.
- (f) A Person commits a Class A misdemeanor offense if they intentionally or knowingly Operate a Game Room in violation of this Subsection.

- (g) The following Game Rooms are exempt from the distancing requirements set forth in this Subsection:
 - (1) Game Rooms that meet the requirements of Subsection 3.13(c) below; and,
 - (2) Game Rooms that meet the requirements of Subsection 3.9(d) above.
- (h) Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room Permit.

3.10. Game Room Memberships.

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) Game Room memberships are prohibited for any purpose.
- (c) A Game Room shall not restrict entry to a Game Room and/or prohibit the participation in any activity inside a Game Room by a patron through the requirement of a Game Room membership.
- (d) Game Rooms shall not issue membership cards to any individual for any purpose.
- (e) Game Rooms shall not have, make use of, employ, and/or require check-in procedures of any kind prior to entering or before exiting a Game Room.
- (f) A Person who Operates a Game Room in violation of this Subsection shall be assessed a civil penalty not to exceed \$10,000 per violation. Each person denied entry is considered a separate violation. Each membership card issued is considered a separate violation. Each individual subjected to any check-in procedure prior to entering or before exiting a Game Room is considered a separate violation. Each day a violation occurs or continues to occur is considered a separate violation.
- (g) A Person commits a Class A misdemeanor offense if they intentionally or knowingly Operate a Game Room in violation of this Subsection.
- (h) Any violation of this Subsection is grounds for denial, revocation, or suspension of a Game Room Permit.

3.11. *(reserved for future use)*

3.12. Illegal Machines.

- (a) It shall be the duty of any Owner or Operator to ensure compliance with this Subsection.
- (b) It shall be unlawful for a Game Room to keep, exhibit, operate, display, or maintain any gambling device that is prohibited by the Constitution of this state or Chapter 47 of the Texas Penal Code, GAMBLING.

- (c) Any Person who Operates a Game Room with a machine described in Subsection 1.4(g)(1)-(2) that is being used and/or has been used for illegal gambling shall be assessed a civil penalty not to exceed \$10,000. Each machine described in Subsection 1.4(g)(1)-(2) that is being used or has been used for illegal gambling shall be a separate violation.
- (d) If a law enforcement agency determines, through an investigation(s), that a Game Room was operating in violation of Chapter 47 of the Texas Penal Code, then every machine described in Subsection 1.4(g)(1)-(2) that is located in the Game Room shall be considered in violation of this Subsection. A Person who Operates a Game Room in violation of this Subsection shall be assessed a civil penalty not to exceed \$10,000 per violation. Each day a violation occurs or continues to occur is considered a separate violation.
- (e) Any violation of this Subsection is grounds for mandatory denial and/or mandatory revocation of a Game Room Permit.
- (f) An individual's compliance with the Regulations, including Operating a Game Room under a permit issued pursuant to the Regulations, is not a defense to prosecution for an offense under Chapter 47 of the Texas Penal Code.

3.13. Requirements to Qualify for Food and Beverage Sales or Charitable Bingo Exemptions.

A Game Room permit holder may apply for multiple exemptions as provided in this subsection. However, this subsection does not exempt or otherwise preempt the compliance of a Game Room of any and all other municipal or state regulations required for compliance with code and statutory regulations and laws, including, but not limited to, municipal zoning, building, fire, sales tax, required of the Texas Alcohol and Beverage Commission, Office of State Comptroller, Texas Secretary of State, public health, and any other governing agency, including but not limited to the compliance required to obtain licenses, required permits and certificates of occupancy.

- (a) Any exemption granted must be clearly stated on the Game Room permit.
- (b) Charitable Bingo Exemption. An Applicant is qualified for a charitable bingo exemption if the Applicant can show a valid and current Texas Lottery Commission Charitable Bingo License ("Charitable Bingo License") as described in Chapter 2001 of the Texas Occupations Code. An original certificate or copy of a Charitable Bingo License presented with the complete Game Room permit application at the time of application or permit renewal is sufficient to make this showing.
- (c) Food and Beverage Sales Exemption. An Applicant is qualified for a Food and Beverage Sales exemption if the Applicant meets all requirements of Subsections (1)-(7) below:

- (1) The following words and terms, when used in this Subsection, shall have the following meaning unless the context clearly indicates otherwise:
 - i. Food or Beverage Service - cooking or assembling food on premises, primarily for on-premises consumption. Commercially pre-packaged items which require no heating, cooking, or assembly and which may be purchased off-premises do not constitute food or beverage service under this section;
 - ii. Entrée - main dish of a meal;
 - iii. Multiple Entrées - no fewer than eight different entrees per meal period must be available to customers; and,
 - iv. Food Service Facilities - a portion of the licensed premises where food is stored and prepared primarily for on premises consumption.
- (2) An Applicant is qualified for a Food and Beverage Sales exemption if the following conditions are satisfied:
 - i. with respect to the operation of a Game Room, the Applicant's primary business on the premises is Food or Beverage Service;
 - ii. multiple entrees are available to customers;
 - iii. Food Service Facilities are maintained on the premises;
 - iv. the hours of operation for sale and Food or Beverage Service are the same as the hours of operation of the Game Room; and,
 - v. at least 51 percent of the Game Room's total net income is derived from the sale of food or beverages.
- (3) An Applicant for a Food and Beverage Sale Exemption shall submit a sworn statement attesting that Food or Beverage Service is maintained on the premises and is the primary business on the premises. The Applicant shall furnish the following:
 - i. the menu or, if no menu is available, a listing of the food and beverage items;
 - ii. hours of operation of Food or Beverage Service;
 - iii. sales data or, if not available, projection of sales. The projection or data should include sufficient breakdown of revenues of food, alcoholic beverages, and Game Room operation proceeds;

- iv. listing of equipment used in preparation and Food or Beverage Service versus the equipment used in operation of a Game Room;
 - v. copies of floorplans of the licensed premises indicating areas devoted primarily to the preparation and Food and Beverage Service and those devoted primarily to operation of a Game Room;
 - vi. if alcoholic beverages are served, the TABC license or permit, as applicable, with the TABC food and beverage certificate, as applicable; and,
 - vii. the Food Service permit from the appropriate entity.
- (4) Applicants for renewal of Food and Beverage Sales Exemptions shall resubmit the information required in Subsection 3.13(c)(3)(a)-(g) above.
 - (5) Failure to meet all requirements of this Subsection or accurately maintain required records is grounds for denial or revocation of a Food and Beverage Sales Exemption.
 - (6) In verifying that the exemption holder is maintaining Food or Beverage Service as the primary business on the premises, the Game Room Permit Administrator may examine all books, papers, records, documents, supplies, and equipment of the exemption holder.
 - (7) Recordkeeping requirements for holders of food and beverage sales exemptions include:
 - i. each holder of a food and beverage sales exemption shall maintain records to reflect separate totals for beverage sales, food sales, and other major sales categories at the location, including proceeds from machines described in Subsection 1.4(g)(1)-(2) located in the Game Room. Purchase invoices must be maintained to reflect the total purchases of beverages, food, and other major purchase categories;
 - ii. complimentary food and beverages, including alcoholic beverages, shall not be calculated in determining whether the premises meets the 51 percent or more food or beverage sales threshold;
 - iii. all records are required to be maintained for four years and made available to authorized representatives of the Game Room Permit Administrator upon reasonable request; and,
 - iv. in examining the food or beverage sales, the Game Room Permit Administrator may compute and determine the percentage of food and beverage sales upon the basis of information filed with the Game Room

Permit Administrator or held by the permit holder, but if such information is insufficient, the computation and determination of the percentage of sales may be based upon any records or information which is available.

3.14. Owners of an Illegal Game Room.

It is not a defense to prosecution under this Section if an individual does not have the DBAs in his/her name and/or does not lease the property in his/her name.

3.15. Injunction; Civil Penalty; Fees.

- (a) **Injunction.** Pursuant to Section 234.137 of the Local Government Code, Tarrant County, Texas, or its designee or assignee by interlocal agreement, is authorized to file suit in district court seeking injunctive relief to prohibit the violation or threatened violation of the Regulations.
 - (1) **Parties Subject to Injunction.** Tarrant County, Texas or its designee or assignee by interlocal agreement, may file suit in district court seeking an injunction prohibiting the violation or threatened violation of the Regulations against any Owner, Operator, or other person or entity who maintains, owns, uses, is a party to the use, or who owns the real property where the violation or threatened violation of the Regulations is occurring and/or has occurred.
 - (2) **Notice.** As a prerequisite to filing a suit seeking injunctive relief under Subsection 3.15(a), Tarrant County, Texas, or its designee or assignee by interlocal agreement, shall give written Notice to the party from which relief is sought at least thirty (30) days before filing suit. This written Notice will advise the party from which relief is sought of the violation or threatened violation occurring on the premises.
 - (3) **Abatement.** A person or entity against whom a suit is pending who does not receive written Notice, as outlined in Subsection 3.15(a)(2), may file a plea in abatement not later than the thirtieth (30th) day after the date the person or entity files an original answer in the court in which the suit is pending. The court shall abate the suit if the court, after a hearing, finds that the person or entity is entitled to an abatement because Notice was not provided as required by Subsection 3.15(a)(2). The court shall abate the suit no longer than thirty (30) days.
- (b) **Civil Penalty.** Pursuant to Section 234.137 of the Local Government Code, a person who violates a Section or Subsection of the Regulations is liable to Tarrant County, Texas for a civil penalty of not more than \$10,000 for each violation. Each day a violation continues is considered a separate violation for purposes of assessing a civil penalty. Tarrant County, Texas may bring suit in district court to recover a civil penalty.
- (c) **Fees.** Pursuant to Section 234.137 of the Local Government Code, Tarrant County, Texas or its designee or assignee by interlocal agreement, is entitled to recover

reasonable expenses incurred in obtaining injunctive relief, civil penalties, or both including reasonable attorney's fees, court costs, and investigatory costs.

SECTION 4. CUMULATIVE EFFECT OF REGULATIONS; SEVERABILITY.

4.1. Cumulative Effect.

Authority under the Regulations is cumulative of other authority that Tarrant County, Texas and its incorporated municipalities have to regulate Game Rooms and does not limit that authority.

4.2. Severability Clause.

If a Section or Subsection of the Regulations, or certain applications of a Section or Subsection, is found unconstitutional, the remaining Sections or Subsections, or applications of those Sections or Subsections, will continue in force as law.

**INTERLOCAL AGREEMENT FOR COUNTY GAME ROOM REGULATIONS
PERMITTING AND ENFORCEMENT WITHIN CITY LIMITS**

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This **Interlocal Agreement** (“Agreement”) is made on the countersignature date between the City of Kennedale, Texas, a home rule city of the State of Texas located in Tarrant County, Texas (the “City”) and Tarrant County, a body corporate and politic under the laws of the State of Texas (the “County”). This Agreement is made in accordance with the Interlocal Cooperation Act, Tex. Gov’t Code Ann. Ch. 791.

RECITALS:

WHEREAS, the Tarrant County Commissioners Court, through authority granted to it pursuant to Section 234.133 of the Texas Local Government Code to promote the public health, safety, and welfare, has adopted regulations relating to the operation of game rooms; and

WHEREAS, the Interlocal Cooperation Act provides authorization for local governments to contract with one another and with agencies of the state to perform governmental functions and services under the terms of the Act; and

WHEREAS, both the County and the City are willing to provide such services as necessary for the uniform enforcement of the County’s game room regulations within the City.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements stated herein, the parties agree as follows:

TERMS:

**ARTICLE 1
DEFINITIONS**

A. As used in this Agreement, the following terms have the meanings set out below:

1. “Agreement” means this contract between the Parties, including all exhibits and any written amendments authorized by City Council and Commissioners Court.
2. “Chief” means the Chief of the City of Kennedale Police Department, or the person he or she designates.
3. “City” is defined in the preamble of this Agreement and includes its successors and assigns.
4. “Countersignature Date” means the date countersigned by the Tarrant County Controller on the signature page of this Agreement. The Countersignature Date is the effective date of this Agreement.
5. “County” is defined in the preamble of this Agreement and includes its successors and assigns.
6. “City Manager” means the City Manager of the City of Kennedale, or the person he or she designates.
7. “Game Room” has the meaning assigned in Section 1.4 of the Regulations.
8. “Party” or “Parties” means the County and the City, individually or collectively.
9. “Regulations” means the County’s Game Room Regulations, adopted by the Tarrant County Commissioners Court on November 12, 2019, as may be amended from time to time.
10. “Sheriff” means the Tarrant County Sheriff, or the person he or she designates.

ARTICLE II RIGHTS AND DUTIES OF THE COUNTY

A. Permitting

1. For the purpose of enabling the City to perform its obligations under this Agreement, the County designates the role of Game Room Permit Administrator to the City for all permits issued within the City limits.
2. The Sheriff shall immediately direct all inquiries for County Game Room Permit applications within City limits to the City.

B. Enforcement

1. The Tarrant County Criminal District Attorney's Office retains the full authority granted in Section 234.137 of the Texas Local Government Code to sue in district court for an injunction to prohibit the violation or threatened violation of the Regulations and to obtain civil penalties.
2. However, nothing prevents the Tarrant County Criminal District Attorney's Office from contracting with outside attorneys or with another city's attorneys' office to provide this enforcement function on behalf of such Tarrant County Criminal District Attorney's office, pursuant to the Texas Government Code.

ARTICLE III RIGHTS AND DUTIES OF THE CITY

A. Permitting

1. As the Game Room Permit Administrator, the City shall supervise, control, and operate the Permit Office and issue County permits within the City limits on behalf of the County as set out in Section 2 of the Regulations. The City, in consultation with the Sheriff, shall promulgate requirements for issuing a County permit for Game Rooms within the City limits based on the Regulations and City ordinances.
2. The City shall be the designated agent for conducting criminal background checks as required under Section 2 of the Regulations for all permits issued within the City limits.
3. The City hereby adopts the procedures set out in Sections 2.2 through 2.5 of the Regulations for review of applications and conducting hearings for the denial, suspension, and revocation of County permits within the City limits. The City designates the City Manager as the hearing examiner for the purpose of appeals pursuant to those proceedings. The designation of a hearing examiner may be changed by the City Council from time to time without amending this Agreement.

B. Enforcement

1. City peace officers and other City employees designated by the Chief to enforce the Regulations shall inspect Game Rooms within the City limits. City peace officers may arrest violators pursuant to Section 3 of the Regulations.
2. The City may require those inspections required for code compliance within the City as a condition for issuing a Permit and may define terms and phrases as may be needed and helpful to provide applicants adequate notice of Permit application requirements within the City.

**ARTICLE IV
FUNDING AND COMPENSATION**

- A.** The Parties each understand and agree that neither the County nor the City has certified funds to fulfill their obligations under this Agreement. It is the intent of the Parties that the cost of services shared with each entity will be of equal value and benefit.
- B.** The parties agree that the non-refundable annual permit fee established in Section 2 of the Regulations shall be paid by a County permit applicant directly to the City, as the County's designated agent for permitting, to compensate the City for costs incurred pursuant to this Agreement. If either Party receives any permit fees for Game rooms within the other Party's permitting jurisdiction from an applicant, it shall remit those funds to the appropriate Party at its address for notices.

**ARTICLE V.
TERM AND TERMINATION**

- A.** The term of this Agreement is one-year and begins on the Countersignature Date. It is the intent of the Parties that this Agreement shall automatically renew annually for ten (10) successive one-year terms, unless earlier terminated.
- B.** Either party may terminate its participation in this Agreement by giving at least thirty (30) days written notice to the other Party.

**ARTICLE VI.
DOCUMENTS EXCHANGED**

- A.** The Parties may exchange documents in the course of this Agreement. Each Party agrees to keep confidential, to the extent allowed by law, all documents and to provide prior notice to the other of any requests or releases of such documents.

**ARTICLE VII.
NOTICES**

- A.** The Parties intend that any notice may be delivered personally, by certified or registered mail, return-receipt requested, or by overnight courier, and shall be deemed to have been duly given when delivered personally or when deposited in the United States mail, postage prepaid, addressed as follows:

If to the County: Tarrant County Administrator's Office
 Attn: G.K. Maenius, County Administrator
 100 E. Weatherford Street, Suite 404
 Fort Worth, Texas 76196

If to the City: City of Kennedale
 Attn: George Campbell, City Manager
 405 Municipal Drive
 Kennedale, Texas 76060

Or to such other persons or places as either Party may from time to time designate by written notice to the other Party.

ARTICLE VIII.
NO LIABILITY AND NO THIRD PARTY BENEFICIARY

- A. Nothing herein shall be construed as creating any liability on any party of any officer or agent of any public body that may be a Party hereto. The Parties agree that no provision of this Agreement is in any way intended to constitute a waiver of any immunities from suit or liability that any Party may have by operation of law. The Parties further agree that no provision of this Agreement extends the liability of any Party beyond the liability provided in the Texas Constitution and the laws of the State of Texas. Neither the execution of this Agreement nor any other conduct of any Party relating to this Agreement shall be considered a waiver of any right or defense under the Texas Constitution or the laws of the State of Texas.

ARTICLE IX.
MISCELLANEOUS

- A. **No Partnership.** This Agreement is not intended to and shall not create a joint enterprise between the City and the County. The personnel of one Party shall not be considered employees, agents, partners, joint ventures, or servants of the other Party to this Agreement. The Parties are undertaking governmental functions or services under this Agreement and the purpose hereof is solely to further the public good, rather than any pecuniary purpose. The Party undertaking work under this Agreement shall have a superior right to control the direction and management of such work and the responsibility of day-to-day management and control of such work, except as may expressly be provided herein.
- B. **Compliance with Law.** In performing services pursuant to this Agreement, each Party shall comply with all applicable federal, state, County, and City statutes, regulations, rules, and ordinances. To the extent allowed under applicable laws, each Party intends to notify the other Party of any violation of law, regulation, or ordinance that relate to services or data obtained or provided under this Agreement immediately after the noticing Party, its employees, subcontractors or agents become aware of it and without regard to whether the noticing Party or its employees, subcontractors or agents are involved or merely witnesses.
- C. **Captions.** The captions used in this Agreement are for convenience only and do not limit or amplify any provisions contained in this Agreement.
- D. **Venue.** This Agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the Parties created hereunder are performable in Tarrant County, Texas. Venue for any litigation arising out of or related to this Agreement shall lie solely in a court of appropriate jurisdiction located in Tarrant County, Texas.
- E. **Assignment.** This agreement shall not be assignable, in whole or in part.
- F. **Severability.** The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.
- G. **Entire Agreement.** This Agreement contains the entire agreement between the Parties concerning the subject matter hereof and supersedes any prior written or oral agreement.

H. Amendments. The County and the City may amend this Agreement at any time provided that such amendments are executed in writing and approved by the governing bodies of both Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement in multiples to be effective as of the effective date set forth in this Agreement.

SIGNED AND EXECUTED this _____ day of _____, 2020.

**COUNTY OF TARRANT
STATE OF TEXAS**

B. Glen Whitley
County Judge

APPROVED AS TO FORM:

Criminal District Attorney's Office*

*By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

George Campbell,
City Manager, City of Kennedale

Wayne K. Olson
City Attorney

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: WORK SESSION ITEM II.A.3.

SUBJECT

Presentation and discussion regarding the 46th Annual Community Development Block Grant (CDBG) Program proposal by the City of Kennedale for rehabilitation of water lines along Third Street

ORIGINATED BY

Larry Hoover, Public Works Director

SUMMARY

Tarrant County – via the Community Development Block Grant (CDBG) Program – allocates U.S. Department of Housing and Urban Development (HUD) funding for programs that primarily benefit low- and moderate-income persons. The Tarrant County Mayors Council – chaired by Mayor Johnson – ranks proposed projects that are judged as having met all application and program criteria.

Due to numerous recent necessary repairs, Public Works staff submitted the rehabilitation of waterlines in the 400 to 600 blocks of Third Street as the City of Kennedale's 46th Year CDBG project (proposal attached along with a project boundary map). This would include abandonment in place of an existing 12" asbestos cement (AC) water line and removal of an existing 2" galvanized waterline, which would be replaced by a 12" PVC waterline (including new service lines to each meter). This work would reduce maintenance costs as well as improve water quality and service to these homes.

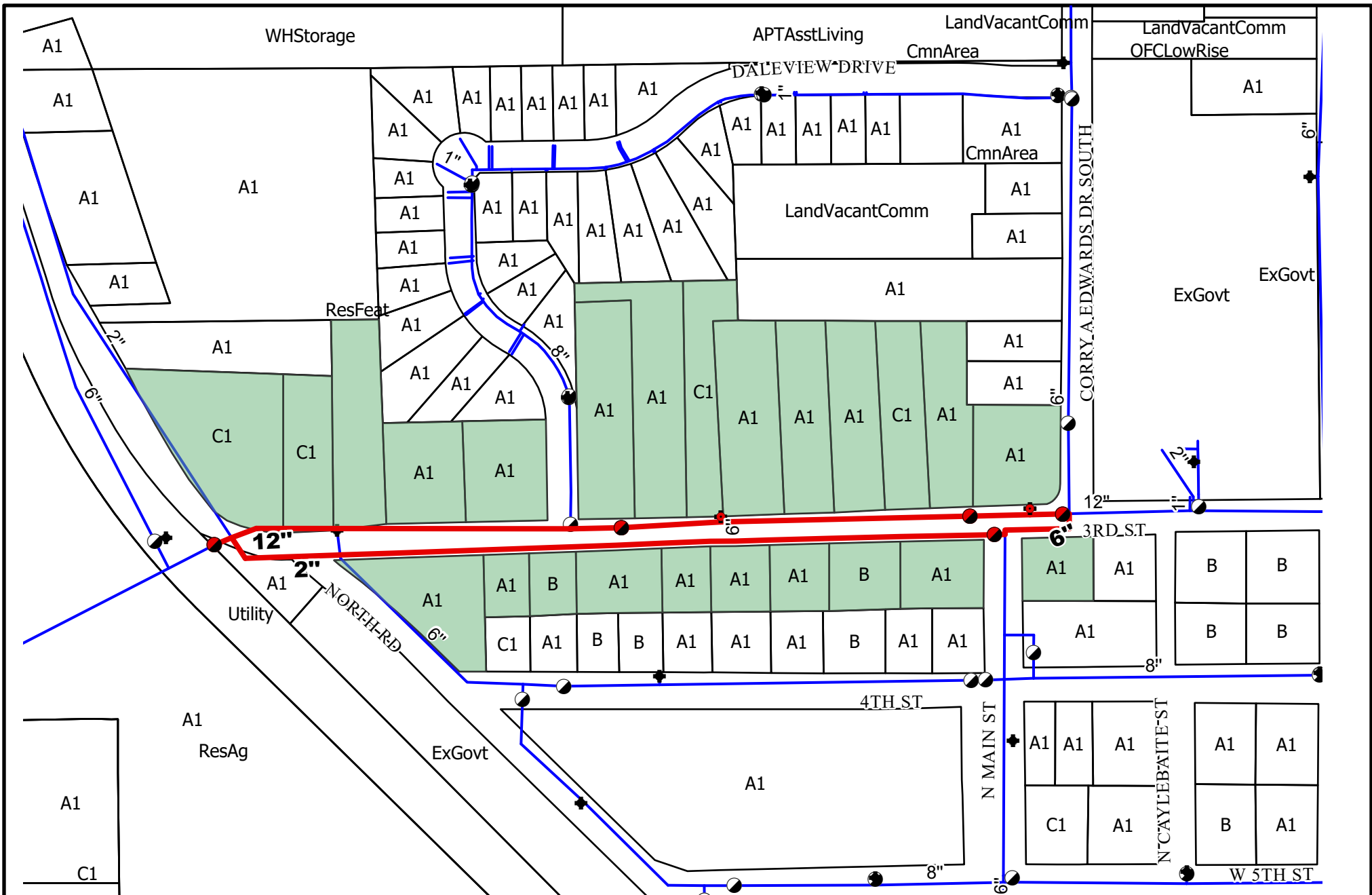
The estimated total cost of the proposal is \$313,512.00, which would break down to \$153,512.00 for the City's matching contribution and a CDBG grant award of \$160,000.00. These amounts could vary based on the scoring criteria of the application and the ranking decisions. Funding for the City's matching funds would be budgeted in the FY20–21 Water Capital Fund.

Public Works Director Larry Hoover will offer a brief presentation regarding this proposed project and will be available to answer any questions from the Council.

RECOMMENDATION

ATTACHMENTS

1.	46th Year CDBG Project Boundaries	46th Year CDBG Project Area Map.pdf
2.	46th Year CDBG Proposal Form_2020	46th Year CDBG Proposal_FINAL.pdf



N

0 100 200 Feet

To Be Replaced	To Remain
Fire Hydrant	Fire Hydrant
Water Valve	Water Valve
Waterline	Waterline
	Service Area

Service Map

City of Kennedale
2020 CDBG



CDBG PROJECT PROPOSAL

DUE BY 12 NOON, JANUARY 31, 2020
(Data required for all peach colored boxes)

CITY NAME: City of Kennedale

CITY CONTACT NAME	CITY CONTACT E-MAIL	CITY CONTACT PHONE
Larry Hoover	LHoover@cityofkennedale.com	817-985-2170

ENGINEER INFORMATION

List all requested information pertaining to the project's Engineer, if available.

ENGINEERING FIRM NAME	ENGINEER NAME	ENGINEER EMAIL	ENGINEER PHONE #
Shield Engineering Group, PLLC	Craig Barnes	Craig.Barnes@segpllc.com	817-810-0696

PROJECT INFORMATION

PROJECT TYPE	PROJECT ADDRESS	PROJECT CENSUS BLOCK GROUP (MUST BE > 50.78%)
Water Improvements	3 rd Street (Blocks 400-600), City of Kennedale, TX 76010	1114.05/01

Project Address must give street name with block number

Project entails purchasing ROW or other property: Yes ☐ | No ☒

(ANY ISSUES REGARDING "RIGHT OF WAY" OR ANY ACQUISITION OF REAL PROPERTY MUST BE CLEARED OR IN PROCESS OF CLEARING BY THE TIME OF SUBMITTAL [USING URA GUIDELINES found in CDBG Guide.](#))

PROJECT DESCRIPTION: Must fully explain what the project is, what will be done, where the project will take place (ie, which side of road and between what streets), the length of materials involved and the type of materials that exist and will be replaced with. If a multi-year project, please indicate. Go to part 6 to give description of need and problem to be addressed.

Rehabilitate 1,374 LF of existing 12" Asbestos Cement Waterline and 1,256 LF of Existing 2" Galvanized Waterline, Valves, Fittings, Service Lines and Meters along 3rd Street with 12" PVC. The 12" AC line will be abandoned in placed. The 2" GAL line will be removed and replaced with 12" PVC.

SERVICE AREA DESCRIPTION: Must include street boundaries of those who are benefiting from this project. [example; mustang st (north), main st. (south), magnolia st (east), tarrant dr. (west)] those residents who are affected lay within the “service area”. For example, if a water/sewer improvement is made, think about who will receive direct benefit from this improvement and which way the water will flow. From this you should be able to outline a boundary to call your “service area”.

IN THE CITY OF KENNEDALE, TEXAS, ALONG 3RD STREET BETWEEN NORTH RD (WEST), CORRY A EDWARDS (EAST), and 4TH ST (SOUTH).

LAND USE INFORMATION

Thinking about the boundaries that you just indicated for the “service area”, fill in the table with the appropriate acreage of the land used within those boundaries. Please remember that **at least 70% of your service area must be residential, except for ADA Barrier Removal activities under Limited Clientele**. Look at land use maps.

State Land Use Codes	Land Use in Acres	Total Acres in Service Area	% of Total Service Area
A1 (Single Family Residential)	7.127	11.259	63.30%
A2 (Mobile Homes)			
B1 (Multi-family Residential)	0.710	11.259	6.31%
C1 (Residential Vacant)	0.330	11.259	2.93%
C2 (Commercial Vacant)			
C6 (Exempt – ROW)			
D3 (Farm land)			
D4 (Undeveloped)			
F1 (Commercial)	1.017	11.259	9.03%
F2 (Industrial)			
J1-8 (Utilities)			
OTHER (ResFeat)	0.494	11.259	4.39%
TOTAL RESIDENTIAL:			100.00%

REQUIRED MAPS

PLEASE MAKE SURE TO INCLUDE:

INCLUDE D	
☒	MAP(S) INDICATING SERVICE AREA OUTLINING PROJECT AREA
☒	MAP OF FEMA FLOOD MAP (FIRM) OF OUTLINING PROJET AREA*
☒	OTHER MAPS (IE, SHOWING WATER OR SEWER FLOW)

*PROJECTS IN THE FLOODWAY ARE NOT ELIGIBLE

BUDGET OVERVIEW

DESCRIPTION OF ITEM	QUANTITY	UNIT PRICE	AMOUNT	NOTES
12" PVC Water Pipe	1374 LF	\$66	\$90,684	
Flowable Fill for Abandoned Waterline	40 CY	\$165	\$6,600	
Remove 2" Galvanized Pipe	1,256 LF	\$20	\$25,120	
Remove 6" PVC Pipe	134 LF	\$35	\$4,690	
Salvage Fire Hydrant	3 EA	\$450	\$1,350	
Salvage 12" Gate Valve	4 EA	\$200	\$800	
Salvage 2" Gate Valve	1 EA	\$200	\$200	
Reconnect ¾" Copper Water Service	24 EA	\$500	\$12,000	
Install Meter Box	24 EA	\$300	\$7,200	
Install 12" Gate Valve and Box	4 EA	\$3,500	\$14,000	
Ductile Iron Water Fittings	0.5 TON	\$5000	\$2,500	
Fire Hydrant Assembly	3 EA	\$500	\$2,000	
Concrete Repair	440 SF	\$32	\$14,112	
5' Wide Asphalt Pavement Repair	1374 LF	\$45	\$61,830	
Trench Safety	1374 LF	\$1.50	\$2,061	
Traffic Control	1 LS	\$1,500	\$1,500	
SWPPP	1 LS	\$2,000	\$2,000	
10% Contingency			\$24,865	

Estimated Construction Subtotal	\$273,512
Design/Engineering Subtotal	\$ 40,000
TOTAL ESTIMATED PROJECT COSTS	\$ 313,512

City Leverage Amount (if applicable)	\$153,512
City Paid Design/Engineering (if applicable)	\$N/A
Other Sources (if applicable)	\$N/A
Assumed CDBG award	\$160,000
Total Estimated Funds Available	\$313,512

NOTE: balance of project MUST be leveraged by the city in order to have a completed and useable project upon final inspection. Assumption of CDBG allocation estimates can be seen in the example of Tiering Projects in the CDBG Guide. Total project costs must equal estimated funds available.

PROJECT JUSTIFICATION

NEED AND PROBLEMS: Describe the need and problem to be addressed. By stressing your need here will give greater justification in project selection. Provide details of whether or not this project will complement another project within the city or surrounding cities?

The existing 12" waterline in 3rd is made from asbestos-cement and is estimated to be about 70 years old. Due to poor water quality, the Public Works Department is consistently performing maintenance on this pipe. The existing 2" waterline is made from Galvanized steel and is also estimated to be around 70 years old. Due to frequent leaking and corroding of the 2" GAL pipe, the Public Works department is continuously repairing the line. The replacement of this line with an 12" PVC pipe will improve the water quality for the residents, provide adequate pressure to the fire hydrants, and provide system stability in the area.

FINANCIAL NEED: A brief explanation is needed for CDBG funding request and an explanation of current revenue. This should be accompanied by a brief financial summary report indicating assets and liabilities in general and specific reports in relation to the infrastructure being proposed.

THE CITY OF KENNEDALE RELIES ON PROPERTY TAXES, SALES TAX, AND WATER AND SEWER BILLING AS REVENUE SOURCES FOR PUBLIC WORKS PROJECTS. CDBG FUNDING FOR THIS PROJECT WILL ENSURE ITS CONSTRUCTION IN THE UPCOMING YEAR.

ENVIRONMENTAL & NEIGHBORHOOD CONDITIONS: Give a brief description of the environment of the project and service areas. Will this project help improve the conditions? If so, how? Is this a developed area or undeveloped? Are there sensitive habitats? Will there be nuisances such as dust (air pollution), surface water problems and/or traffic issues during the project implementation?

THE SERVICE AREA OF THIS PROJECT CONSISTS OF AN OLDER RESIDENTIAL NEIGHBORHOOD SERVED BY A 12" AC AND 2" GAL WATERLINE THAT IS PAST ITS SERVICE LIFE, WITH THE 2" LINE BEING TOO SMALL FOR FIRE PROTECTION. THIS PROJECT WILL IMPROVE THE CURRENT CONDITIONS BY IMMEDIATELY PROVIDING IMPROVED SERVICE TO THE NEIGHBORHOOD. THERE WILL BE NO NEGATIVE IMPACTS ON THE ENVIRONMENT DUE TO THIS PROJECT.

REQUIRED SUPPLEMENTAL INFORMATION

ITEM	INCLUDED	COMMENTS
City Annual Financial Information (The most current City Financial Summary available that shows assets and liabilities and/or line items indicating amount reserved for public infrastructure projects paid by the city. <i>One page summary will suffice.</i>)	☒ <i>Check here if you have included</i>	
City Comprehensive Plan or equivalent (If the city has a comprehensive plan, please include the portion which indicates community goals and future plans for land use in respect to using CDBG funds for projects or a web link.)	☒ <i>Check here if you have included or emailed Planner</i>	
Date of City Public Hearing (The intent to the public hearing during city council meeting is to let your council and public know what you want to do with these federal funds and to listen to any comments, objections and finally approval by your council to move forward with the project. This can all be reflected in your minutes and a copy can be emailed to the planner when available.)	3/17/2020	Notice will be sent out 03/06/2020
Copy of Public Notice (It is required that the City post a public notice at least 10 business days prior to an actual meeting, a public meeting will occur in city chambers discussing this project, hear any comments given and a certified copy of minutes plus any comments made will be sent to the planner to go with the proposal.)	☐ <i>Check here if you have included</i>	
Copy of Public Hearing Minutes (Attach a copy of the approved public hearing minutes and a copy of the public notice. <i>If the hearing is scheduled and has not been executed, please mail or fax a copy of the public notice and approved public hearing minutes to the senior planner or CDBG Project administrator as soon as minutes are approved.</i>)	☐ <i>Check here if you have included</i>	
Copies of any Citizen Input or additional comments	☐ <i>Check here if you have included, if any</i>	
Map showing boundary of service area	☒ <i>Check here if you have included, if any</i>	

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: EXECUTIVE SESSION ITEM III.A.1.

SUBJECT

Discussion with the City Attorney regarding Destiny/USA Prime Baseball

ORIGINATED BY

George Campbell, City Manager
Larry Hoover, Public Works Director

SUMMARY

RECOMMENDATION

ATTACHMENTS

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: EXECUTIVE SESSION ITEM III.A.2.

SUBJECT

Discussion with the City Attorney regarding salvage yards, including A&A Pickup & Van, Inc., Apache, Abs 1 Auto Parts, and special exception/special use permits

ORIGINATED BY

George Campbell, City Manager

SUMMARY

RECOMMENDATION

ATTACHMENTS

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: EXECUTIVE SESSION ITEM III.B.1.

SUBJECT

1001 W Kennedale Pkwy, Fort Worth, TX 76140

ORIGINATED BY

George Campbell, City Manager

SUMMARY

RECOMMENDATION

ATTACHMENTS

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: EXECUTIVE SESSION ITEM III.C.1.

SUBJECT

Economic Development and Performance Agreement, Tax Abatement, and Chapter 380 Agreement with Compressed Air Systems for project located at Harris Corporation Addition, Block 1 Lot 1A2 (Linda Road)

ORIGINATED BY

George Campbell, City Manager
Melissa Dailey, Director of Planning & Economic Development

SUMMARY

RECOMMENDATION

ATTACHMENTS

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: REPORTS AND ANNOUNCEMENTS ITEM IV.D.1.

SUBJECT

Updates from the City Council

ORIGINATED BY

George Campbell, City Manager

SUMMARY

Updates and information from each of the Councilmembers, if any.

RECOMMENDATION

ATTACHMENTS

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: REPORTS AND ANNOUNCEMENTS ITEM IV.D.2.

SUBJECT

Updates from the Mayor

- Proclaiming Support for the 2020 Census

ORIGINATED BY

George Campbell, City Manager

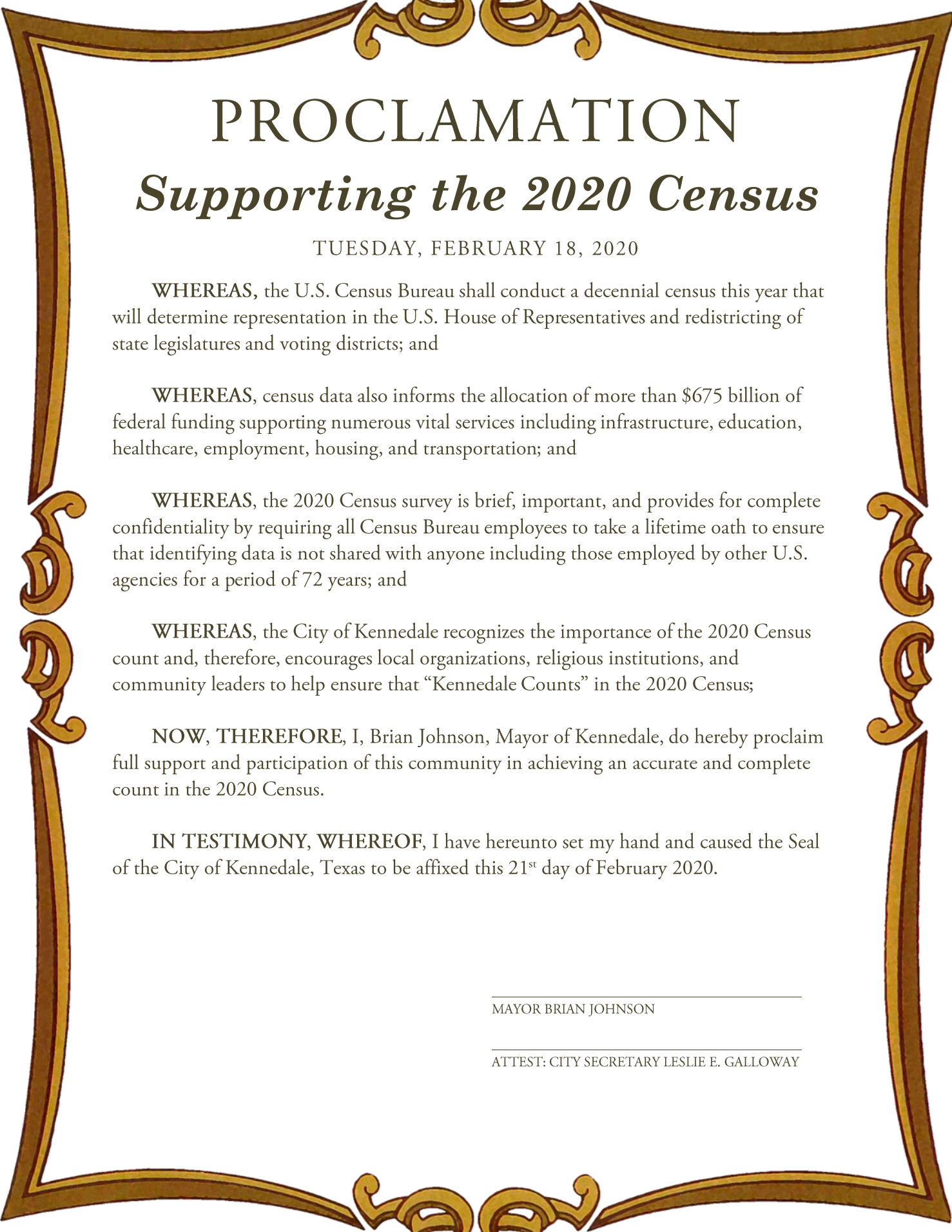
SUMMARY

Updates and information from Mayor Brian Johnson, if any.

RECOMMENDATION

ATTACHMENTS

1.	2020_02.18 US Census 2020	2020_02.18 US Census 2020.pdf
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PROCLAMATION

Supporting the 2020 Census

TUESDAY, FEBRUARY 18, 2020

WHEREAS, the U.S. Census Bureau shall conduct a decennial census this year that will determine representation in the U.S. House of Representatives and redistricting of state legislatures and voting districts; and

WHEREAS, census data also informs the allocation of more than \$675 billion of federal funding supporting numerous vital services including infrastructure, education, healthcare, employment, housing, and transportation; and

WHEREAS, the 2020 Census survey is brief, important, and provides for complete confidentiality by requiring all Census Bureau employees to take a lifetime oath to ensure that identifying data is not shared with anyone including those employed by other U.S. agencies for a period of 72 years; and

WHEREAS, the City of Kennedale recognizes the importance of the 2020 Census count and, therefore, encourages local organizations, religious institutions, and community leaders to help ensure that “Kennedale Counts” in the 2020 Census;

NOW, THEREFORE, I, Brian Johnson, Mayor of Kennedale, do hereby proclaim full support and participation of this community in achieving an accurate and complete count in the 2020 Census.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kennedale, Texas to be affixed this 21st day of February 2020.

MAYOR BRIAN JOHNSON

ATTEST: CITY SECRETARY LESLIE E. GALLOWAY

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: REPORTS AND ANNOUNCEMENTS ITEM IV.D.3.

SUBJECT

Updates from the City Manager

ORIGINATED BY

George Campbell, City Manager

SUMMARY

Updates and information from City Manager George Campbell, if any.

RECOMMENDATION

ATTACHMENTS

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: REPORTS AND ANNOUNCEMENTS ITEM IV.D.4.

SUBJECT

Financial Reports for the City and the EDC

ORIGINATED BY

Lakeita Sutton, Director of Finance and Information Technology

SUMMARY

Please see the attached financial reports for the City (for the month ending 01/31/2020) and for the Economic Development Corporation (for the months ending 11/30/2019 and 12/31/2019).

Director of Finance and Information Technology Lakeita Sutton will discuss highlights, if any, and be available to answer questions from the Council.

RECOMMENDATION

ATTACHMENTS

1.	January 2020 Financials for the City	01_2020 Monthly Financials – CITY.pdf
2.	November 2019 Financials for the EDC	11_2019 Monthly Financials – EDC.pdf
3.	November 2019 Sales Tax for the EDC	11_2019 Sales Tax Update – EDC.pdf
4.	December 2019 Financials for the EDC	12_2019 Monthly Financials – EDC.pdf
5.	December 2019 Sales Tax for the EDC	12_2019 Sales Tax Update – EDC.pdf

Revenues & Expenditures - Budget & Actual Summary

FOR THE MONTH ENDED JANUARY 31, 2020

GENERAL FUND REVENUES			
Budget	AMENDED	Actual	Actual Budget %
\$ 6,919,577		\$ 4,451,826	64.3%

GENERAL FUND EXPENDITURES			
Budget	AMENDED	Actual	Actual Budget %
\$ 7,782,522		\$ 2,525,013	32.4%

STREETS FUND REVENUES			
Budget	AMENDED	Actual	Actual Budget %
\$ 838,926		\$ 200,805	23.9%

STREETS FUND EXPENDITURES			
Budget	AMENDED	Actual	Actual Budget %
\$ 1,052,153		\$ 249,474	23.7%

WATER/SEWER FUND REVENUES			
Budget	AMENDED	Actual	Actual Budget %
\$ 4,028,331		\$ 1,370,612	34.0%

WATER/SEWER FUND EXPENDITURES			
Budget	AMENDED	Actual	Actual Budget %
\$ 4,350,939		\$ 1,456,814	33.5%

STORMWATER FUND REVENUES			
Budget	AMENDED	Actual	Actual Budget %
\$ 300,900		\$ 84,483	28.1%

STORMWAER FUND EXPENDITURES			
Budget	AMENDED	Actual	Actual Budget %
\$ 585,316		\$ 22,172	3.8%

GENERAL FUND
REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
FY 2019-20 WITH PRIOR YEAR COMPARISON
FOR THE MONTH ENDED JANUARY 31, 2020

33.3%

	CURRENT FISCAL YEAR							PRIOR FISCAL YEAR				
	BUDGET		ACTUAL			PROJECTED		BUDGET		FY ACTUAL		
	FY 2019-2020		M-T-D	Y-T-D	Y-T-D	FY 2019-2020		FY 2018-2019		FY 2018-2019		
	Adopted Budget	Amended Budget	Jan-20	Jan-20	% Budget	Dec-19	% Budget	Original Budget	Amended Budget	M-T-D Jan-19	Y-T-D Jan-19	Y-T-D % Budget
Revenues:												
Property Taxes	\$ 4,210,532		\$ 1,070,348	\$ 3,878,347	92.1%	\$ 1,052,633	25.0%	\$ 3,832,433	\$ 3,832,433	\$ 1,022,316	\$ 3,649,577	95.2%
Sales / Beverage Tax	1,402,458		108,399	253,719	18.1%	\$ 350,615	25.0%	1,275,794	1,275,794	128,013	129,553	10.2%
Grants / Contributions	85,100		-	22,654	26.6%	\$ 21,275	25.0%	76,327	76,327	10,355	10,747	14.1%
Licenses / Permits	175,070		19,019	97,280	55.6%	\$ 43,768	25.0%	225,370	225,370	6,935	51,947	23.0%
Fines / Fees	179,700		8,351	26,733	14.9%	\$ 44,925	25.0%	179,700	179,700	13,450	46,195	25.7%
Charge for Services	181,225		12,095	42,963	23.7%	\$ 45,306	25.0%	190,950	190,950	16,997	47,346	24.8%
Investment Earnings	24,017		2,754	6,799	28.3%	\$ 6,004	25.0%	10,000	10,000	5,564	14,532	145.3%
Miscellaneous Income	5,500		643	1,200	21.8%	\$ 1,375	25.0%	106,070	106,070	1,878	6,283	5.9%
Intergovernmental	652,475		84,716	121,868	18.7%	\$ 163,119	25.0%	604,715	614,960	1,025	35,568	5.9%
Surplus / Sales Rentals	3,500		168	263	7.5%	\$ 875	25.0%	3,400	3,400	290	1,170	34.4%
Total Revenues	\$ 6,919,577	\$ -	\$ 1,306,493	\$ 4,451,826	64.3%	\$ 1,729,894	25.0%	\$ 6,504,759	\$ 6,515,004	\$ 1,206,823	\$ 3,992,918	61.3%
Expenditures:												
City Manager	\$ 323,076		\$ 34,677	\$ 106,508	33.0%	\$ 80,769.00	25.0%	\$ 365,464	\$ 365,464	\$ 33,808	\$ 100,966	27.6%
Mayor and City Council	186,444		11,859	43,830	23.5%	\$ 46,611.00	25.0%	127,323	177,323	148	53,119	30.0%
City Secretary	179,811		12,218	49,097	27.3%	\$ 44,952.75	25.0%	164,073	164,073	10,021	48,310	29.4%
Municipal Court	112,701		11,296	37,787	33.5%	\$ 28,175.25	25.0%	108,147	108,148	6,797	31,256	28.9%
Human Resources	132,128		15,710	38,013	28.8%	\$ 33,032.00	25.0%	104,908	104,909	7,784	25,523	24.3%
Finance	393,017		68,188	125,336	31.9%	\$ 98,254.25	25.0%	358,365	358,365	17,274	63,007	17.6%
Police	2,563,035		321,708	890,279	34.7%	\$ 640,758.75	25.0%	2,531,118	2,604,764	144,835	680,120	26.1%
Police SRO	156,513		20,078	58,762	37.5%	\$ 39,128.25	25.0%	155,077	155,077	11,803	45,626	29.4%
Fire	2,386,910		253,991	673,359	28.2%	\$ 596,727.50	25.0%	1,902,500	1,907,680	122,265	453,759	23.8%
Community Development	465,735		57,236	158,712	34.1%	\$ 116,433.75	25.0%	371,589	371,590	30,201	106,383	28.6%
Senior Citizen Center	63,376		4,701	15,922	25.1%	\$ 15,844.00	25.0%	54,528	54,528	3,673	13,258	24.3%
Library	305,042		24,714	85,645	28.1%	\$ 76,260.50	25.0%	268,261	268,259	28,158	112,259	41.8%
Non-Departmental	514,734		14,132	241,763	47.0%	\$ 128,683.50	25.0%	511,749	511,749	19,799	211,213	41.3%
Total Expenditures	\$ 7,782,522	\$ -	\$ 850,508	\$ 2,525,013	32.4%	\$ 1,945,631	25.0%	\$ 7,023,102	\$ 7,151,929	\$ 436,566	\$ 1,944,799	27.2%
Total Revenues Over (Under) Exp	\$ (862,944)	\$ -	\$ 455,985	\$ 1,926,813		\$ (215,736)		\$ (518,342)	\$ (636,925)	\$ 770,257	\$ 2,048,119	
Other Financing Sources (Uses):												
Non-cash Transactions:	-	-	-	-		-		-	-	-	-	
Capital lease proceeds	-		-			-		-	-	-	-	
Capital expenditures	-		-	-		-		-	-	-	-	
Transfers In (Out):	-							-	-	-	-	
Net Change in Fund Balance	\$ (862,944)	\$ -		\$ 1,926,813				\$ (518,342)	\$ (636,925)			
Total Unassigned Fund Balance - BOY	1,480,503	-		1,480,503					1,746,714			
Ending Fund Balance Sept. 30	\$ 617,559	\$ -		\$ 3,407,316					\$ 1,109,789			
Less: Commitments for Specific Use	-	-		-								
Less: Assigned for Specific Use	-	-		-								
Ending Fund Balance - Unassigned	\$ 617,559	\$ -		\$ 3,407,316					\$ 1,109,789			
AVERAGE DAILY EXPENDITURES	21,322	-		6,918					19,594			
NUMBER OF DAYS IN RESERVE	29			493					57			
FUND BALANCE AS A % OF EXPENDITURES	7.94%			134.94%					15.52%			

STREETS FUND
REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
FY 2019-20 WITH PRIOR YEAR COMPARISON
FOR THE MONTH ENDED JANUARY 31, 2020
33.3%

	CURRENT FISCAL YEAR					
	BUDGET		ACTUAL			PROJECTED
	FY 2019-2020		M-T-D	Y-T-D	Y-T-D	FY 2019-2020
	Original Budget	Amended Budget	Jan-20	Jan-20	% Budget	Jan-20 Budget
Revenues:						
Franchise Fees Telephone	\$ 36,622		\$ 397	\$ 997	2.7%	\$ 9,155.50 25.0%
Franchise Fees Garbage	69,300		9,352	21,704	31.3%	17325 25.0%
Franchise Fees Gas	65,120					16280 25.0%
Franchise Fees Electricity	315,583		-	78,898	25.0%	78896 25.0%
Franchise Fees Cable	54,450		7,867	7,867		13613 25.0%
Franchise Fees Water Sew	267,106		22,259	89,035	33.3%	66777 25.0%
Investment Income	7,000		468	1,924	27.5%	1750 25.0%
TexDot Connecting Kennedale						
Misc. Income						
Admin Charge - Strm Water	19,995					4999 25.0%
Park Pavilion Rental	3,700		140	380	10.3%	925 25.0%
Ballfield Rental	50					13 25.0%
Sale of Parts/Assets						
Transfer In Park Dedication						
Transfer In TIF Fund						
Transfer In Donation Fund						
Total Revenues	\$ 838,926	\$ -	\$ 40,483	\$ 200,805	23.9%	\$ 209,732 25.0%
Expenditures:						
Street Maintenance	\$ 850,176		\$ 70,187	\$ 229,912	27.0%	\$ 212,544.00 25.0%
Park Maintenance	122,920		9,546	19,562	15.9%	\$ 30,730.00 25.0%
Capital Projects	79,057		-	-	0.0%	\$ 19,764.25 25.0%
Total Expenditures	\$ 1,052,153	\$ -	\$ 79,733	\$ 249,474	23.7%	\$ 263,038 25.0%
Total Revenues Over (Under) Exp	\$ (213,227)	\$ -	\$ (39,250)	\$ (48,669)		\$ (53,307)
Other Funding Sources (Uses):						
Non-cash transactions:						
Capital lease proceeds	-					
Capital expenditures	-					
Transfers In (Out):						
Debt Service Payments	-					
Net Change in Fund Balance	\$ (213,227)	\$ -		\$ (48,669)		
Total Unassigned Fund Balance - BOY	345,652			345,652		
Ending Fund Balance Sept. 30	\$ 132,425	\$ -		\$ 296,983		
Less: Commitments for Specific Use				-		
Less: Assigned for Specific Use				-		
Ending Fund Balance - Unassigned	\$ 132,425	\$ -		\$ 296,983		
AVERAGE DAILY EXPENDITURES	2,520	-		(130)		
NUMBER OF DAYS IN RESERVE	53			(2,282)		
FUND BALANCE AS A % OF EXPENDITURE	12.6%			119.0%		

PRIOR FISCAL YEAR					
BUDGET		FY ACTUAL			
FY 2018-2019		FY 2018-2019			
Original Budget	Amended Budget	M-T-D Jan-19	Y-T-D Jan-19	Y-T-D % Budget	
\$ 40,000	\$ 40,000	\$ 7,660	\$ 28,129	70%	
70,000	70,000	14,046	44,548	64%	
53,000	53,000			0%	
295,000	295,000	-	76,211	26%	
50,000	50,000	566	7,737	15%	
189,869	189,869	-	-	0%	
2,000	2,000	838	2,286	114%	
			41,555		
		-	10		
19,995	19,995			0%	
4,500	4,500	-	15	0%	
350	350			0%	
35,000	35,000			0%	
\$ 759,714	\$ 759,714	\$ 23,110	\$ 200,491	26%	
\$ 740,910	\$ 740,910	\$ 41,321	\$ 161,568	22%	
125,920	125,920	7,322	22,462	18%	
79,058	79,058	-	-	0%	
\$ 945,888	\$ 945,888	\$ 48,643	\$ 184,030	19%	
\$ (186,174)	\$ (186,174)	\$ (25,533)	\$ 16,461		
\$ (186,174)	\$ (186,174)				
	436,091				
	\$ 249,917				
				-	
				-	
	\$ 249,917				
	1,907				
	131				
	26.4%				

WATER & SEWER FUND
REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
FY 2019-20 WITH PRIOR YEAR COMPARISON
FOR THE MONTH ENDED JANUARY 31, 2020
33.3%

	CURRENT FISCAL YEAR							PRIOR FISCAL YEAR				
	BUDGET		ACTUAL			PROJECTED		BUDGET		FY ACTUAL		
	FY 2019-2020		M-T-D	Y-T-D	Y-T-D	FY 2019-2020		FY 2018-2019		FY 2018-2019		
	Original Budget	Amended Budget			% Budget	Jan-20	% Budget	Original Budget	Amended Budget	M-T-D Jan-19	Y-T-D Jan-19	Y-T-D % Budget
Revenues:			Jan-20	Jan-20	Budget	Jan-20						
Water Service	\$ 1,941,782		\$ 139,796	\$ 658,873	33.9%	\$ 485,445.50	25.0%	\$ 2,179,284	\$ 2,179,284	\$ 146,312	\$ 621,935	29%
Sewer Service	1,669,203		137,285	550,172	33.0%	417301	25.0%	1,451,092	1,451,092	141,157	558,810	39%
Sewer Surcharge	11,978		-	1,990	16.6%	2995	25.0%	9,600	9,600	1,091	4,304	45%
Penalties	50,873		-	9,729	19.1%	12718	25.0%	66,000	66,000	4,421	17,766	27%
Administrative Fees	15,150		-	2,680	17.7%	3788	25.0%	15,000	15,000	1,500	5,320	35%
Water Tap Fees	5,050		-	1,575	31.2%	1263	25.0%	10,000	10,000	-	-	0%
Meter Purchase / Install	11,933		-	546	4.6%	2983	25.0%	20,000	20,000	546	5,038	25%
Sewer Tap Fees	5,050		875	875	17.3%	1263	25.0%	10,000	10,000	-	-	0%
Engineer Review Fees	6,924		-	2,500	36.1%	1731	25.0%	5,000	5,000	-	2,500	50%
Sanitation Billing Fees	16,798		3,257	4,887	29.1%	4200	25.0%	14,400	14,400	1,609	3,215	22%
Other Fees Water/Sewer	10,423		-	1,445	13.9%	2606	25.0%	8,400	8,400	510	3,800	45%
Sales Tax	101		11	46	45.5%	25	25.0%	100	100	11	33	33%
Arlington Operator Cost			26,472	125,072								
Investment Income	37,814		2,287	10,138	26.8%	9454	25.0%	1,000	1,000	4,403	10,460	1046%
Miscellaneous Income	31,718		84	\$ 84	0.3%	7930	25.0%	7,500	7,500	272	32,802	437%
Cash Over/Under	-							-	-			
Sale of Parts/Assets	1,010					253	25.0%	1,000	1,000	212	212	
Transfer In - Water Impact Fund	152,524					38131	25.0%	152,525	152,525			
Transfer In - Sewer Impact Fund	60,000					15000	25.0%	60,000	60,000			
Total Revenues	\$ 4,028,331	\$ -	\$ 310,067	\$ 1,370,612	34.0%	\$ 1,007,083	25.0%	\$ 4,010,901	\$ 4,010,901	\$ 302,044	\$ 1,266,195	32%
Expenditures:												
Utility Billing	\$ 1,518,390		\$ 128,809	\$ 484,845	31.9%	\$ 379,597.50	25.0%	\$ 1,293,973	\$ 1,293,973	\$ 85,653	\$ 266,791	21%
Operations	1,385,155		114,457	638,457	46.1%	\$ 346,288.75	25.0%	1,576,197	1,576,197	57,601	\$ 250,777	16%
Debt Service	354,505		-	-		\$ 88,626.25	25.0%	509,680	509,680	-	\$ 152,813	30%
Capital Projects	415,000		1,981	103,042	24.8%	\$ 103,750.00	25.0%	654,796	654,796	-	\$ -	0%
Non-Departmental	677,889		55,077	230,470	34.0%	\$ 169,472.25	25.0%	624,875	624,875	2,945	\$ 52,396	8%
Total Expenditures	\$ 4,350,939	\$ -	\$ 300,324	\$ 1,456,814	33.5%	\$ 1,087,735	25.0%	\$ 4,659,521	\$ 4,659,521	\$ 146,199	\$ 722,777	16%
Total Revenues Over (Under) Exp	\$ (322,608)	\$ -	\$ 9,743	\$ (86,202)		\$ (80,652)		\$ (648,620)	\$ (648,620)	\$ 155,845	\$ 543,418	
Other Funding Sources (Uses):												
Debt service - bond payments												
Non-cash transactions:												
Capital lease proceeds												
Capital expenditures												
Net Change in Fund Balance	\$ (322,608)	\$ -		\$ (86,202)				\$ (648,620)	\$ (648,620)			
Total Unrestricted Fund Balance - BOY	1,682,545			1,682,545					1,990,605			
Total Fund Balance - EOY	\$ 1,359,937	\$ -		\$ 1,596,343		\$ -			\$ 1,341,985			
Less: Commitments for Specific Use				-		-						
Less: Assigned for Specific Use				-		-						
Ending Fund Balance - Unrestricted	\$ 1,359,937	\$ -		\$ 1,596,343		\$ -			\$ 1,341,985			
AVERAGE DAILY EXPENDITURES	884			236					1,777			
NUMBER OF DAYS IN RESERVE	1,539			6,759					755			
FUND BALANCE AS A % OF EXPENDITURE	31%			110%					29%			

STORMWATER FUND
REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
FY 2019-20 WITH PRIOR YEAR COMPARISON
FOR THE MONTH ENDED JANUARY 31, 2020

33.3%

	CURRENT FISCAL YEAR						
	BUDGET		ACTUAL			FY PROJECTED	
	FY 2019-2020		M-T-D	Y-T-D	Y-T-D	FY 2019-2020	
	Original Budget	Amended Budget	Jan-20	Jan-20	% Budget	Dec-19	% Budget
Revenues:							
Penalties	\$ 3,200		\$ -	\$ 401	12.5%	\$ 800	25.0%
Grant Revenue	-						
Drainage Fees	297,200		19,673	83,741	28.2%	74,300	25.0%
Investment Income	500		106	341	68.2%	125	25.0%
Miscellaneous Income	-						
Total Revenues	\$ 300,900	\$ -	\$ 19,779	\$ 84,483	28.1%	\$ 75,225	25.0%
Expenditures:							
Stormwater Utility	585,316		\$ 1,189	\$ 22,172	3.8%	\$ 146,329	25.0%
Total Expenditures	\$ 585,316	\$ -	\$ 1,189	\$ 22,172	3.8%	\$ 146,329	25.0%
Total Revenues Over (Under) Exp	\$ (284,416)	\$ -	\$ 18,590	\$ 62,311		\$ (71,104)	
Other Financing Sources (Uses):							
Capital grant contributions	-	-	-	-			
Net Change in Fund Balance	\$ (284,416)	\$ -		\$ 62,311			
Total Unrestricted Fund Balance - BOY	1,221,677			1,224,677			
Total Fund Balance - EOY	\$ 937,261	\$ -		\$ 1,286,988			
Less: Commitments for Specific Use	-	-		-		-	
Ending Fund Balance - Unrestricted	\$ 937,261	\$ -		\$ 1,286,988			

PRIOR FISCAL YEAR				
BUDGET		FY ACTUAL		
FY 2018-2019		FY 2018-2019		
Original Budget	Final Budget	M-T-D Jan-19	Y-T-D Jan-19	Y-T-D % Budget
\$ 2,500	\$ 2,500	\$ 318	\$ 1,067	42.7%
-	-			
252,000	252,000	21,993	87,854	34.9%
450	450	55	204	45.3%
-	-			
\$ 254,950	\$ 254,950	\$ 22,366	\$ 89,125	35%
\$ 139,764	\$ 139,764	\$ 219	\$ 22,477	16.1%
\$ 139,764	\$ 139,764	\$ 219	\$ 22,477	16%
\$ 115,186	\$ 115,186	\$ 22,147	\$ 66,648	
-	-	-	-	
\$ 115,186	\$ 115,186			
	\$ 1,159,638			
	\$ 1,274,824			
-	-			
\$ -	\$ 1,274,824			

OTHER FUNDS: MONTHLY FINANCIALS
REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
FOR THE MONTH ENDED JANUARY 31, 2020

		BUDGET				
FUND	FUND NAME	Revenues	Expenditures	Change in Fund Balances	Fund Balance Beginning of Year	Fund Balance End of Year

Y-T-D ACTUAL							
Revenues	% Budget	Expenditures	% Budget	Change in Fund Balances	% Budget	Fund Balance Beginning of Year	Y-T-D Fund Balance Projection

DEBT SERVICE FUND														
2	Debt Service Fund	\$ 1,750,253	\$ 1,487,977	\$ 262,276	\$ 309,119	\$ 571,395	\$ 1,314,296	75%	\$ 326,212	22%	\$ 988,084	376.7%	\$ 309,119	\$ 1,297,203

OTHER GENERAL FUNDS														
5	Capital Replacement Fund	\$ 185,732	\$ 185,732	\$ -	\$ 236,826	\$ 236,826	\$ 185,732	100%	\$ 64,384	35%	\$ 121,348	0.0%	\$ 236,826	\$ 358,174
12	Court Security Fund	3,000	-	\$ 3,000	20,614	23,614	973	32%	-	0%	\$ 973	32.4%	\$ 20,614	21,587
16	Court Technology Fund	3,920	875	\$ 3,045	9,796	12,841	1,184	30%	-	0%	\$ 1,184	38.9%	\$ 9,796	10,980
18	Juvenile Case Manager Fund	5,650	13,873	(8,223)	6,079	(2,144)	1,593	28%	1,213	0%	\$ 380	-4.6%	\$ 6,079	6,459
21	TIF 1 (New Hope Rd) Fund	146,648	-	146,648	(656,862)	(510,214)	776	1%	-	0%	\$ 776	0.5%	\$ (656,862)	(656,086)
34	Lease Fund	1,767	1,650	117	1,895	2,012	10	1%	-		\$ 10	8.5%	\$ 1,895	1,905
83	Tree Reforestation Fund	500	500	-	70,425	70,425	373	75%	-	35%	\$ 373	0.0%	\$ 70,425	70,798
		\$ 347,217	\$ 202,630	\$ 144,587	\$ (311,227)	\$ (166,640)	\$ 190,641		\$ 65,597		\$ 125,044		\$ (311,227)	\$ (186,183)

CAPITAL FUNDS														
4	Capital Projects Fund	\$ 70,250	\$ 104,768	\$ (34,518)	\$ (24,182)	\$ (58,700)	\$ 27,989	40%	\$ -	0%	\$ 27,989	-81.1%	\$ (24,182)	\$ 3,807
13	Capital Bond Fund	-	735,000	(735,000)	2,617,419	1,882,419	13,650		137,030	19%	\$ (123,380)	16.8%	\$ 2,617,419	\$ 2,494,039
14	Park Dedication Fund	800	30,170	(29,370)	96,825	67,455	477	60%	-	0%	\$ 477	-1.6%	\$ 96,825	\$ 97,302
32	Library Building Fund	2,270	2,000	270	(4,035)	(3,765)	805	35%	-	0%	\$ 805	298.1%	\$ (4,035)	\$ (3,230)
45	Roadway Impact Fee Fund	27,535	10,000	17,535	573,275	590,810	4,156	15%	-	0%	\$ 4,156	23.7%	\$ 573,275	\$ 577,431
61	Water Impact Fee Fund	35,146	152,525	(117,379)	12,325	(105,054)	1,566	0	-	-	1,566	(0)	12,325	13,891
62	Sewer Impact Fee Fund	17,201	60,000	(42,799)	77,190	34,391	1,503	0	-	-	1,503	(0)	77,190	78,693
		\$ 153,202	\$ 1,094,463	\$ (941,261)	\$ 3,348,817	\$ 2,407,556	\$ 41,639		\$ 137,030		\$ (95,391)		\$ 2,593,237	\$ 2,497,846

EDC 4B FUNDS														
15	EDC 4B Fund	\$ 700,728	\$ 572,598	\$ 128,130	\$ 306,146	\$ 434,276	\$ 170,117	24%	\$ 149,774	26%	\$ 20,343	15.9%	\$ 306,146	\$ 326,489
				-		-		0%	-		\$ -		\$ -	\$ -
		\$ 700,728	\$ 572,598	\$ 128,130	\$ 306,146	\$ 434,276	\$ 170,117		\$ 149,774		\$ 20,343		\$ 306,146	\$ 326,489

**KENNEDALE ECONOMIC DEVELOPMENT CORPORATION
ANNUAL PROGRAM OF SERVICES
NOVEMBER 2019**

Monthly Information

1. \$39,056 in Sales Tax Revenue
2. EDC Director engaged in long-term planning, including relationship with Chamber, hotel status, Red's Roadhouse, and other development deals

Rental Fees, MMD Tax and Rental Insurance are reported on the Accrual Basis of Accounting, while all other revenues and expenditures are reported on the Cash Basis. This procedure has been in effect for several years, but can be changed should the Board wish.

Lakeita Sutton

ADDITIONAL INFORMATION

FUND 15 - OPERATING FUND (EDC INVOICES AND REVENUE ARE RECEIVED IN THIS FUND)
FUND 19 - CAPITAL BOND FUND (CLOSED IN FY 18)
FUND 95 - RESERVE FUND FOR DEBT REQUIREMENTS

**KENNEDALE ECONOMIC DEVELOPMENT CORPORATION
ANNUAL PROGRAM OF SERVICES
NOVEMBER 2019**

CATEGORY	DESCRIPTION	FY19-20 YTD
BEGINNING CASH BALANCE - FUND 15	(Operating Cash)	\$ 375,696
BEGINNING CASH BALANCE - FUND 95	(Required reserves)	\$ 124,796
BEGINNING CASH BALANCE - TOTAL		\$ 500,492
BEGINNING AVAILABLE CASH - TOTAL		375,696
TOTAL REVENUES MINUS EXPENDITURES FOR MONTH		\$ 41,674 *
ENDING CASH BALANCE - FUND 15	(Operating Cash)	\$ 379,625
ENDING CASH BALANCE - FUND 95	(Required reserves)	\$ 124,958
ENDING CASH BALANCE - TOTAL		\$ 504,583
UNAVAILABLE CASH - EARMARKED		
RESERVES FOR LEVERAGE NOTE	(Required reserves)	\$ 124,958
TOTAL UNAVAILABLE CASH		\$ 124,958
AVAILABLE CASH		\$ 379,625

*Due to prior period adjustments, beginning cash balance plus monthly income will not always be an exact match for ending cash balance

REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
FY 2019-20 WITH PRIOR YEAR COMPARISON
FOR THE MONTH ENDED NOVEMBER 30, 2019

	CURRENT FISCAL YEAR			
	BUDGET	ACTUAL		
	FY 2019-20	MONTH	Y-T-D	Y-T-D
	Original Budget	Nov-19	Nov-19	% Budget
Revenues:				
MMD TAX CURRENT YEAR	\$ 35,000	\$ -	\$ -	
SALES TAX	384,598	39,056	\$ 85,018	22.1%
INVESTMENT INCOME FUND 15	65	488	\$ 1,035	1592.3%
INVESTMENT INCOME FUND 95		162	\$ 351	
MISCELLANEOUS INCOME	24,120	2,850	\$ 5,700	23.6%
INSURANCE REIMBURSEMENT	-	-	\$ -	
RENTAL FEES - SHOPPING CTR	185,223	19,582	\$ 39,046	21.1%
RENTAL INSURANCE	746	-	\$ -	
SALES OF ASSETS	-	-	\$ -	
PROCEEDS-DEBT/LOAN/LEASE	-	-	\$ -	
	-	-	\$ -	
Total Revenues	\$ 629,752	\$ 62,138	\$ 131,150	20.8%
Expenditures:				
ADMINISTRATION	169,377	12,757	22,293	13.16%
DEBT SERVICE	323,570	5,009	33,230	10.27%
TOWN SHOPPING CENTER	79,651	2,698	21,359	26.82%
TOWN CENTER REDEVELOPMENT	\$ -	-	-	
Total Expenditures	\$ 572,598	\$ 20,464	\$ 76,882	13.4%
Total Revenues Over (Under) Exp	\$ 57,154	\$ 41,674	\$ 54,268	
Other Financing Sources (Uses):				
	-	-	-	
Operating Transfer to / from General Fund	-	-	-	
Total Other Financing Sources (Uses):	-	-	-	
	-	-	-	
Net Change in Fund Balance	\$ 57,154			
Fund Balance Oct 1	430,732			
Ending Fund Balance	\$ 487,886			
	-			
AVERAGE DAILY EXPENDITURES	\$ 1,569			
Number of Days In Reserve	311			
Fund Balance as a % of Expenditures	85%			

	PRIOR FISCAL YEAR			
	BUDGET	FY ACTUAL		
	FY 2018-2019	FY 2018-2019		
	Original Budget	MONTH Nov-18	Y-T-D Nov-18	Y-T-D % Budget
	\$ 35,000	\$ -	\$ -	
	373,835	\$ (30,868)	\$ 358	0.1%
	65	524	\$ 1,016	1563.1%
		184	\$ 355	
	45,120	2,536	\$ 3,279	7.3%
			\$ -	
	121,112	18,814	\$ 36,649	30.3%
	746	-	\$ -	
		-	-	
		-	-	
	-			
	\$ 575,878	\$ (8,810)	\$ 41,657	7.2%
	168,360	-	-	0%
	320,432	4,963	35,247	11%
	51,120	6,426	24,109	47%
	-	-	-	
	\$ 539,912	\$ 11,389	\$ 59,356	11%
	\$ 35,966	\$ (20,199)	\$ (17,699)	
	-	-	-	
	-	-	-	
			-	
	-	-	-	
	\$ 35,966			
	\$ 290,178			
	\$ 326,144			
	-			
	\$ 1,479			
	220			
	60%			

REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
FY 2019-20 WITH PRIOR YEAR COMPARISON
FOR THE MONTH ENDED NOVEMBER 30, 2019

	CURRENT FISCAL YEAR			
	BUDGET	ACTUAL		
	FY 2019-20	MONTH	Y-T-D	Y-T-D
	Original Budget	Nov-19	Nov-19	% Budget
Revenues:				
MMD TAX CURRENT YEAR	\$ 35,000	\$ -	\$ -	
SALES TAX	410,401	39,056	\$ 85,018	20.7%
INVESTMENT INCOME	4,000	488	\$ 1,035	25.9%
MISCELLANEOUS INCOME	30,120	2,850	\$ 5,700	18.9%
INSURANCE REIMBURSEMENT		-	\$ -	
RENTAL FEES - SHOPPING CTR	221,207	19,582	\$ 39,046	17.7%
RENTAL INSURANCE		-	\$ -	
SALES OF ASSETS	-	-	\$ -	
PROCEEDS-DEBT/LOAN/LEASE	-	-	\$ -	
	-	-	\$ -	
Total Revenues	\$ 700,728	\$ 61,976	\$ 130,799	18.7%
Expenditures:				
ADMINISTRATION	169,377	12,757	22,293	13.16%
DEBT SERVICE	323,570	5,009	33,230	10.27%
TOWN SHOPPING CENTER	79,651	2,698	21,359	26.82%
TOWN CENTER REDEVELOPMENT	\$ -	-	-	
Total Expenditures	\$ 572,598	\$ 20,464	\$ 76,882	13.43%
Total Revenues Over (Under) Exp	\$ 128,130	\$ 41,512	\$ 53,917	
Other Financing Sources (Uses):				
	-	-	-	
Operating Transfer to / from General Fund	-	-	-	
Total Other Financing Sources (Uses):	-	-	-	
	-	-	-	
Net Change in Fund Balance	\$ 128,130			
Fund Balance Oct 1	306,146			
Ending Fund Balance	\$ 434,276			
	-			
AVERAGE DAILY EXPENDITURES	\$ 1,569			
Number of Days In Reserve	277			
Fund Balance as a % of Expenditures	76%			

	PRIOR FISCAL YEAR			
	BUDGET	FY ACTUAL		
	FY 2018-2019	MONTH Nov-18	Y-T-D Nov-18	Y-T-D
	Original Budget			% Budget
	\$ 35,000	\$ -	\$ -	
	384,598	\$ (30,868)	\$ 358	0.1%
	65	524	\$ 1,016	1563.1%
	24,120	2,536	\$ 3,279	13.6%
		-	\$ -	
	185,223	18,814	\$ 36,649	19.8%
	746	-	\$ -	0.0%
		-	\$ -	
		-	\$ -	
	-			
	\$ 629,752	\$ (8,994)	\$ 41,302	6.6%
	168,360	-	-	0%
	320,432	4,963	35,247	11%
	51,120	6,426	24,109	47%
	-	-	-	
	\$ 539,912	\$ 11,389	\$ 59,356	11%
	\$ 89,840	\$ (20,383)	\$ (18,054)	
	-	-	-	
	-	-	-	
	-	-	-	
	\$ 89,840			
	\$ 168,179			
	\$ 258,019			
	-			
	\$ 1,479			
	174			
	48%			

EDC ADMIN

	CURRENT FISCAL YEAR			
	BUDGET	ACTUAL		
	FY 2019-20	MONTH	Y-T-D	Y-T-D
	Original Budget			
Expenditures:		Nov-19	Nov-19	% Budget
PRINTED SUPPLIES	\$ 2,000	\$ -	\$ -	0.0%
GENERAL OFFICE SUPPLIES	50	-	-	0.0%
POSTAGE	50	-	-	0.0%
	1,200			
SUPPLIES TOTAL	3,300	-	-	-
ADVERTISING	-	-	\$ -	
ASSOCIATION DUES/PUBLICATIONS	3,395	-	\$ -	0.0%
TRAINING/SEMINARS	250	-	\$ -	0.0%
LEGAL SERVICES	14,925	350	\$ 350	2.3%
AUDIT SERVICES	4,250	-	\$ -	0.0%
SPECIAL SERVICES	975	23	\$ (134)	-13.7%
FILING FEES	-			
ENGINEERING SERVICES				
TRAVEL	100	-	\$ -	
ENGINEERING SERVICES	-	-	\$ -	#DIV/0!
ADMIN CHARGE-GENERAL FUND	116,318	9,693	\$ 19,386	16.7%
FUNCTIONAL GRANT	25,864	2,691	\$ 2,691	10.4%
LAND	-			
SUNDRY TOTAL	166,077	12,757	22,293	13.42%
CAPITAL TOTAL	-	-	-	-
	-	-	\$ -	
Total EDC Admin Expenditures	\$ 169,377	\$ 12,757	\$ 22,293	13.2%

PRIOR FISCAL YEAR			
BUDGET	FY ACTUAL		
FY 2018-19	FY 2018-2019		
Original Budget	MONTH Nov-18	Y-T-D Nov-18	Y-T-D % Budget
\$ 2,000	\$ -	\$ -	0.0%
50	-	\$ -	0.0%
50	-	\$ -	0.0%
1,200			
3,300	-		0.0%
-	-	\$ -	#DIV/0!
5,320	-	\$ -	0.0%
250	-	\$ -	0.0%
13,000	-	\$ -	0.0%
4,250	-	\$ -	0.0%
250	-	\$ -	0.0%
100			0.0%
-			
117,890	-	\$ -	0.0%
24,000	-	\$ -	0.0%
165,060	-	-	0.0%
-	-	-	
-			
\$ 168,360	\$ -	\$ -	0.0%

EDC DEBT SERVICE

	CURRENT FISCAL YEAR			
	BUDGET	ACTUAL		
	FY 2019-20	MONTH	Y-T-D	Y-T-D
	Original Budget	Nov-19	Nov-19	% Budget
Expenditures:				
2007 \$1.2M TAX BOND INTEREST	\$ 46,566	\$ -	\$ 23,213	49.8%
2007 \$1.2M TAX BOND PRINCIPAL	65,000		\$ -	0.0%
2011 \$1.7M TX LEVERAGE INT	18,122	1,438	\$ 3,035	16.7%
2011 \$17.M TX LEVERAGE PRIN	41,982	3,571	\$ 6,982	16.6%
TRANSFER OUT-DEBT SERV FUND	151,900	-	\$ -	0.0%
	-			
Total EDC Debt Expenditures	\$ 323,570	\$ 5,009	\$ 33,230	10.3%

PRIOR FISCAL YEAR			
BUDGET	FY ACTUAL		
FY 2018-19	FY 2018-2019		
Original Budget	MONTH Nov-18	Y-T-D Nov-18	Y-T-D % Budget
\$ 50,735	\$ -	\$ 25,321	49.9%
60,000	-	\$ -	0.0%
12,834	1,685	\$ 3,370	26.3%
42,038	3,278	\$ 6,556	15.6%
154,825	-	\$ -	0.0%
-			
\$ 320,432	\$ 4,963	\$ 35,247	11.0%

EDCTOWN SHOPPING CENTER

	CURRENT FISCAL YEAR			
	BUDGET	ACTUAL		
	FY 2019-20	MONTH	Y-T-D	Y-T-D
	Original Budget	Nov-19	Nov-19	% Budget
Expenditures:				
BUILDING MAINTENANCE	\$ 54,951	\$ 1,847	\$ 9,575	17.4%
ELECTRIC SERVICES	5,700	351	\$ 780	13.7%
INSURANCE - PROPERTY	13,000	-	\$ 9,976	76.7%
SPECIAL SERVICES	6,000	500	\$ 1,028	17.1%
	-			
Total EDC Town Center Expenditures	\$ 79,651	\$ 2,698	\$ 21,359	26.8%

	PRIOR FISCAL YEAR			
	BUDGET	FY ACTUAL		
	FY 2018-19	FY 2018-19		
	Original Budget	MONTH Nov-18	Y-T-D Nov-18	Y-T-D % Budget
	\$ 29,920	\$ 5,556	\$ 11,229	37.5%
	6,700	370	\$ 741	11.1%
	8,500	-	\$ 11,139	131.0%
	6,000	500	\$ 1,000	16.7%
	-			
	\$ 51,120	\$ 6,426	\$ 24,109	47.2%

EDC TOWN CENTER REDEVELOPMENT

	CURRENT FISCAL YEAR			
	BUDGET	ACTUAL		
	FY 2019-20	MONTH	Y-T-D	Y-T-D
	Original Budget	Nov-19	Nov-19	% Budget
Expenditures:				
ENGINEERING SERVICES	\$ -	\$ -	\$ -	
CONSTRUCTION	-		\$ -	
	-			
Total EDC Town Center Expenditures	\$ -	\$ -	\$ -	

	PRIOR FISCAL YEAR			
	BUDGET	FY ACTUAL		
	FY 2018-19	FY 2018-19		
	Original Budget	MONTH Nov-18	Y-T-D Nov-18	Y-T-D % Budget
			\$ -	
		-	\$ -	
	-			
	\$ -	\$ -	\$ -	

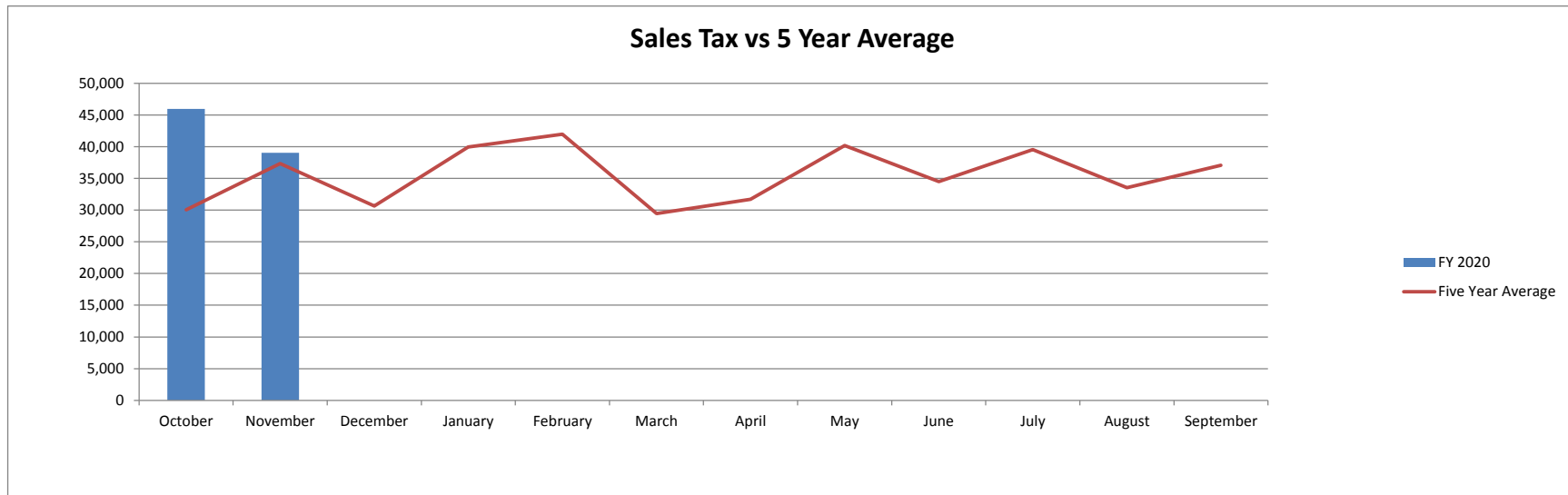
REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
FY 2019-20 WITH PRIOR YEAR COMPARISON
FOR THE MONTH ENDED NOVEMBER 30, 2019

EDC BOND RESERVE FUND

		CURRENT FISCAL YEAR			PRIOR FISCAL YEAR			
	BUDGET	ACTUAL			BUDGET	FY ACTUAL		
	FY 2019-20	MONTH	Y-T-D	Y-T-D	FY 2018-19	FY 2018-19		
	Original Budget				Original Budget	MONTH Nov-18	Y-T-D Nov-18	Y-T-D % Budget
Revenues:		Nov-19	Nov-19	% Budget				
INVESTMENT INCOME	2,000	162	\$ 351		-	184	\$ 355	
Total Revenues	\$ 2,000	\$ 162	\$ 351		\$ -	\$ 184	\$ 355	
Expenditures:								
ADMINISTRATION	\$ -	-	-			-	-	
Total Expenditures	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	
Total Revenues Over (Under) Exp	\$ 2,000	\$ 162	\$ 351		\$ -	\$ 184	\$ 355	
	-	-	-					
Net Change in Fund Balance	\$ 2,000			\$ -	\$ -			
Fund Balance Oct 1	124,586				\$ 121,999			
Ending Fund Balance	\$ 126,586				\$ 121,999			

EDC Sales Tax By Month

Year	October	November	December	January	February	March	April	May	June	July	August	September	Total
FY2020	\$ 45,962	\$ 39,056											\$ 85,018
FY2019	\$ 31,048	\$ 38,680	\$ 39,362	\$ 88,360	\$ 45,433	\$ 36,033	\$ 34,603	\$ 46,432	\$ 38,783	\$ 43,510	\$ 36,757	\$ 47,143	\$ 526,144
FY2018	\$ 34,607	\$ 38,169	\$ 28,985	\$ 31,808	\$ 54,501	\$ 31,672	\$ 41,253	\$ 43,121	\$ 36,295	\$ 41,089	\$ 39,590	\$ 29,697	\$ 450,787
FY2017	\$ 29,583	\$ 38,719	\$ 27,285	\$ 29,652	\$ 35,265	\$ 26,215	\$ 29,043	\$ 33,374	\$ 26,747	\$ 33,648	\$ 16,530	\$ 28,850	\$ 354,908
FY2016	\$ 31,046	\$ 39,712	\$ 32,662	\$ 25,293	\$ 38,669	\$ 29,196	\$ 26,505	\$ 38,181	\$ 27,906	\$ 28,195	\$ 29,231	\$ 30,459	\$ 377,055
FY2015	\$ 23,985	\$ 31,479	\$ 27,515	\$ 24,594	\$ 35,857	\$ 24,104	\$ 27,064	\$ 39,783	\$ 42,821	\$ 55,252	\$ 48,766	\$ 59,232	\$ 440,453
FY2014	\$ 21,990	\$ 29,867	\$ 31,661	\$ 22,458	\$ 32,594	\$ 23,228	\$ 26,412	\$ 31,319	\$ 25,832	\$ 23,976	\$ 28,866	\$ 22,659	\$ 320,861
FY2013	\$ 33,617	\$ 31,297	\$ 23,446	\$ 20,135	\$ 30,003	\$ 20,791	\$ 20,318	\$ 32,020	\$ 21,136	\$ 22,435	\$ 27,973	\$ 26,025	\$ 309,197
													\$ -



**KENNEDALE ECONOMIC DEVELOPMENT CORPORATION
ANNUAL PROGRAM OF SERVICES
DECEMBER 2019**

Monthly Information

1. \$45,450 in Sales Tax Revenue
2. EDC Director engaged in long-term planning, including relationship with Chamber, hotel satus, Red's Roadhouse, and other development deals

Rental Fees, MMD Tax and Rental Insurance are reported on the Accrual Basis of Accounting, while all other revenues and expenditures are reported on the Cash Basis. This procedure has been in effect for several years, but can be changed should the Board wish.

Lakeita Sutton

ADDITIONAL INFORMATION

FUND 15 - OPERATING FUND (EDC INVOICES AND REVENUE ARE RECEIVED IN THIS FUND)

FUND 19 - CAPITAL BOND FUND (CLOSED IN FY 18)

FUND 95 - RESERVE FUND FOR DEBT REQUIREMENTS

**KENNEDALE ECONOMIC DEVELOPMENT CORPORATION
ANNUAL PROGRAM OF SERVICES
DECEMBER 2019**

CATEGORY	DESCRIPTION	FY19-20 YTD
BEGINNING CASH BALANCE - FUND 15	(Operating Cash)	\$ 379,625
BEGINNING CASH BALANCE - FUND 95	(Required reserves)	\$ 124,958
BEGINNING CASH BALANCE - TOTAL		\$ 504,583
BEGINNING AVAILABLE CASH - TOTAL		379,625
TOTAL REVENUES MINUS EXPENDITURES FOR MONTH		\$ 15,309 *
ENDING CASH BALANCE - FUND 15	(Operating Cash)	\$ 400,004
ENDING CASH BALANCE - FUND 95	(Required reserves)	\$ 125,106
ENDING CASH BALANCE - TOTAL		\$ 525,110
UNAVAILABLE CASH - EARMARKED		
RESERVES FOR LEVERAGE NOTE	(Required reserves)	\$ 125,106
TOTAL UNAVAILABLE CASH		\$ 125,106
AVAILABLE CASH		\$ 400,004

*Due to prior period adjustments, beginning cash balance plus monthly income will not always be an exact match for ending cash balance

REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
FY 2019-20 WITH PRIOR YEAR COMPARISON
FOR THE MONTH ENDED DECEMBER 31, 2019

	CURRENT FISCAL YEAR			
	BUDGET	ACTUAL		
	FY 2019-20	MONTH	Y-T-D	Y-T-D
	Original Budget	Dec-19	Dec-19	% Budget
Revenues:				
MMD TAX CURRENT YEAR	\$ 35,000	\$ -	\$ -	
SALES TAX	384,598	45,450	\$ 45,820	11.9%
INVESTMENT INCOME FUND 15	65	460	\$ 1,496	2301.5%
INVESTMENT INCOME FUND 95		148	\$ 498	
MISCELLANEOUS INCOME	24,120	350	\$ 6,050	25.1%
INSURANCE REIMBURSEMENT	-	-	\$ -	
RENTAL FEES - SHOPPING CTR	185,223	20,832	\$ 59,877	32.3%
RENTAL INSURANCE	746	-	\$ -	
SALES OF ASSETS	-	-	\$ -	
PROCEEDS-DEBT/LOAN/LEASE	-	-	\$ -	
	-	-	\$ -	
Total Revenues	\$ 629,752	\$ 67,240	\$ 113,741	18.1%
Expenditures:				
ADMINISTRATION	169,377	10,043	32,337	19.09%
DEBT SERVICE	323,570	35,958	69,188	21.38%
TOWN SHOPPING CENTER	79,651	5,930	27,287	34.26%
TOWN CENTER REDEVELOPMENT	\$ -	-	-	
Total Expenditures	\$ 572,598	\$ 51,931	\$ 128,812	22.5%
Total Revenues Over (Under) Exp	\$ 57,154	\$ 15,309	\$ (15,071)	
Other Financing Sources (Uses):				
	-	-	-	
Operating Transfer to / from General Fund	-	-	-	
Total Other Financing Sources (Uses):	-	-	-	
	-	-	-	
Net Change in Fund Balance	\$ 57,154			
Fund Balance Oct 1	430,732			
Ending Fund Balance	\$ 487,886			
	-			
AVERAGE DAILY EXPENDITURES	\$ 1,569			
Number of Days In Reserve	311			
Fund Balance as a % of Expenditures	85%			

PRIOR FISCAL YEAR			
BUDGET	FY ACTUAL		
FY 2018-2019	FY 2018-2019		
Original Budget	MONTH Dec-18	Y-T-D Dec-18	Y-T-D % Budget
\$ 35,000	\$ -	\$ -	
373,835	\$ 39,542	\$ 39,900	10.7%
65	761	\$ 1,777	2733.8%
	220	\$ 576	
45,120	3,200	\$ 6,479	14.4%
		\$ -	
121,112	18,814	\$ 55,464	45.8%
746	-	\$ -	
	-	-	
	-	-	
-			
\$ 575,878	\$ 62,537	\$ 104,196	18.1%
168,360	-	-	0%
320,432	4,963	40,209	13%
51,120	5,896	30,004	59%
-	-	-	
\$ 539,912	\$ 10,859	\$ 70,213	13%
\$ 35,966	\$ 51,678	\$ 33,983	
-	-	-	
-	-	-	
-	-	-	
\$ 35,966			
\$ 290,178			
\$ 326,144			
-			
\$ 1,479			
220			
60%			

REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
FY 2019-20 WITH PRIOR YEAR COMPARISON
FOR THE MONTH ENDED DECEMBER 31, 2019

	CURRENT FISCAL YEAR			
	BUDGET	ACTUAL		
	FY 2019-20	MONTH	Y-T-D	Y-T-D
	Original Budget	Dec-19	Dec-19	% Budget
Revenues:				
MMD TAX CURRENT YEAR	\$ 35,000	\$ -	\$ -	
SALES TAX	410,401	45,450	\$ 45,820	11.2%
INVESTMENT INCOME	4,000	460	\$ 1,496	37.4%
MISCELLANEOUS INCOME	30,120	350	\$ 6,050	20.1%
INSURANCE REIMBURSEMENT		-	\$ -	
RENTAL FEES - SHOPPING CTR	221,207	20,832	\$ 59,877	27.1%
RENTAL INSURANCE		-	\$ -	
SALES OF ASSETS	-	-	\$ -	
PROCEEDS-DEBT/LOAN/LEASE	-	-	\$ -	
	-	-	\$ -	
Total Revenues	\$ 700,728	\$ 67,092	\$ 113,243	16.2%
Expenditures:				
ADMINISTRATION	169,377	10,043	32,337	19.09%
DEBT SERVICE	323,570	35,958	69,188	21.38%
TOWN SHOPPING CENTER	79,651	5,930	27,287	34.26%
TOWN CENTER REDEVELOPMENT	\$ -	-	-	
Total Expenditures	\$ 572,598	\$ 51,931	\$ 128,812	22.5%
Total Revenues Over (Under) Exp	\$ 128,130	\$ 15,161	\$ (15,569)	
Other Financing Sources (Uses):				
	-	-	-	
Operating Transfer to / from General Fund	-	-	-	
Total Other Financing Sources (Uses):	-	-	-	
	-	-	-	
Net Change in Fund Balance	\$ 128,130			
Fund Balance Oct 1	306,146			
Ending Fund Balance	\$ 434,276			
	-			
AVERAGE DAILY EXPENDITURES	\$ 1,569			
Number of Days In Reserve	277			
Fund Balance as a % of Expenditures	76%			

	PRIOR FISCAL YEAR			
	BUDGET	FY ACTUAL		
	FY 2018-2019	MONTH	Y-T-D	Y-T-D
	Original Budget	Dec-18	Dec-18	% Budget
	\$ 35,000	\$ -	\$ -	
	384,598	\$ 39,542	\$ 39,900	10.4%
	65	761	\$ 1,777	2733.8%
	24,120	3,200	\$ 6,479	26.9%
		-	\$ -	
	185,223	18,814	\$ 55,464	29.9%
	746	-	\$ -	0.0%
		-	\$ -	
		-	\$ -	
	-			
	\$ 629,752	\$ 62,317	\$ 103,620	16.5%
	168,360	-	-	0%
	320,432	4,963	40,209	13%
	51,120	5,896	30,004	59%
	-	-	-	
	\$ 539,912	\$ 10,859	\$ 70,213	13%
	\$ 89,840	\$ 51,458	\$ 33,407	
	-	-	-	
	-	-	-	
	-	-	-	
	\$ 89,840			
	\$ 168,179			
	\$ 258,019			
	-			
	\$ 1,479			
	174			
	48%			

EDC ADMIN

	CURRENT FISCAL YEAR			
	BUDGET	ACTUAL		
	FY 2019-20	MONTH	Y-T-D	Y-T-D
	Original Budget			
Expenditures:		Dec-19	Dec-19	% Budget
PRINTED SUPPLIES	\$ 2,000	\$ -	\$ -	0.0%
GENERAL OFFICE SUPPLIES	50	-	-	0.0%
POSTAGE	50	-	-	0.0%
	1,200			
SUPPLIES TOTAL	3,300	-	-	-
ADVERTISING	-	-	\$ -	
ASSOCIATION DUES/PUBLICATIONS	3,395	-	\$ -	0.0%
TRAINING/SEMINARS	250	-	\$ -	0.0%
LEGAL SERVICES	14,925	350	\$ 700	4.7%
AUDIT SERVICES	4,250	-	\$ -	0.0%
SPECIAL SERVICES	975		\$ (134)	-13.7%
FILING FEES	-			
ENGINEERING SERVICES				
TRAVEL	100	-	\$ -	
ENGINEERING SERVICES	-	-	\$ -	
ADMIN CHARGE-GENERAL FUND	116,318	9,693	\$ 29,080	25.0%
FUNCTIONAL GRANT	25,864	-	\$ 2,691	10.4%
LAND	-			
SUNDRY TOTAL	166,077	10,043	32,337	19.47%
CAPITAL TOTAL	-	-	-	-
	-	-	\$ -	
Total EDC Admin Expenditures	\$ 169,377	\$ 10,043	\$ 32,337	19.1%

	PRIOR FISCAL YEAR			
	BUDGET	FY ACTUAL		
	FY 2018-19	FY 2018-2019		
	Original Budget	MONTH Dec-18	Y-T-D Dec-18	Y-T-D % Budget
	\$ 2,000	\$ -	\$ -	0.0%
	50	-	\$ -	0.0%
	50	-	\$ -	0.0%
	1,200			
	3,300	-		0.0%
	-	-	\$ -	
	5,320	-	\$ -	0.0%
	250	-	\$ -	0.0%
	13,000	-	\$ -	0.0%
	4,250	-	\$ -	0.0%
	250	-	\$ -	0.0%
	100			0.0%
	-			
	117,890	-	\$ -	0.0%
	24,000	-	\$ -	0.0%
	165,060	-	-	0.0%
	-	-	-	
	-			
	\$ 168,360	\$ -	\$ -	0.0%

EDC DEBT SERVICE

	CURRENT FISCAL YEAR			
	BUDGET	ACTUAL		
	FY 2019-20	MONTH	Y-T-D	Y-T-D
	Original Budget			
Expenditures:		Dec-19	Dec-19	% Budget
2007 \$1.2M TAX BOND INTEREST	\$ 46,566	\$ -	\$ 23,213	49.8%
2007 \$1.2M TAX BOND PRINCIPAL	65,000		\$ -	0.0%
2011 \$1.7M TX LEVERAGE INT	18,122	1,351	\$ 4,386	24.2%
2011 \$17.M TX LEVERAGE PRIN	41,982	3,657	\$ 10,639	25.3%
TRANSFER OUT-DEBT SERV FUND	151,900	30,950	\$ 30,950	20.4%
	-			
Total EDC Debt Expenditures	\$ 323,570	\$ 35,958	\$ 69,188	21.4%

PRIOR FISCAL YEAR			
BUDGET	FY ACTUAL		
FY 2018-19	FY 2018-2019		
Original Budget	MONTH Dec-18	Y-T-D Dec-18	Y-T-D % Budget
\$ 50,735	\$ -	\$ 25,321	49.9%
60,000	-	\$ -	0.0%
12,834	1,685	\$ 5,054	39.4%
42,038	3,278	\$ 9,834	23.4%
154,825	-	\$ -	0.0%
-			
\$ 320,432	\$ 4,963	\$ 40,209	12.5%

EDCTOWN SHOPPING CENTER

	CURRENT FISCAL YEAR			
	BUDGET	ACTUAL		
	FY 2019-20	MONTH	Y-T-D	Y-T-D
	Original Budget	Dec-19	Dec-19	% Budget
Expenditures:				
BUILDING MAINTENANCE	\$ 54,951	\$ 5,430	\$ 15,004	27.3%
ELECTRIC SERVICES	5,700	-	\$ 780	13.7%
INSURANCE - PROPERTY	13,000	-	\$ 9,976	76.7%
SPECIAL SERVICES	6,000	500	\$ 1,527	25.5%
	-			
Total EDC Town Center Expenditures	\$ 79,651	\$ 5,930	\$ 27,287	34.3%

	PRIOR FISCAL YEAR			
	BUDGET	FY ACTUAL		
	FY 2018-19	FY 2018-19		
	Original Budget	MONTH Dec-18	Y-T-D Dec-18	Y-T-D % Budget
	\$ 29,920	\$ 5,498	\$ 16,727	55.9%
	6,700	398	\$ 1,138	17.0%
	8,500	-	\$ 11,139	131.0%
	6,000	-	\$ 1,000	16.7%
	-			
	\$ 51,120	\$ 5,896	\$ 30,004	58.7%

EDC TOWN CENTER REDEVELOPMENT

	CURRENT FISCAL YEAR			
	BUDGET	ACTUAL		
	FY 2019-20	MONTH	Y-T-D	Y-T-D
	Original Budget	Dec-19	Dec-19	% Budget
Expenditures:				
ENGINEERING SERVICES	\$ -	\$ -	\$ -	
CONSTRUCTION	-		\$ -	
	-			
Total EDC Town Center Expenditures	\$ -	\$ -	\$ -	

	PRIOR FISCAL YEAR			
	BUDGET	FY ACTUAL		
	FY 2018-19	FY 2018-19		
	Original Budget	MONTH Dec-18	Y-T-D Dec-18	Y-T-D % Budget
			\$ -	
		-	\$ -	
	-			
	\$ -	\$ -	\$ -	

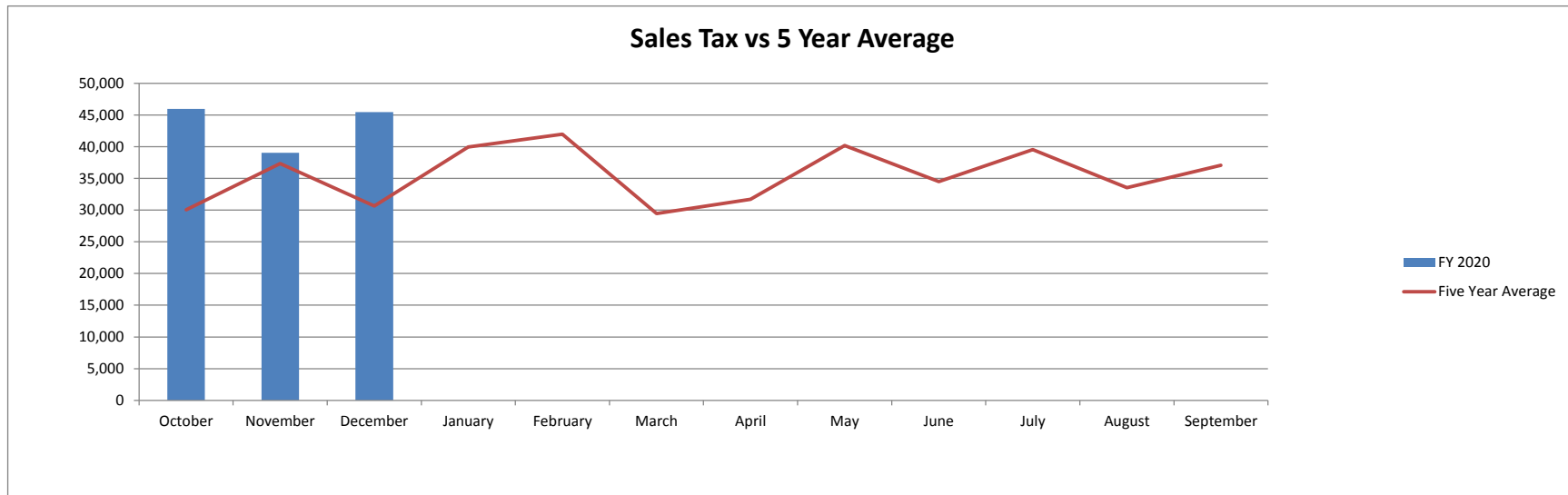
REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
FY 2019-20 WITH PRIOR YEAR COMPARISON
FOR THE MONTH ENDED DECEMBER 31, 2019

EDC BOND RESERVE FUND

		CURRENT FISCAL YEAR			PRIOR FISCAL YEAR			
	BUDGET	ACTUAL			BUDGET	FY ACTUAL		
	FY 2019-20	MONTH	Y-T-D	Y-T-D	FY 2018-19	FY 2018-19		
Revenues:	Original Budget	MONTH	Y-T-D	Y-T-D	Original Budget	MONTH Dec-18	Y-T-D Dec-18	Y-T-D % Budget
		Dec-19	Dec-19	% Budget				
INVESTMENT INCOME	2,000	148	\$ 498		-	220	\$ 576	
Total Revenues	\$ 2,000	\$ 148	\$ 498		\$ -	\$ 220	\$ 576	
Expenditures:								
ADMINISTRATION	\$ -	-	-			-	-	
Total Expenditures	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	
Total Revenues Over (Under) Exp	\$ 2,000	\$ 148	\$ 498		\$ -	\$ 220	\$ 576	
	-	-	-					
Net Change in Fund Balance	\$ 2,000			\$ -	\$ -	\$ -		
Fund Balance Oct 1	124,586				\$ 121,999			
Ending Fund Balance	\$ 126,586				\$ 121,999			

EDC Sales Tax By Month

Year	October	November	December	January	February	March	April	May	June	July	August	September	Total
FY2020	\$ 45,962	\$ 39,056	\$ 45,450										\$ 130,468
FY2019	\$ 31,048	\$ 38,680	\$ 39,362	\$ 88,360	\$ 45,433	\$ 36,033	\$ 34,603	\$ 46,432	\$ 38,783	\$ 43,510	\$ 36,757	\$ 47,143	\$ 526,144
FY2018	\$ 34,607	\$ 38,169	\$ 28,985	\$ 31,808	\$ 54,501	\$ 31,672	\$ 41,253	\$ 43,121	\$ 36,295	\$ 41,089	\$ 39,590	\$ 29,697	\$ 450,787
FY2017	\$ 29,583	\$ 38,719	\$ 27,285	\$ 29,652	\$ 35,265	\$ 26,215	\$ 29,043	\$ 33,374	\$ 26,747	\$ 33,648	\$ 16,530	\$ 28,850	\$ 354,908
FY2016	\$ 31,046	\$ 39,712	\$ 32,662	\$ 25,293	\$ 38,669	\$ 29,196	\$ 26,505	\$ 38,181	\$ 27,906	\$ 28,195	\$ 29,231	\$ 30,459	\$ 377,055
FY2015	\$ 23,985	\$ 31,479	\$ 27,515	\$ 24,594	\$ 35,857	\$ 24,104	\$ 27,064	\$ 39,783	\$ 42,821	\$ 55,252	\$ 48,766	\$ 59,232	\$ 440,453
FY2014	\$ 21,990	\$ 29,867	\$ 31,661	\$ 22,458	\$ 32,594	\$ 23,228	\$ 26,412	\$ 31,319	\$ 25,832	\$ 23,976	\$ 28,866	\$ 22,659	\$ 320,861
FY2013	\$ 33,617	\$ 31,297	\$ 23,446	\$ 20,135	\$ 30,003	\$ 20,791	\$ 20,318	\$ 32,020	\$ 21,136	\$ 22,435	\$ 27,973	\$ 26,025	\$ 309,197
													\$ -



MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: REPORTS AND ANNOUNCEMENTS ITEM IV.D.5.

SUBJECT

Fire Department Badge Pinning Ceremony

ORIGINATED BY

James Brown, Fire Chief

SUMMARY

At this time, Mayor Brian Johnson will swear in the following:

- Kinsmon Lancaster, Driver Engineer

The Firefighter's Oath

"I, {NAME}, solemnly swear that I will faithfully execute the duties of Firefighter of the state of Texas, City of Kennedale, and will to the best of my ability protect and serve the citizens of Kennedale in their time of need, so help me God."

RECOMMENDATION

ATTACHMENTS

STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: CONSENT AGENDA ITEM IV.E.1.

SUBJECT

Approval of the minutes from the January 21, 2020 regular meeting

ORIGINATED BY

Leslie E. Galloway, City Secretary & Communications Coordinator

SUMMARY

Please see the attached minutes for your approval.

RECOMMENDATION

ATTACHMENTS

1.	2020_01.20_Minutes_City Council Regular Meeting_DRAFT	2020_01.20_Minutes_City Council Regular Meeting_DRAFT.pdf
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KENNEDALE CITY COUNCIL MINUTES
REGULAR MEETING | JANUARY 21, 2020
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE
WORK SESSION AT 6:30 PM | REGULAR SESSION AT 7:00 PM

I. CALL TO ORDER

Mayor Pro Tem Sandra Lee called the Work Session to order at 6:30 p.m.

Mayor Johnson was not present for the Work Session, but arrived before the Regular Session.

II. WORK SESSION

A. WORK SESSION REPORTS

There was no discussion at this time.

B. REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA

City Manager George Campbell stated that Public Works Director Larry Hoover and City of Arlington Assistant Director of Water Utilities Darryl Westbrook were both available to answer questions from the Council about the Drought Contingency & Emergency Water Management Plan and the Water Conservation Plan (both on the Consent Agenda).

Larry Hoover then noted that Section 7.4 of the Water Conservation Plan incorrectly stated that the City required adherence to the 2006 International Plumbing Code (IPC), but the requirement is, in fact, the 2015 IPC, and that the document had been updated to reflect the 2015 IPC.

There was neither discussion nor questions from Council at this time.

Mayor Pro Tem Lee recessed the meeting at 6:33 p.m.

III. EXECUTIVE SESSION

THE COUNCIL DID NOT RECESS TO EXECUTIVE SESSION AT ANY TIME DURING THIS MEETING.

A. PURSUANT TO §551.071

1. Discussion with the City Attorney regarding salvage yards, including A&A Pickup & Van, Inc., Apache, Abs 1 Auto Parts, and special exception/special use permits
2. Discussion with the City Attorney regarding transition of utility billing customer service from Global Water Management, LLC

IV. REGULAR SESSION

Mayor Brian Johnson convened the Regular Session at 7:00 p.m.

A. ROLL CALL

PRESENT: Mayor Brian Johnson (*arrived following the Work Session*); Chris Pugh, Place 2; Mayor Pro Tem Sandra Lee, Place 3; Linda Rhodes, Place 4; Chad Wandel, Place 5; **ABSENT:** Josh Altom, Place 1; **STAFF:** City Manager George Campbell, City Secretary and Communications Coordinator Leslie E. Galloway, Director of Planning and Economic Development Melissa Dailey, Director of Finance and Information Technology Lakeita Sutton, Library Director Amanda King, Public Works Director Larry Hoover, Fire Chief James Brown, Police Chief Tommy Williams, City Attorney Drew Larkin; **CONSULTANTS:** Darryl Westbrook, Assistant Director of Water Utilities at City of Arlington (*left following the Work Session*)

B. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

Greg Adams, Pastor of Covenant Life Baptist Church, offered the invocation.

C. VISITOR AND CITIZEN FORUM

- **Thelma Kobeck**, 200 Valley Lane, spoke regarding the importance of the 2020 Census.
- **Bernadine Carter Herron**, Partnership Specialist for the Dallas Regional Census Center, spoke regarding the importance of the 2020 Census.
- **Joe Palmer**, 4017 Sanguinet Court, Fort Worth, spoke about the importance of accuracy and KABO's desire to see the businesses in Kennedale succeed.
- **Bob Willoughby**, 6731 Bridge Street, Fort Worth, asked several questions regarding Code Compliance.

D. REPORTS AND ANNOUNCEMENTS

1. Updates from the City Council

- **JOSH ALTOM, Place 1**, was not present at this meeting.
- **CHRIS PUGH, Place 2**, announced that he attended the FUMC Community Dinner.
- **MAYOR PRO TEM SANDRA LEE, Place 3**, announced that she attended the Women's March and a Martin Luther King, Jr. Banquet and celebrated her 37th wedding anniversary.
- **CHAD WANDEL, Place 5**, announced that he met with companies interested in Kennedale and served as Grand Marshal of the Disney New Year's Day Parade while on vacation.
- **LINDA RHODES, Place 4**, announced that she attended the Chamber of Commerce meeting for the State of the City Address; wished the YAC well at YAC Summit in February; and stated her desire to see YAC attend an upcoming meeting to give Council a briefing.

2. Updates from the Mayor

Mayor Johnson did not have any updates at this time.

3. Updates from the City Manager

City Manager George Campbell thanked those speaking regarding the 2020 Census and noted that staff would be working to promote it. He then reminded the Council that the Employee Awards Banquet would be Friday, February 7.

4. Financial Reports for the City

Director of Finance and Information Technology Lakeita Sutton presented highlights and was available to answer questions from the Council. She noted that all major funds were on track; and that, because property taxes were due in January, the General Fund revenue was ahead (at about 45%). There was brief discussion regarding franchise fees, rebuilding of the fund balance, and savings via the delay of filling vacant personnel positions.

5. Schedule of Investment Activity for quarter ending December 31, 2019

Sutton noted that there was nothing specific to highlight, but that she was available to answer questions. Mayor Johnson thanked her for the clear and concise reports she was providing.

E. CONSENT AGENDA

1. Approval of the minutes from the December 17, 2019 regular meeting
2. Approval of Resolution 564 calling the General Election for May 2, 2020
3. Approval of Ordinance 688, adopting the 2019 updates to the City of Kennedale Drought

Contingency and Emergency Water Management Plan

4. Approval of Ordinance 689, adopting the 2019 City of Kennedale Water Conservation Plan
5. Approval of Resolution 565, adopting the Tarrant County Hazard Mitigation Action Plan (HazMAP), ver. January 2020
6. Receive the 2019 Racial Profiling Report from the Police Department

Motion Approve. **Action** Approve the Consent Agenda, with corrections to page 2 of the December 17 minutes (under item IV.C. Visitor and Citizen Forum, correcting Nancy Neal to read “Linda Neal” and under IV.D.1. Updates from the City Council, striking “KPFFA” from before the words “Angel Tree” on Linda Rhodes’ announcements); and with the edit to Section 7.4 of the Water Conservation Plan to correctly reflect utilization of the 2015 International Plumbing Code (IPC) rather than the 2006 IPC (as discussed during Work Session), **Moved By** Rhodes, **Seconded By** Wandel. **Motion passed unanimously.**

F. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider authorizing the City Manager to enter into a contract with SAFEbuilt for provision of building inspection services

Director of Planning and Economic Development Melissa Dailey stated that, since the recent resignation of the Building Inspector, staff had contracted with SAFEbuilt for inspections and plan reviews; and was recommending a 12-month contract with an option to renew. There was some discussion of the cost of contracting versus salary and benefits; the method for calculating the related requested fee adjustments on the next agenda item; and for which items SAFEbuilt would be utilized. Lee Swain of SAFEbuilt, gave a brief overview of the company and was available to answer questions from the Council.

Motion Approve. **Action** Approve authorizing the City Manager to enter into a contract with SAFEbuilt for provision of building inspection services, **Moved By** Wandel, **Seconded By** Pugh. **Motion passed unanimously.**

2. Consider adoption of Ordinance 690, amending the Kennedale Municipal Code, by amending Exhibit A “Schedule of Fees” of Section 2-3, “Fees for licenses, inspections, permits, etc.” to adjust minimum permitting and inspection fees

Director of Planning and Economic Development Melissa Dailey stated that these recommended fees were based on the actual costs from SAFEbuilt as well as other comparable cities’ fees, specifically noting that the minimum fee would be increased from \$55.00 to \$90.00 (with the exception of garage sale permits) and that commercial building permits changed by about 10% on the highest tier. There was some discussion regarding the inability to base permits on the value of the project and how often the fee schedule should be reviewed in whole. There was a recommendation by Councilmember Rhodes to consider what utility deposits are required for multifamily developments.

- **Joe Palmer**, 4017 Sanguinet Court, Fort Worth, posed several questions and urged Council to further consider the requested changes before approving this item.

Motion Approve. **Action** Approve adoption of Ordinance 690, amending the Kennedale Municipal Code, by amending Exhibit A “Schedule of Fees” of Section 2-3, “Fees for licenses, inspections, permits, etc.” to adjust minimum permitting and inspection fees, **Moved By** Wandel, **Seconded By** Pugh.

Councilmember Wandel noted that in the past year, there were only two commercial permits

that would fall into this fee schedule and that both were for more than \$10,000.00.

Motion passed with a vote of 3-1, with Mayor Pro Tem Lee voting against approval.

3. Consider approval of Ordinance 691, authorizing the issuance, sale and delivery of approximately \$1,255,000 in aggregate principal amount of City of Kennedale, Texas General Obligation Refunding Bond, Series 2020; securing the payment thereof by authorizing the levy of an annual ad valorem tax; and approving and authorizing the execution of all instruments and procedures related thereto including a deposit agreement, a paying agent/registrar agreement and a purchase contract and investment letter

Director of Finance and Information Technology Lakeita Sutton stated that, during the last meeting, the Council had authorized moving forward with this refunding, which would offer savings in the EDC Fund greater than had been projected. She added that Andrew Friedman of SAMCO Capital had since taken this to market and that adoption of Ordinance 691 would authorize the issuance of the refunding bond, in the form of a 2020 General Obligation (GO) bond which would essentially refinance the Certificates of Obligation (CO) issued by the EDC in 2010. Friedman stated that the best bid was from JP Morgan in Dallas, noting that this refunding would offer \$164,000 in savings for the EDC Fund.

- **Joe Palmer**, 4017 Sanguinet Court, Fort Worth, stated his opinion that the EDC should sell some of its property.

Motion Approve. Action Approve Ordinance 691, authorizing the issuance, sale and delivery of approximately \$1,255,000 in aggregate principal amount of City of Kennedale, Texas General Obligation Refunding Bond, Series 2020; securing the payment thereof by authorizing the levy of an annual ad valorem tax; and approving and authorizing the execution of all instruments and procedures related thereto including a deposit agreement, a paying agent/registrar agreement and a purchase contract and investment letter, **Moved By** Pugh, **Seconded By** Mayor Pro Tem Lee. **Motion passed unanimously**, with a vote of 4-0-0.

G. PUBLIC HEARINGS

H. TAKE ACTION NECESSARY, PURSUANT TO EXECUTIVE SESSION, IF NEEDED

1. Take any action deemed necessary as a result of the Executive Session

There was neither discussion nor action at this time.

V. **ADJOURNMENT**

Motion Adjourn. Action Adjourn, Moved By Mayor Pro Tem Lee, **Seconded By** Rhodes. **Motion passed unanimously.**

Mayor Johnson adjourned the meeting at 7:53 p.m.

APPROVED:

ATTEST:

BRIAN JOHNSON, MAYOR

LESLIE E. GALLOWAY, CITY SECRETARY

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM IV.F.1.

SUBJECT

Consider adoption of Resolution 566 in support of the Safe Routes to School (SRTS) plan for infrastructure improvements in the Crestdale area around James F. Delaney Elementary and James A. Arthur Intermediate Schools and the 2020 application for SRTS funding

ORIGINATED BY

Melissa Dailey, Director of Planning & Economic Development

SUMMARY

HISTORY OF SAFE ROUTES TO SCHOOL (SRTS) PROGRAM

After receiving Transportation Investment Generating Economic Recovery (TIGER) federal funding to address school transportation safety, The North Central Texas Council of Governments (NCTCOG) requested proposals for Safe Routes to School (SRTS) programs. SRTS programs aim to improve safety and increase levels of physical activity by encouraging students to walk or bicycle to school through infrastructure improvements, enforcement, tools, safety education, and incentives.

The City of Kennedale requested that NCTCOG consider improvements to the Crestdale area, with a focus on pedestrian connections to James F. Delaney Elementary and James A. Arthur Intermediate Schools. Since, staff has worked closely with NCTCOG, Kennedale ISD, and other stakeholders to identify needs and possible pedestrian improvements.

This work resulted in a plan for new sidewalks in the Crestdale area (proposal attached). In 2018, City Council approved the required 20% match of \$165,327 for implementation of the SRTS program (at an estimated total cost of \$826,633). Staff continues to coordinate with NCTCOG to move this project forward, with the next steps including finalizing funding from NCTCOG and beginning design.

CURRENT CONSIDERATION

The attached Resolution reaffirms to NCTCOG the City Council's intent to allocate the necessary funding as well as support of staff's continued pursuit of this partnership including, but not limited to, application to NCTCOG for 2020 funding for the project.

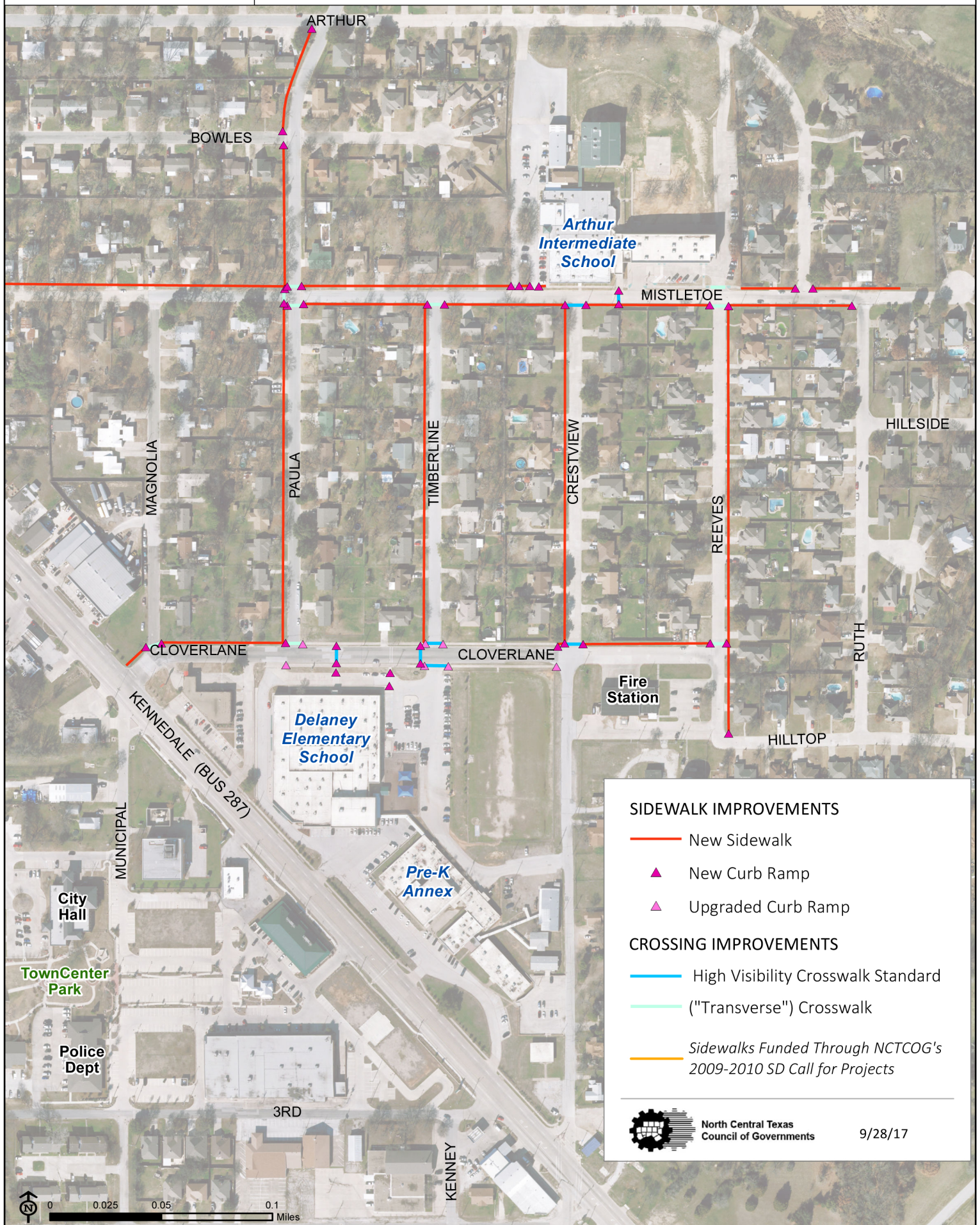
Staff will be available to answer questions from the Council.

RECOMMENDATION

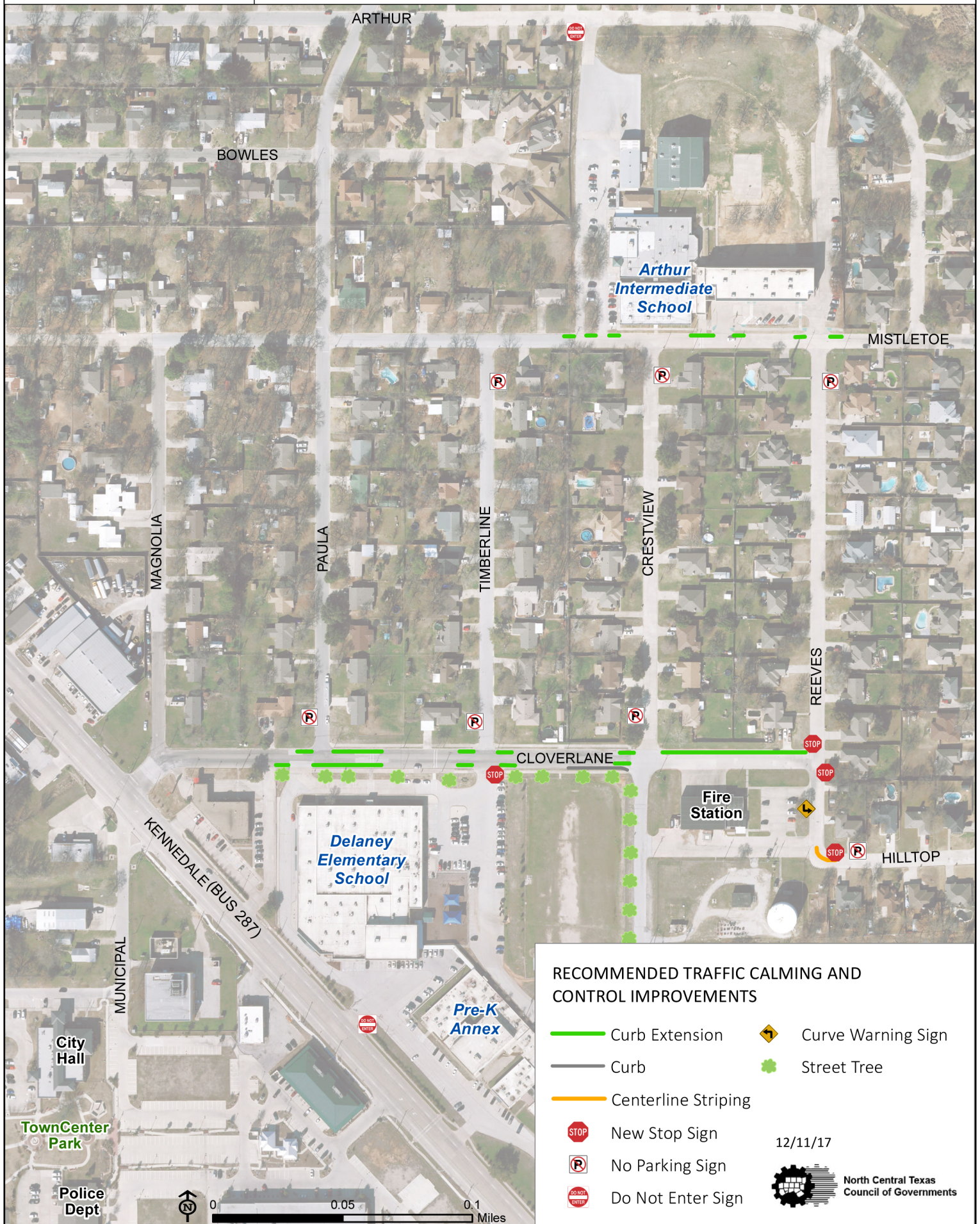
Approve

ATTACHMENTS

1.	SRTS Plan (Revised 01.2020) Sidewalks and Crossings	SRTS Plan (Revised 01.2020) Sidewalks and Crossings.pdf
2.	SRTS Plan (Revised 01.2020) Traffic Calming	SRTS Plan (Revised 01.2020) Traffic Calming.pdf
3.	R566 SRTS NCTCOG	R566 SRTS NCTCOG.pdf



Recommended Traffic Calming and Control Improvements



RESOLUTION NO. 566

A RESOLUTION OF THE CITY OF KENNEDALE IN SUPPORT OF THE SAFE ROUTES TO SCHOOL PROGRAM TRANSPORTATION ALTERNATIVES PROJECT.

WHEREAS, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy board associated with the North Central Texas Council of Governments and the regional forum for cooperative decisions on transportation; and

WHEREAS, the Regional Transportation Council will award funding on September 10, 2020 for active transportation and safe routes to school projects through the Transportation Alternatives Call for Projects; and

WHEREAS, the City of Kennedale (the "City") intends to submit a Transportation Alternatives project application for the Safe Routes to School Program (the "Project") to the North Central Texas Council of Governments prior to the May 15, 2020 deadline; and

WHEREAS, the Regional Transportation Council requires the submittal of a resolution as part of the Transportation Alternatives Call for Projects application submission.

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

SECTION 1.

The City supports the Project as applied for in the 2020 Transportation Alternatives Call for Projects application.

SECTION 2.

The City will serve as the Project Sponsor and lead Project contact on this Project. The City agrees to designate a single point of contact for the Project.

SECTION 3.

The City commits to fund or pass through funds from other sources for a minimum local cash match of twenty percent (20%) of the total Project cost.

SECTION 4.

The City confirms that the City, not the Regional Transportation Council, will be responsible for any cost overruns.

SECTION 5.

The City understands and acknowledges that all awarded funding is provided on a reimbursement basis.

SECTION 6.

The City confirms the Project timeline is realistic and commits that if the Project is selected for funding, an agreement will be executed within one year of selection and the Project will advance to construction within three years from the date of selection.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY, 2020.

APPROVED:

MAYOR, BRIAN JOHNSON

[CITY SEAL]

ATTEST:

CITY SECRETARY, LESLIE E. GALLOWAY

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM IV.F.2.

SUBJECT

Consider adoption of Resolution 567, approving the sale of 7215 Bloxom Park Road, real property owned by the Economic Development Corporation (EDC)

ORIGINATED BY

Melissa Dailey, Director of Planning & Economic Development

SUMMARY

The Economic Development Corporation (EDC) owns two properties in the Bloxom Industrial Park: 7215 Bloxom Park Road and 7224 Bloxom Park Road (next item on this agenda). Each of these properties is approximately one acre of vacant land. At the EDC Board's request, staff listed each of the properties for sale at market rate, based on recent comparable sales. The EDC Board hopes that sale of these properties will encourage private development of the lots, which would generate jobs and property tax revenue.

7215 Bloxom Park Road was listed at \$85,000. The EDC Board considered a proposed contract for 7215 Bloxom Park Road for \$82,000 from Double K, LLC at their regular meeting on January 28, 2020, and is recommending approval of the contract at this price (via the attached EDC Resolution 7).

If approved by Council, the attached Resolution 567 would authorize City Manager George Campbell, acting as Executive Director of the EDC, to finalize the sale of 7215 Bloxom Park Road for a price of \$82,000.00.

Staff will be available to respond to questions from the Council .

RECOMMENDATION

Approve

ATTACHMENTS

1.	EDC - Resolution No. 7	EDC - Resolution No. 7.pdf
2.	R567 7215 Bloxom Sale	R567 7215 Bloxom Sale.pdf

RESOLUTION NO. 7

A RESOLUTION APPROVING THE SALE OF CERTAIN REAL PROPERTY DESCRIBED AS BLOCK 1, LOT 2R1, BLOXOM PARK ADDITION, KENNEDALE, TEXAS; ALSO KNOWN AS 7215 BLOXOM PARK ROAD, KENNEDALE, TEXAS.

WHEREAS, the Kennedale Economic Development Corporation ("KEDC") is the owner of a certain tract of real property described as Block 1, Lot 2R1, Bloxom Park Addition, Kennedale, Texas, more commonly known as 7215 Bloxom Park Road, Kennedale, Texas ("Property"); and

WHEREAS, the KEDC was presented an offer made by Double K, LLC, a Texas limited liability company to purchase the Property for the sum of \$82,000.00; and

WHEREAS, the Board of Directors of the KEDC has determined that the project (as that term is defined in Title 12, Subtitle C1 of the Texas Local Government Code) for which the Property was required is no longer viable and desires to sell the Property for fair market value; and

WHEREAS, the Board of Directors finds that the sale of the Property will benefit the proper and orderly growth of the City of Kennedale.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE KENNEDALE ECONOMIC DEVELOPMENT CORPORATION, THAT:

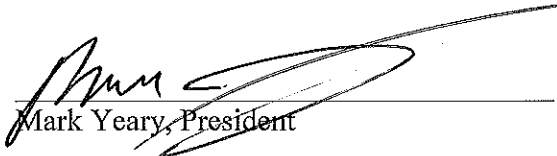
SECTION 1

The sale and conveyance of the Property to Double K, LLC, a Texas limited liability company, is authorized.

SECTION 2

The Executive Director of the KEDC is authorized to negotiate, finalize, and execute all documents in order to complete the conveyance of the Property, including, but not limited to: (i) a contract of sale; (ii) a deed conveying the Property; and (iii) any matters reasonably requested by the title company.

PASSED AND APPROVED on this the 28 day of January, 2020.


Mark Yeary, President

ATTEST:


Rosie Ericson, Secretary

RESOLUTION NO. 567

A RESOLUTION APPROVING THE SALE OF CERTAIN REAL PROPERTY DESCRIBED AS BLOCK 1, LOT 2R1, BLOXOM PARK ADDITION, KENNEDALE, TEXAS; ALSO KNOWN AS 7215 BLOXOM PARK ROAD, KENNEDALE, TEXAS.

WHEREAS, the Kennedale Economic Development Corporation ("KEDC") is the owner of a certain tract of real property described as Block 1, Lot 2R1, Bloxom Park Addition, Kennedale, Texas, more commonly known as 7215 Bloxom Park Road, Kennedale, Texas ("Property"); and

WHEREAS, the KEDC was presented an offer made by Double K, LLC, a Texas limited liability company to purchase the Property for the sum of \$82,000.00; and

WHEREAS, the Board of Directors of the KEDC has determined that the project (as that term is defined in Title 12, Subtitle C1 of the Texas Local Government Code) for which the Property was required is no longer viable and desires to sell the Property for fair market value; and

WHEREAS, the City Council desires to approve the sale of the Property.

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

SECTION 1.

The sale and conveyance of the Property to Double K, LLC, a Texas limited liability company, is approved.

SECTION 2.

The Executive Director of the KEDC is authorized to negotiate, finalize, and execute all documents in order to complete the conveyance of the Property, including, but not limited to: (i) a contract of sale; (ii) a deed conveying the Property; and (iii) any matters reasonably requested by the title company.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY, 2020.

APPROVED:

MAYOR, BRIAN JOHNSON

[CITY SEAL]
ATTEST:

CITY SECRETARY, LESLIE E. GALLOWAY

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM IV.F.3.

SUBJECT

Consider adoption of Resolution 568 approving the sale of 7224 Bloxom Park Road, real property owned by the Economic Development Corporation (EDC)

ORIGINATED BY

Melissa Dailey, Director of Planning & Economic Development

SUMMARY

The Economic Development Corporation (EDC) owns two properties in the Bloxom Industrial Park: 7215 Bloxom Park Road (previous item on this agenda) and 7224 Bloxom Park Road. Each of these properties is approximately one acre of vacant land. At the EDC Board's request, staff listed each of the properties for sale at market rate, based on recent comparable sales. The EDC Board hopes that sale of these properties will encourage private development of the lots, which would generate jobs and property tax revenue.

7224 Bloxom Park Road was listed at \$75,000. The EDC Board considered a proposed contract for 7224 Bloxom Park Road for \$75,000 from Ciro Jesus Leal and Marlen Hernandez at their regular meeting on February 12, 2020, and is recommending approval of the contract at this price (via the attached EDC Resolution 8).

If approved by Council, the attached Resolution 568 would authorize City Manager George Campbell, acting as Executive Director of the EDC, to finalize the sale of 7224 Bloxom Park Road for a price of \$75,000.00.

Staff will be available to respond to questions from the Council .

RECOMMENDATION

Approve

ATTACHMENTS

1.	EDC Resolution No. 8	EDC Resolution No. 8.pdf
2.	R568 7225 Bloxom Sale	R568 7225 Bloxom Sale.pdf

RESOLUTION NO. 8

A RESOLUTION APPROVING THE SALE OF CERTAIN REAL PROPERTY DESCRIBED AS BLOCK 2, LOT 1, BLOXOM PARK ADDITION, KENNEDALE, TEXAS; ALSO KNOWN AS 7224 BLOXOM PARK ROAD, KENNEDALE, TEXAS.

WHEREAS, the Kennedale Economic Development Corporation ("KEDC") is the owner of a certain tract of real property described as Block 2, Lot 1, Bloxom Park Addition, Kennedale, Texas, more commonly known as 7224 Bloxom Park Road, Kennedale, Texas ("Property"); and

WHEREAS, the KEDC was presented an offer made by Ciro Jesus Leal and Marlen Hernandez, a Texas limited liability company to purchase the Property for the sum of \$75,000.00; and

WHEREAS, the Board of Directors of the KEDC has determined that the project (as that term is defined in Title 12, Subtitle C1 of the Texas Local Government Code) for which the Property was required is no longer viable and desires to sell the Property for fair market value; and

WHEREAS, the Board of Directors finds that the sale of the Property will benefit the proper and orderly growth of the City of Kennedale.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE KENNEDALE ECONOMIC DEVELOPMENT CORPORATION, THAT:

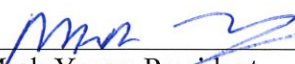
SECTION 1

The sale and conveyance of the Property to Ciro Jesus Leal and Marlen Hernandez, is authorized.

SECTION 2

The Executive Director of the KEDC is authorized to negotiate, finalize, and execute all documents in order to complete the conveyance of the Property, including, but not limited to: (i) a contract of sale; (ii) a deed conveying the Property; and (iii) any matters reasonably requested by the title company.

PASSED AND APPROVED on this the 12 day of February, 2020.



Mark Yeary, President

ATTEST:



Rosie Ericson, Secretary

RESOLUTION NO. 568

A RESOLUTION APPROVING THE SALE OF CERTAIN REAL PROPERTY DESCRIBED AS LOT 1, BLOCK 2, BLOXOM PARK ADDITION, KENNEDALE, TEXAS; ALSO KNOWN AS 7224 BLOXOM PARK ROAD, KENNEDALE, TEXAS.

WHEREAS, the Kennedale Economic Development Corporation ("KEDC") is the owner of a certain tract of real property described as Lot 1, Block 2, Bloxom Park Addition, Kennedale, Texas, more commonly known as 7224 Bloxom Park Road, Kennedale, Texas ("Property"); and

WHEREAS, the KEDC was presented an offer made by Ciro Jesus Leal and Marlen Hernandez to purchase the Property for the sum of \$75,000.00; and

WHEREAS, the Board of Directors of the KEDC has determined that the project (as that term is defined in Title 12, Subtitle C1 of the Texas Local Government Code) for which the Property was required is no longer viable and desires to sell the Property for fair market value; and

WHEREAS, the City Council desires to approve the sale of the Property.

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

SECTION 1.

The sale and conveyance of the Property to Ciro Jesus Leal and Marlen Hernandez is approved.

SECTION 2.

The Executive Director of the KEDC is authorized to negotiate, finalize, and execute all documents in order to complete the conveyance of the Property, including, but not limited to: (i) a contract of sale; (ii) a deed conveying the Property; and (iii) any matters reasonably requested by the title company.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY, 2020.

APPROVED:

MAYOR, BRIAN JOHNSON

ATTEST:

CITY SECRETARY, LESLIE E. GALLOWAY

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM IV.G.1.

SUBJECT

CASE # PZ 20-01 — Conduct a public hearing and consider a request by Azam Shaikh for a replat of approximately 1 acre of land at 800 Shady Bend Drive, legal description of Block 1, Lot 36, Shady Creek East Addition, Kennedale, Tarrant County, Texas

ORIGINATED BY

Melissa Dailey, Director of Planning & Economic Development

SUMMARY

The applicant has requested to re-plat his property located at 800 Shady Bend Drive to create two lots from the single lot with the intent to build another home on the property. This property is located in the platted subdivision of Shady Creek East which is zoned "R1" Residential. R1 requires a minimum of ½ acre, or 21,780 square feet. The applicant has one of the largest lots in the neighborhood at 1.04 acres, or 45,116 square feet. The lot with a single family home is located on a cul-de-sac fronting Shady Bend Drive and backing onto Border Lane.

Once re-platted, each lot would meet R1 requirements at just over ½ acre each. Staff has reviewed the proposed re-plat and has determined that all city requirements have been met. Since this is an established subdivision, all infrastructure is already in place, including drainage mitigation. A drainage easement for detention exists along the eastern edge of the neighborhood. The additional lot created from the re-plat would be large enough with required setbacks and with the drainage easement that exists on part of the lot to build a home that would meet all city requirements. Access to this home would be from Border Lane.

The Planning & Zoning Commission approved this case unanimously at the regular meeting on January 16, 2020.

RECOMMENDATION

Approve plat as presented

ALTERNATIVE ACTIONS:

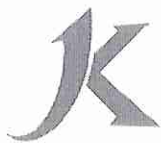
Approve with conditions (must reference regulations related to conditions)

Disapprove (must reference regulations not met)

ATTACHMENTS

1.	PZ 20-01 Plat	PZ 20-01 Plat.pdf
2.	PZ 20-01 Response Forms	PZ 20-01 Response Forms.pdf

Lots 36R-1 and 36R-2, Block 1
being a Replat of Lot 36, Block 1
of "Shady Creek East, Section Two",
as recorded in Cabinet A, Slide 5039,
Plat Records of Tarrant County, Texas



KENNEDALE
Planning Department
www.cityofkennedale.com

NOTIFICATION RESPONSE FORM

Case PZ ~~19-13~~ 20-01

P&Z Meeting Date: January 16th, 2020 at 6:00 p.m.

Your Name: Mario and Miriam Uamas

Address: 1022 Harrison Dr., Kennedale, TX 76060

Please provide completed forms via mail, fax or hand delivery before the start of the scheduled public hearing.

Being the owner(s) of the property so noted above, are hereby

In favor of

opposed to

undecided about

(circle or underline)

the proposed Application referenced above.

Comments (optional)

My husband and I think that this is
a great project.

Signature Miriam Uamas

Date: 12/19/2019

Printed Name(s) Miriam Uamas

One form per property

Phone number (optional) (817) 913-9842

Direct questions and mail or deliver responses to the address below, call (817) 985-2135, or fax form to (817) 483-0812

NOTIFICATION RESPONSE FORM

Case PZ 19-43 ²⁰⁻⁰¹ JAN. 16, 2020
P&Z Meeting Date: ~~December 2, 2019~~ at 6:00 p.m.

Your Name: John & Mary Ann Poll

Address: 1020 Harrison Drive, Kennedale, TX 76060

Please provide completed forms via mail, fax or hand delivery before the start of the scheduled public hearing.

Being the owner(s) of the property so noted above, are hereby

In favor of

opposed to

undecided about

(circle or underline)

the proposed Application referenced above.

Comments (optional)

Signature

John Poll
Mary Ann Poll

Date:

12/26/2019

Printed Name(s) MARY Ann POLL John Poll
One form per property

Phone number (optional) 817-330-3242

Direct questions and mail or deliver responses to the address below, call (817) 985-2135, or fax form to (817) 483-0812

NOTIFICATION RESPONSE FORM

Case PZ ~~10-13~~ 20-01

P&Z Meeting Date: January 16th, 2020 at 6:00 p.m.

Your Name: TERRY WRIGHT

Address: 620 COOPER LANE

Please provide completed forms via mail, fax or hand delivery before the start of the scheduled public hearing.

Being the owner(s) of the property so noted above, are hereby

In favor of

opposed to

undecided about

(circle or underline)

the proposed Application referenced above.

Comments (optional)

Signature

Terry Wright

Date:

12/19/2019

Printed Name(s)

TERRY WRIGHT

One form per property

Phone number (optional) _____

Direct questions and mail or deliver responses to the address below, call (817) 985-2135, or fax form to (817) 483-0812



KENNEDALE
Planning Department
www.cityofkennedale.com

NOTIFICATION RESPONSE FORM

Case PZ ~~19-13~~ 20-01

P&Z Meeting Date: January 16th, 2020 at 6:00 p.m.

Your Name: Robert L. Gutierrez

Address: 803 Shady Bend Dr

Please provide completed forms via mail, fax or hand delivery before the start of the scheduled public hearing.

Being the owner(s) of the property so noted above, are hereby

In favor of

opposed to

undecided about

(circle or underline)

the proposed Application referenced above.

Comments (optional)

Signature

Robert L. Gutierrez

Date:

12/22/19

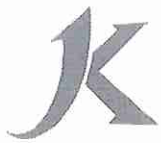
Printed Name(s)

Robert L. Gutierrez

One form per property

Phone number (optional)

Direct questions and mail or deliver responses to the address below, call (817) 985-2135, or fax form to (817) 483-0812



KENNEDALE
Planning Department
www.cityofkennedale.com

NOTIFICATION RESPONSE FORM

Case PZ ~~10-13~~ 20-01

P&Z Meeting Date: January 16th, 2020 at 6:00 p.m.

Your Name: Mohammad Wafayee

Address: 813 Shady Bend Dr Kennedale TX 76060

Please provide completed forms via mail, fax or hand delivery before the start of the scheduled public hearing.

Being the owner(s) of the property so noted above, are hereby

In favor of

opposed to

undecided about

(circle or underline)

the proposed Application referenced above.

Comments (optional)

Signature Ishag Mohamed Date: 12/22/19

Printed Name(s) Mohammad Wafayee
One form per property

Phone number (optional) _____

Direct questions and mail or deliver responses to the address below, call (817) 985-2135, or fax form to (817) 483-0812

NOTIFICATION RESPONSE FORM

Case PZ 20-01

P&Z Meeting Date: January 16, 2020 at 6:00 p.m.

Your Name: RONALD E. STOVER

Address: 621 504 LN

Please provide completed forms via mail, fax or hand delivery before the start of the scheduled public hearing.

Being the owner(s) of the property so noted above, are hereby

In favor of

opposed to

undecided about

(circle or underline)

the proposed Application referenced above.

Comments (optional)

The back of the property has waste pond
drainage

Signature R. E. Stover

Date: 1/9/2020

Printed Name(s) RONALD E. STOVER
One form per property

Phone number (optional) _____

Direct questions and mail or deliver responses to the address below, call (817) 985-2135, or fax form to (817) 483-0812

MEETING DATE: FEBRUARY 18, 2020

AGENDA ITEM NUMBER: PURSUANT TO EXECUTIVE SESSION ITEM IV.H.1.

SUBJECT

Take any action deemed necessary as a result of the Executive Session

ORIGINATED BY

George Campbell, City Manager

SUMMARY

RECOMMENDATION

ATTACHMENTS