

**KENNEDALE CITY COUNCIL AGENDA
REGULAR MEETING VIA VIDEOCONFERENCE*
JUNE 16, 2020 AT 5:30 PM**

**MEMBERS OF THE PUBLIC MAY JOIN BY VISITING
WWW.CITYOFKENNEDALE.COM/JOINMEETING AND/OR BY DIALING
1-877-853-5257 (TOLL-FREE) AND USING ACCESS CODE 76060-76060**

***NOTE: IF THE GOVERNOR'S DISASTER DECLARATION AND/OR ORDERS WAIVING IN-PERSON MEETING REQUIREMENTS EXPIRE JUNE 12 WITHOUT RENEWAL, THIS MEETING WILL BE OPEN TO THE PUBLIC AT: CITY HALL COUNCIL CHAMBERS | 405 MUNICIPAL DRIVE, KENNEDALE, TX 76060**

**FINAL DETAILS REGARDING PUBLIC MEETING ACCESS WILL BE MADE AVAILABLE AT
WWW.CITYOFKENNEDALE.COM/CAL NO LATER THAN 8:00 A.M. ON THE DATE OF THE MEETING.**

I. CALL TO ORDER

*If this meeting is held via videoconference, the public may join this meeting via the web address and/or toll-free phone number and access code provided above. To reduce background noise, all participants are muted. Please leave yourself on mute unless you are called upon by the Mayor and are actively speaking. Toggle between mute and unmute by pressing *6 on your keypad. **Anyone wishing to address the Mayor and City Council regarding any item on this agenda may do so as the item is considered.** If you would like to speak on the current item, please indicate as much by pressing *9 on your telephone keypad or the "Raise Hand" button under the "Participants" tab on your computer or smart device. If you have joined via telephone only, the Mayor may call upon you to speak using the last four digits of your phone number. If you have joined by browser or app, ensure that you enter your name as you would like to be recognized during the meeting. As usual, speakers should begin by stating their name and address, will be allotted three (3) minutes, should limit their comments to the current item, and should address the Council as a whole, rather than individual Councilmembers or staff.*

II. EXECUTIVE SESSION

The City Council reserves the right to meet in Executive Session at any time during this meeting (which will be accomplished by the Mayor, Council, City Attorney, and any necessary staff temporarily disconnecting from the public videoconference to convene in a separate private videoconference) 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 salvage yards, including A&A Pickup & Van, Inc., Apache, Abs 1 Auto Parts, and special exception/special use permits
2. Municipal Judge Appointment

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 §551.074 — *Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee; and the following:*

1. Municipal Judge Appointment

III. WORK SESSION

A. WORK SESSION REPORTS

1. Presentation and discussion regarding the proposed plan to establish a connection between the City of Kennedale and City of Arlington water utility systems
2. Receive a presentation and hold a discussion regarding game room regulation
3. Discussion of issues relating to the Coronavirus (COVID-19) emergency

B. REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA

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 about items not on the agenda. The rules and procedures for addressing the Council during a remote meeting are included under "I. CALL TO ORDER". Neither formal action nor discussion may occur at this time. Those wishing, instead, to speak on an agenda item should indicate their desire to speak as the Council considers that item.

D. REPORTS AND ANNOUNCEMENTS

1. Updates from the City Council
2. Updates from the Mayor
3. Updates from the City Manager
4. Financial Reports for the City

E. CONSENT AGENDA

1. Approval of the minutes from the May 12, 2020 special meeting
2. Approval of the minutes from the May 19, 2020 regular meeting
3. Consider adoption of Ordinance 702, amending Ordinance 611 by increasing the Senior and Disabled Persons Water And Sewer Rate Credits and amending section 23-83 of the Kennedale City Code to require applicants to reapply every two years
4. Consider approval of Ordinance 703, amending Chapter 15 "Nuisances" of the Kennedale City Code by regulating the planting of bamboo within the City

F. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider approval of Ordinance 704, amending the Kennedale City Code, by amending Exhibit A "Schedule of Fees" of Section 2-3, "Fees for Licenses, Inspections, Permits, etc." by

amending fees and provisions related to check and credit card payments for utility billing; amending water and wastewater, utility billing, and public works fees to adopt the City of Arlington's fee schedule for water and wastewater deposits, meter fees, tap fees, testing fees, and other related services and charges

2. Consider approval of Ordinance 705, amending the Fiscal Year 2019–2020 Adopted Budget of the City of Kennedale, Texas
3. Consider authorizing the City Manager to sign an Interlocal Agreement (ILA) for County game room regulations, permitting, and enforcement within the City limits

G. PUBLIC HEARINGS

1. **Case #PZ 20-02** — Conduct a public hearing and consider Ordinance 706 regarding a request by Ahmad and Theresa Khammash for a rezoning from "R2" to "R3" Residential for approximately 8 acres located at 5869 Eden Road, Jesse Russell Survey, Abstract 1361, Tracts 9F Improvement, 9F01A, 9F01 and 9D02, City of 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**

Pursuant to the March 16, 2020 Proclamation issued by Governor Abbott suspending various provisions of Chapter 551, VTCA, Government Code, the public may join this remote meeting of the City Council via videoconference and/or teleconference. The Mayor and Council will also be participating remotely in compliance with the Texas Open Meetings Act and under provisions provided by the Governor in conjunction with the Declaration of Disaster enacted March 13, 2020. Virtual meetings are aimed at advancing social distancing by limiting in-person interaction to slow the spread of COVID-19. If you should have questions, please contact the City Secretary at 817-985-2104 or citysecretary@cityofkennedale.com.

CERTIFICATION

I DO HEREBY CERTIFY THAT THE JUNE 16, 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.

CREATED 6/12/2020 8:33 AM

POSTED _____ (DATE) _____ (TIME)

MEETING DATE: JUNE 16, 2020

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

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

SUMMARY

RECOMMENDATION

ATTACHMENTS

MEETING DATE: JUNE 16, 2020

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

SUBJECT

Municipal Judge Appointment

ORIGINATED BY

George Campbell, City Manager

SUMMARY

The attached announcement was published on the City's website (www.cityofkennedale.com/judge) and on the TML Job Board on June 9.

RECOMMENDATION

ATTACHMENTS

1.	Municipal Court Judge (Contract) Announcement	Municipal Court Judge (Contract) Announcement.pdf
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THE CITY OF KENNEDALE IS SEEKING PROPOSALS FROM QUALIFIED LICENSED ATTORNEYS TO SERVE AS JUDGE FOR THE CITY OF KENNEDALE MUNICIPAL COURT. PLEASE SEE THE FOLLOWING ANNOUNCEMENT FOR INFORMATION REGARDING SUBMISSION OF QUALIFICATIONS AND PROPOSALS FOR PROVIDING SUCH INDEPENDENT CONTRACTOR SERVICES.

THE ROLE: Municipal Court Judge (Contract) will preside over the City of Kennedale's municipal court as an independent contractor. The Municipal Judge will attend all regularly scheduled court sessions, as scheduled by the Municipal Judge in consultation with City Staff and conduct other hearings and trials at the Kennedale Municipal Court, as necessary and as scheduled by the Municipal Judge in consultation with City Staff. The Judge will be required to select two alternate judges, to be approved and appointed by the City Council, to serve in his or her absence. Scheduling and compensation of alternate judges will be the responsibility of the Judge.

THE CITY: Kennedale is a small community (population 8,000) in the Dallas/Fort Worth metropolitan region. It is an organization deeply committed to building an outstanding organization and redeveloping the community. Kennedale's vision is "a community that works well together, has a sense of place, is visually and physically connected, has vibrant businesses, and possesses external linkages to provide greater sustainability of community, environment, and commerce."

JOB REQUIREMENTS: The Municipal Court of record shall be presided over by a Municipal Judge who shall serve for a two (2) year term concurrent with that of the Mayor. The Municipal Judge must be a licensed attorney in good standing in the State of Texas and must have two (2) or more years of experience in the practice of law in Texas. The judge must be a citizen of the United States and of the State of Texas. In Fiscal Year 2018, the number of cases handled by either the Municipal Court Judge or the prosecutor was approximately nine hundred (900).

FEES: (Independent Contractor) Fees will be negotiated with the selected candidate. A contract approved by the City Council will be required. The current annual budget for fees paid to the Municipal Court Judge is approximately \$15,000.00.

TO APPLY: Please submit proposals that include a resume to Danielle Clarke, Director of Human Resources at dclarke@cityofkennedale.com or fax to 817-478-7169.

Proposals will be accepted until the role is filled.

MEETING DATE: JUNE 16, 2020

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

SUBJECT

1001 W Kennedale Pkwy, Fort Worth, TX 76140

ORIGINATED BY

George Campbell, City Manager

SUMMARY

RECOMMENDATION

ATTACHMENTS

MEETING DATE: JUNE 16, 2020

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

SUBJECT

Municipal Judge Appointment

ORIGINATED BY

George Campbell, City Manager

SUMMARY

For information and documents related to this item, please see Executive Session item II.A.2.

RECOMMENDATION

ATTACHMENTS

MEETING DATE: JUNE 16, 2020

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

SUBJECT

Presentation and discussion regarding the proposed plan to establish a connection between the City of Kennedale and City of Arlington water utility systems

ORIGINATED BY

George Campbell, City Manager

SUMMARY

As reported to Council in the City Manager's Update of May 28, 2020, the Finance Director, Public Works Director, and City Manager met on May 21 with several representatives of the Arlington Water Utilities staff and reviewed findings and recommendations of the City of Arlington and Freese and Nichols for the most beneficial and cost effective option for the physical connection(s) of our water distribution system to that of Arlington.

The O&M Agreement — drafted a little over a year ago — included an amount of \$250,000 for capital improvements. That capital amount in the first year was intended to specifically cover up to \$250,000 for a connection to be engineered and then constructed by Arlington. Any cost above that amount was to then be covered by capital costs included in the second and succeeding years of the O&M Agreement.

While the initial thought was to consider a connection in the northern part of the City where the distribution systems of both cities were fairly close together, the engineering analysis has shown that there are several locations where the systems can be connected. Although the City of Kennedale's 2014 Water Master Plan projects costs up to \$7 million for facilities to connect to Arlington, it appears we can make several connections and substantially improve both water quality and pressure in many — although not all — areas of the City that are currently under-served. These improvements are estimated to cost \$550,000 to \$600,000. The costs could likely be covered with capital dollars already planned in the first two to three years of the O&M Agreement. It also appears that this plan for connection can be constructed by Arlington by the end of this summer.

Additional information will be provided at the meeting with a brief presentation by the City of Arlington Water Utilities Department.

RECOMMENDATION

ATTACHMENTS

1.	Kennedale Water Supply Presentation - 05.21	Kennedale Water Supply Presentation - 05.21.pdf
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ARLINGTON/KENNEDALE WATER SUPPLY COLLABORATION

May 21, 2020



LOOKING BACK

- Operations and maintenance contract started 4/1/2019
 - Initial plans for interconnect based on cursory pre-contract review of the Kennedale system.
 - Operations contract implementation = greater understanding of system dynamics
 - Freese and Nichols Inc. (FNI) hired to analyze alternatives for Kennedale water supply involving Arlington Water Utilities. (FNI previously compiled 2014 Master Plan for Kennedale.)



AWU OBJECTIVES

- Lower Kennedale O & M costs
 - Reduce Fort Worth wholesale supply to contract minimums as soon as possible.
- Positive relationship built on trust and deliverables
- System upgrades – through the eyes of the “Operator” (both operations and capital).
- Improved water quality (primarily aesthetic).
- Long term operation



ALTERNATIVES FOR COLLABORATION

AWU worked with FNI to identify all potential connection options, update existing system hydraulic models and ensure the developed supply options provided the projected Kennedale system demand of 2.36 MGD. FNI evaluated two options.

TRADITIONAL WHOLESALE SUPPLY MODEL

Maintains two separate systems.

- Based on recommendation from 2014 Master Plan with updated Opinion of Probable Construction Cost (OPCC)
- Construction of new large water mains, meter station, ground storage tank and pump station along Eden Road

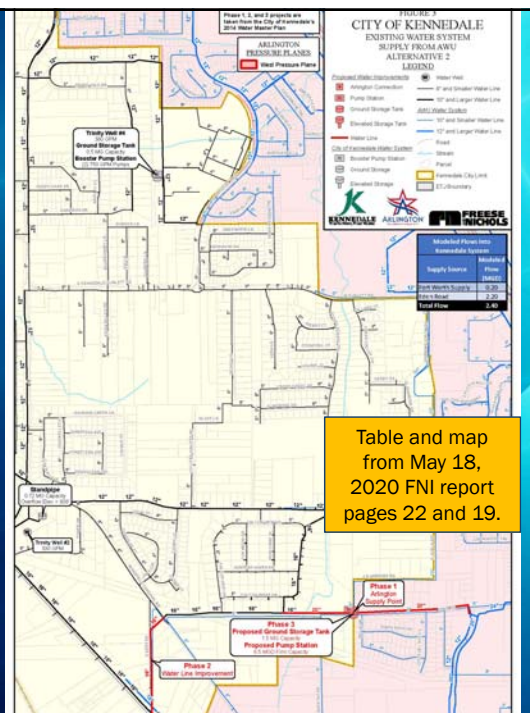
HYBRID SUPPLY MODEL

Partially integrates Kennedale's and Arlington's distribution systems.

- Expands AWU's West Pressure Plane (WPP) to directly incorporate an eastern portion of Kennedale system
- Repurposes existing pump station and ground storage tank at Kennedale's Well Site T-4
- Provides additional wholesale supply point near Kennedale's Well Site T-2

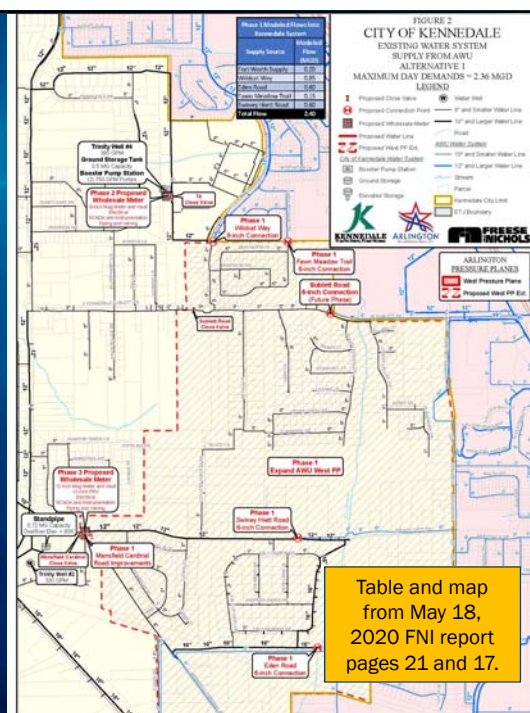
TRADITIONAL MODEL OPCC - \$7.7M

Phase	Description	OPCC	Water Source Supply (MGD)		Positives	Negatives
1	AWU Water Supply Connection at Eden Road	\$1,030,860	AWU	2.20	- Increased pressure - Improved water quality - Decreased electrical, chemical and groundwater cost	- Initial capital cost - Potential supply shortages
			FTW*	0.20		
			Wells	0.00		
			Total	2.40		
Phase	Description	OPCC	Water Source Supply (MGD)		Positives	Negatives
2	Eden Road 16 and 20-inch Water Lines	\$2,023,640	AWU	2.20 +	- Increased transmission capacity in Kennedale and Arlington - Increased looping for water quality	Initial capital cost
			FTW*	0.20		
			Wells	0.00		
			Total	2.40 +		
Phase	Description	OPCC	Water Source Supply (MGD)		Positives	Negatives
3	Ground Storage Tank and Pump Station	\$4,655,430	AWU	2.20 +	- Increased capacity to serve all of Kennedale long-term through buildout - Added storage to buffer during high/peak demand periods	- Initial capital cost - Pump station and tank maintenance
			FTW*	0.20		
			Wells	0.00		
			Total	2.40 +		



HYBRID MODEL OPCC - \$514,943

Phase	Description	OPCC	Water Source Supply (MGD)		Positives	Negatives
1	AWU WPP Expansion	\$162,372	AWU	0.55	- Increased pressure - Improved water quality - Decreased electrical, chemical and groundwater cost	- Limited AWU Supply (still dependent on wells) - Continued well operation cost
			FTW*	0.20		
			Wells	1.65		
			Total	2.40		
Phase	Description	OPCC	Water Source Supply (MGD)		Positives	Negatives
2	T-4 Site Improvements	\$165,650	AWU	2.20	- Provide Kennedale supply without well operation - Decreased electrical, chemical, and purchased groundwater	Decreased ground water storage capacity
			FTW*	0.20		
			Wells	0.00		
			Total	2.40		
Phase	Description	OPCC	Water Source Supply (MGD)		Positives	Negatives
3	Mansfield Cardinal Wholesale Connection	\$186,921	AWU	2.20	- Redundant supply point - Decreased water age - Increased response capability to meet emergency demands	Initial capital cost
			FTW*	0.20		
			Wells	0.00		
			Total	2.40		



NEXT STEPS

- Establish timeline for preferred option.
 - AWU in-house construction crews available in late summer 2020 to begin construction on Hybrid Model.
 - Traditional Wholesale Model would require lengthy external survey, design, and bidding processes.
 - AWU already working to determine what TCEQ requirements may be associated with system modifications in Kennedale.



QUESTIONS?

MEETING DATE: JUNE 16, 2020

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

SUBJECT

Receive a presentation and hold a discussion regarding game room regulation

ORIGINATED BY

George Campbell, City Manager

SUMMARY

Under Texas law, "game rooms" featuring simple slot machines (or "eight-liners") are generally allowed if prizes are not paid in cash and are not worth more than 10 times the cost of one play or \$5.00 (whichever is less), with permitting and regulation at the County level. At their November 12, 2019 meeting, the Commissioners Court — in an effort to further regulate game rooms and to offer Cities an opportunity to exercise more control — adopted the (attached) Game Room Regulations (effective April 1, 2020), which includes, among others, the following regulations:

- Requirement of a permit to operate a "game room" (including a \$1,000 annual fee; and up to three inspections) (*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. (*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 (*Section 3.8 (b) on page 23*)
- At least two windows must provide "clear and unobstructed view of all machines" (*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.

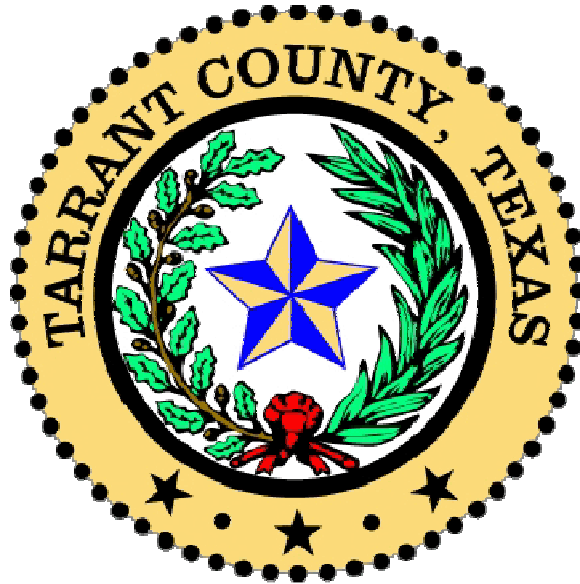
The City Attorney reviewed the Regulations and the ILA and has raised a number of significant questions. This item is placed on the Work Session agenda to make Council aware of the request by Tarrant County and to allow for discussion before considering action on this item (IV.F.4.).

RECOMMENDATION

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: JUNE 16, 2020

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM III.A.3.

SUBJECT

Discussion of issues relating to the Coronavirus (COVID-19) emergency

ORIGINATED BY

George Campbell, City Manager

SUMMARY

This item has been added to the agenda in the event there is a need. Any additional information will be provided before the meeting as appropriate.

RECOMMENDATION

ATTACHMENTS

MEETING DATE: JUNE 16, 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: JUNE 16, 2020

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

SUBJECT

Updates from the Mayor

ORIGINATED BY

George Campbell, City Manager

SUMMARY

Updates, information, and Proclamations from Mayor Brian Johnson, if any.

RECOMMENDATION

ATTACHMENTS

MEETING DATE: JUNE 16, 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: JUNE 16, 2020

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

SUBJECT

Financial Reports for the City

ORIGINATED BY

Lakeita Sutton, Director of Finance and Information Technology

SUMMARY

Please see the attached financial reports for the City (for the month ending 05/31/2020). 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.	2020_05 Financials-ALL	2020_05 Financials-ALL.pdf
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Revenues & Expenditures - Budget & Actual Summary

FOR THE MONTH ENDED MAY 31, 2020

GENERAL FUND REVENUES			
Budget	AMENDED	Actual	Actual Budget %
\$ 6,919,577		\$ 5,992,425	86.6%

GENERAL FUND EXPENDITURES			
Budget	AMENDED	Actual	Actual Budget %
\$ 7,782,522		\$ 4,609,220	59.2%

STREETS FUND REVENUES			
Budget	AMENDED	Actual	Actual Budget %
\$ 838,926		\$ 456,467	54.4%

STREETS FUND EXPENDITURES			
Budget	AMENDED	Actual	Actual Budget %
\$ 1,052,153		\$ 511,571	48.6%

WATER/SEWER FUND REVENUES			
Budget	AMENDED	Actual	Actual Budget %
\$ 4,028,331		\$ 2,812,788	69.8%

WATER/SEWER FUND EXPENDITURES			
Budget	AMENDED	Actual	Actual Budget %
\$ 4,350,939		\$ 2,897,433	66.6%

STORMWATER FUND REVENUES			
Budget	AMENDED	Actual	Actual Budget %
\$ 300,900		\$ 167,253	55.6%

STORMWAER FUND EXPENDITURES			
Budget	AMENDED	Actual	Actual Budget %
\$ 585,316		\$ 72,591	12.4%

GENERAL FUND
FOR THE MONTH ENDED MAY 31, 2020
FY 2019-20 WITH PRIOR YEAR COMPARISON

66.7%

	CURRENT FISCAL YEAR						
	BUDGET		ACTUAL			PROJECTED	
	FY 2019-2020		M-T-D	Y-T-D	Y-T-D	FY 2019-2020	
	Adopted Budget	Amended Budget	May-20	May-20	% Budget	May-20	% Budget
Revenues:							
Property Taxes	\$ 4,210,532		\$ 50,429	\$ 4,248,493	100.9%	\$ 2,807,021	66.7%
Sales / Beverage Tax	1,402,458		\$ 159,400	\$ 888,574	63.4%	\$ 934,972	66.7%
Grants / Contributions	85,100		\$ -	\$ 100,567	118.2%	\$ 56,733	66.7%
Licenses / Permits	175,070		\$ 3,304	\$ 142,005	81.1%	\$ 116,713	66.7%
Fines / Fees	179,700		\$ 5,729	\$ 74,718	41.6%	\$ 119,800	66.7%
Charge for Services	181,225		\$ 14,363	\$ 127,219	70.2%	\$ 120,817	66.7%
Investment Earnings	24,017		\$ 713	\$ 21,074	87.7%	\$ 16,011	66.7%
Miscellaneous Income	5,500		\$ 188	\$ 19,357	351.9%	\$ 3,667	66.7%
Intergovernmental	652,475		\$ 40,599	\$ 368,642	56.5%	\$ 434,983	66.7%
Surplus / Sales Rentals	3,500		\$ 5	\$ 1,776	50.7%	\$ 2,333	66.7%
Total Revenues	\$ 6,919,577	\$ -	\$ 274,730	\$ 5,992,425	86.6%	\$ 4,613,051	66.7%

PRIOR FISCAL YEAR				
BUDGET		FY ACTUAL		
FY 2018-2019		FY 2018-2019		
Original Budget	Amended Budget	M-T-D May-19	Y-T-D May-19	Y-T-D % Budget
\$ 3,832,433	\$ 3,832,433	\$ 26,637	\$ 3,725,716	97.2%
\$ 1,275,794	\$ 1,275,794	\$ 150,156	\$ 969,809	76.0%
\$ 76,327	\$ 76,327	\$ -	\$ 10,821	14.2%
\$ 225,370	\$ 225,370	\$ 6,067	\$ 86,140	38.2%
\$ 179,700	\$ 179,700	\$ 14,666	\$ 120,903	67.3%
\$ 190,950	\$ 190,950	\$ 17,632	\$ 112,184	58.8%
\$ 10,000	\$ 10,000	\$ 5,648	\$ 46,242	462.4%
\$ 106,070	\$ 106,070	\$ 2,565	\$ 40,214	37.9%
\$ 604,715	\$ 614,960	\$ 44,412	\$ 368,238	60.9%
\$ 3,400	\$ 3,400	\$ 80	\$ 4,145	121.9%
\$ 6,504,759	\$ 6,515,004	\$ 267,863	\$ 5,484,412	84.2%

Expenditures:

City Manager	\$ 323,076		\$ 24,518	\$ 213,171	66.0%	\$ 215,384.00	66.7%
Mayor and City Council	\$ 186,444		\$ 6,553	\$ 91,955	49.3%	\$ 124,296.00	66.7%
City Secretary	\$ 179,811		\$ 12,785	\$ 91,296	50.8%	\$ 119,874.00	66.7%
Municipal Court	\$ 112,701		\$ 5,379	\$ 67,596	60.0%	\$ 75,134.00	66.7%
Human Resources	\$ 132,128		\$ 8,679	\$ 72,391	54.8%	\$ 88,085.33	66.7%
Finance	\$ 393,017		\$ 20,408	\$ 264,775	67.4%	\$ 262,011.33	66.7%
Police	\$ 2,563,035		\$ 155,578	\$ 1,562,632	61.0%	\$ 1,708,690.00	66.7%
Police SRO	\$ 156,513		\$ 12,777	\$ 112,087	71.6%	\$ 104,342.00	66.7%
Fire	\$ 2,386,910		\$ 137,795	\$ 1,242,702	52.1%	\$ 1,591,273.33	66.7%
Community Development	\$ 465,735		\$ 30,376	\$ 267,411	57.4%	\$ 310,490.00	66.7%
Senior Citizen Center	\$ 63,376		\$ 1,362	\$ 31,147	49.1%	\$ 42,250.67	66.7%
Library	\$ 305,042		\$ 21,046	\$ 168,519	55.2%	\$ 203,361.33	66.7%
Non-Departmental	\$ 514,734		\$ 13,739	\$ 423,538	82.3%	\$ 343,156.00	66.7%
Total Expenditures	\$ 7,782,522	\$ -	\$ 450,995	\$ 4,609,220	59.2%	\$ 5,188,348	66.7%

\$ 365,464	\$ 365,464	\$ 23,979	\$ 206,878	56.6%
\$ 127,323	\$ 177,323	\$ 7,755	\$ 107,555	60.7%
\$ 164,073	\$ 164,073	\$ 19,954	\$ 111,311	67.8%
\$ 108,147	\$ 108,148	\$ 8,117	\$ 61,359	56.7%
\$ 104,908	\$ 104,909	\$ 5,915	\$ 58,880	56.1%
\$ 358,365	\$ 358,365	\$ 22,888	\$ 258,729	72.2%
\$ 2,531,118	\$ 2,604,764	\$ 143,020	\$ 1,512,097	58.1%
\$ 155,077	\$ 155,077	\$ 11,334	\$ 101,136	65.2%
\$ 1,902,500	\$ 1,907,680	\$ 214,464	\$ 1,198,041	62.8%
\$ 371,589	\$ 371,590	\$ (30,483)	\$ 217,535	58.5%
\$ 54,528	\$ 54,528	\$ 4,331	\$ 32,412	59.4%
\$ 268,261	\$ 268,259	\$ 23,656	\$ 170,824	63.7%
\$ 511,749	\$ 511,749	\$ 23,126	\$ 361,852	70.7%
\$ 7,023,102	\$ 7,151,929	\$ 478,056	\$ 4,398,609	61.5%

Total Revenues Over (Under) Exp	\$ (862,944)	\$ -	\$ (176,265)	\$ 1,383,205	\$ (575,297)
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\$ (518,342)	\$ (636,925)	\$ (210,193)	\$ 1,085,803
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Other Financing Sources (Uses):

Non-cash Transactions:					
Capital lease proceeds					
Capital expenditures					
Transfers In (Out):					

Net Change in Fund Balance	\$ (862,944)	\$ 1,383,205			
Total Unassigned Fund Balance - BOY	1,480,503	1,480,503			

\$ (518,342)	\$ (636,925)				
	1,746,714				

Ending Fund Balance Sept. 30	\$ 617,559	\$ 2,863,708			
Less: Commitments for Specific Use					
Less: Assigned for Specific Use					

	\$ 1,109,789				

Ending Fund Balance - Unassigned	\$ 617,559	\$ 2,863,708			
AVERAGE DAILY EXPENDITURES	\$ 21,322	\$ 12,628			

	\$ 1,109,789				
	\$ 19,594				

NUMBER OF DAYS IN RESERVE	29	227			
FUND BALANCE AS A % OF EXPENDITURES	7.9%	62.1%			

	57				
	15.5%				

STREETS FUND
FOR THE MONTH ENDED MAY 31, 2020
FY 2019-20 WITH PRIOR YEAR COMPARISON

66.7%

	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	May-20	May-20	% Budget	May-20	% Budget	Original Budget	Amended Budget	M-T-D May-19	Y-T-D May-19	Y-T-D % Budget
Revenues:												
Franchise Fees Telephone	\$ 36,622		\$ 454	\$ 9,540	26.0%	\$ 24,415	66.7%	\$ 40,000	\$ 40,000	\$ 7,924	\$ 18,495	46.2%
Franchise Fees Garbage	\$ 69,300		\$ 4,229	\$ 39,851	57.5%	\$ 46,200	66.7%	\$ 70,000	\$ 70,000	\$ 14,552	\$ 49,424	70.6%
Franchise Fees Gas	\$ 65,120		\$ -	\$ 58,348		\$ 43,413	66.7%	\$ 53,000	\$ 53,000	\$ -	\$ 65,778	124.1%
Franchise Fees Electricity	\$ 315,583		\$ (3,257)	\$ 148,808	47.2%	\$ 210,389	66.7%	\$ 295,000	\$ 295,000	\$ -	\$ 144,576	49.0%
Franchise Fees Cable	\$ 54,450		\$ -	\$ 17,882		\$ 36,300	66.7%	\$ 50,000	\$ 50,000	\$ 16,065	\$ 32,475	65.0%
Franchise Fees Water Sew	\$ 267,106		\$ 22,259	\$ 178,070	66.7%	\$ 178,071	66.7%	\$ 189,869	\$ 189,869	\$ -	\$ -	0.0%
Investment Income	\$ 7,000		\$ 76	\$ 2,878	41.1%	\$ 4,667	66.7%	\$ 2,000	\$ 2,000	\$ 633	\$ 5,261	263.1%
TexDot Connecting Kennedale										\$ -	\$ -	
Misc. Income			\$ 295	\$ 595						\$ 1,330	\$ 1,340	
Admin Charge - Strm Water	\$ 19,995					\$ 13,330	66.7%	\$ 19,995	\$ 19,995	\$ 1,035	\$ 1,555	7.8%
Park Pavilion Rental	\$ 3,700		\$ (230)	\$ 495	13.4%	\$ 2,467	66.7%	\$ 4,500	\$ 4,500	\$ -	\$ -	0.0%
Ballfield Rental	\$ 50					\$ 33	66.7%	\$ 350	\$ 350	\$ -	\$ 50	14.3%
Sale of Parts/Assets												
Transfer In Park Dedication												
Transfer In TIF Fund												
Transfer In Donation Fund												
Total Revenues	\$ 838,926	\$ -	\$ 23,826	\$ 456,467	54.4%	\$ 559,284	66.7%	\$ 759,714	\$ 759,714	\$ 41,539	\$ 318,954	42.0%
Expenditures:												
Street Maintenance	\$ 850,176		\$ 56,658	\$ 464,621	54.6%	\$ 566,784	66.7%	\$ 740,910	\$ 740,910	\$ 53,113	\$ 407,533	55.0%
Park Maintenance	\$ 122,920		\$ 6,162	\$ 46,950	38.2%	\$ 81,947	66.7%	\$ 125,920	\$ 125,920	\$ 7,516	\$ 51,092	40.6%
Capital Projects	\$ 79,057				0.0%	\$ 52,705	66.7%	\$ 79,058	\$ 79,058	\$ -	\$ -	0.0%
Total Expenditures	\$ 1,052,153	\$ -	\$ 62,820	\$ 511,571	48.6%	\$ 701,435	66.7%	\$ 945,888	\$ 945,888	\$ 60,629	\$ 458,625	48.5%
Total Revenues Over (Under) Exp	\$ (213,227)	\$ -	\$ (38,994)	\$ (55,104)		\$ (142,151)		\$ (186,174)	\$ (186,174)	\$ (19,090)	\$ (139,671)	
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)			\$ (55,104)				\$ (186,174)	\$ (186,174)			
Total Unassigned Fund Balance - BOY	\$ 345,652			345,652					436,091			
Ending Fund Balance Sept. 30	\$ 132,425			\$ 290,548					\$ 249,917			
Less: Commitments for Specific Use												
Less: Assigned for Specific Use												
Ending Fund Balance - Unassigned	\$ 132,425			\$ 290,548					\$ 249,917			
AVERAGE DAILY EXPENDITURES	\$ 2,520			\$ 606					\$ 1,907			
NUMBER OF DAYS IN RESERVE	53			480					131			
FUND BALANCE AS A % OF EXPENDITURES	12.6%			56.8%					26.42%			

WATER & SEWER FUND
FOR THE MONTH ENDED MAY 31, 2020
FY 2019-20 WITH PRIOR YEAR COMPARISON

66.7%

		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 2018-2019		FY 2018-2019		
Revenues:		Original Budget	Amended Budget	May-20	May-20	% Budget		Original Budget	Amended Budget	M-T-D May-19	Y-T-D May-19	Y-T-D % Budget
Water Service	\$	1,941,782		\$ 203,293	\$ 1,305,395	67.2%	\$	1,294,521		\$ 2,179,284	\$ 2,179,284	\$ 184,522 \$ 1,258,902 57.8%
Sewer Service	\$	1,669,203		\$ 140,540	\$ 1,108,182	66.4%	\$	1,112,802		\$ 1,451,092	\$ 1,451,092	\$ 139,102 \$ 1,106,400 76.2%
Sewer Surcharge	\$	11,978		\$ -	\$ 1,990	16.6%	\$	7,985		\$ 9,600	\$ 9,600	\$ 1,618 \$ 8,895 92.7%
Penalties	\$	50,873		\$ -	\$ 9,729	19.1%	\$	33,915		\$ 66,000	\$ 66,000	\$ 4,110 \$ 33,861 51.3%
Administrative Fees	\$	15,150		\$ 42	\$ 2,723	18.0%	\$	10,100		\$ 15,000	\$ 15,000	\$ 1,580 \$ 10,500 70.0%
Water Tap Fees	\$	5,050		\$ -	\$ 2,100	41.6%	\$	3,367		\$ 10,000	\$ 10,000	\$ - \$ - 0.0%
Meter Purchase / Install	\$	11,933		\$ -	\$ 1,968	16.5%	\$	7,955		\$ 20,000	\$ 20,000	\$ 546 \$ 7,223 36.1%
Sewer Tap Fees	\$	5,050		\$ -	\$ 1,300	25.7%	\$	3,367		\$ 10,000	\$ 10,000	\$ - \$ - 0.0%
Engineer Review Fees	\$	6,924		\$ 1,000	\$ 3,500	50.5%	\$	4,616		\$ 5,000	\$ 5,000	\$ - \$ 3,143 62.9%
Sanitation Billing Fees	\$	16,798		\$ 3,258	\$ 8,144	48.5%	\$	11,199		\$ 14,400	\$ 14,400	\$ 3,238 \$ 10,850 75.3%
Other Fees Water/Sewer	\$	10,423		\$ 14	\$ 1,459	14.0%	\$	6,949		\$ 8,400	\$ 8,400	\$ 825 \$ 6,990 83.2%
Sales Tax	\$	101		\$ 23	\$ 91	90.1%	\$	67		\$ 100	\$ 100	\$ 11 \$ 67 67.0%
Arlington Operator Cost				\$ -	\$ 177,817							
Investment Income	\$	37,814		\$ 336	\$ 13,848	36.6%	\$	25,209		\$ 1,000	\$ 1,000	\$ 3,570 \$ 24,977 2497.7%
Miscellaneous Income	\$	31,718		\$ 25	\$ 123	0.4%	\$	21,145		\$ 7,500	\$ 7,500	\$ - \$ 31,405 418.7%
Cash Over/Under	\$	-								\$ -	\$ -	\$ - \$ 1
Sale of Parts/Assets	\$	1,010		\$ -	\$ 37,736		\$	673		\$ 1,000	\$ 1,000	\$ - \$ 345 34.5%
Transfer In - Water Impact Fund	\$	152,524		\$ 12,710	\$ 101,683		\$	101,683		\$ 152,525	\$ 152,525	
Transfer In - Sewer Impact Fund	\$	60,000		\$ -	\$ 35,000		\$	40,000		\$ 60,000	\$ 60,000	
Total Revenues	\$	4,028,331	\$ -	\$ 361,241	\$ 2,812,788	69.8%	\$	2,685,554	66.7%	\$ 4,010,901	\$ 4,010,901	\$ 339,122 \$ 2,503,559 62.4%
Expenditures:												
Utility Billing	\$	1,518,390		\$ 158,844	\$ 1,006,639	66.3%	\$	1,012,260		\$ 1,293,973	\$ 1,293,973	\$ 76,520 \$ 769,355 59.5%
Operations	\$	1,385,155		\$ 84,032	\$ 1,014,213	73.2%	\$	923,437		\$ 1,576,197	\$ 1,576,197	\$ 131,988 \$ 791,759 50.2%
Debt Service	\$	354,505		\$ -	\$ 320,706		\$	236,337		\$ 509,680	\$ 509,680	\$ - \$ 470,199 92.3%
Capital Projects	\$	415,000		\$ -	\$ 105,513	25.4%	\$	276,667		\$ 654,796	\$ 654,796	\$ 1,857 \$ 83,025 12.7%
Non-Departmental	\$	677,889		\$ 55,077	\$ 450,362	66.4%	\$	451,926		\$ 624,875	\$ 624,875	\$ 34,478 \$ 301,163 48.2%
Total Expenditures	\$	4,350,939	\$ -	\$ 297,953	\$ 2,897,433	66.6%	\$	2,900,626	66.7%	\$ 4,659,521	\$ 4,659,521	\$ 244,843 \$ 2,415,501 51.8%
Total Revenues Over (Under) Exp	\$	(322,608)	\$ -	\$ 63,288	\$ (84,645)		\$	(215,072)		\$ (648,620)	\$ (648,620)	\$ 94,279 \$ 88,058
Other Funding Sources (Uses):												
Debt service - bond payments												
Non-cash transactions:												
Capital lease proceeds												
Capital expenditures												
Net Change in Fund Balance	\$	(322,608)			\$ (84,645)					\$ (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			\$ 1,597,900					\$ 1,341,985		
Less: Commitments for Specific Use					-							
Less: Assigned for Specific Use					-							
Ending Fund Balance - Unrestricted	\$	1,359,937			\$ 1,597,900					\$ 1,341,985		
AVERAGE DAILY EXPENDITURES	\$	884			\$ 232					\$ 1,777		
NUMBER OF DAYS IN RESERVE		1,539			6,890					755		
FUND BALANCE AS A % OF EXPENDITURES		31.3%			55.1%					28.8%		

STORMWATER FUND
FOR THE MONTH ENDED MAY 31, 2020
FY 2019-20 WITH PRIOR YEAR COMPARISON

67%

	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	May-20	May-20	% Budget	May-20	% Budget
Revenues:							
Penalties	\$ 3,200		\$ -	\$ 401	12.5%	\$ 2,133	66.7%
Grant Revenue	\$ -						
Drainage Fees	\$ 297,200		\$ 22,103	\$ 166,262	55.9%	\$ 198,133	66.7%
Investment Income	\$ 500		\$ 33	\$ 590	118.0%	\$ 333	66.7%
Miscellaneous Income	\$ -						
Total Revenues	\$ 300,900	\$ -	\$ 22,136	\$ 167,253	55.6%	\$ 200,600	66.7%

Expenditures:							
Stormwater Utility	\$ 585,316		\$ 15,727	\$ 72,591	12.4%	\$ 390,211	66.7%
Total Expenditures	\$ 585,316	\$ -	\$ 15,727	\$ 72,591	12.4%	\$ 390,211	66.7%

Total Revenues Over (Under) Exp	\$ (284,416)	\$ -	\$ 6,409	\$ 94,662		\$ (189,611)	
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Other Financing Sources (Uses):							
Capital Grant Contributions							
Net Change in Fund Balance	\$ (284,416)			\$ 94,662			
Total Unrestricted Fund Balance - BOY	\$ 1,221,677			\$ 1,224,677			

Total Fund Balance - EOY	\$ 937,261			\$ 1,319,339			
Less: Commitments for Specific Use	\$ -			-		-	

Ending Fund Balance - Unrestricted	\$ 937,261	\$ -		\$ 1,319,339			
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PRIOR FISCAL YEAR				
BUDGET		FY ACTUAL		
FY 2018-2019		FY 2018-2019		
Original Budget	Final Budget	M-T-D May-19	Y-T-D May-19	Y-T-D %
\$ 2,500	\$ 2,500	\$ 267	\$ 2,588	103.5%
\$ -	\$ -			
\$ 252,000	\$ 252,000	\$ 22,037	\$ 175,976	69.8%
\$ 450	\$ 450	\$ 83	\$ 445	98.9%
\$ -	\$ -			
\$ 254,950	\$ 254,950	\$ 22,387	\$ 179,009	70.2%

\$ 139,764	\$ 139,764	\$ 30,176	\$ 113,006	80.9%
\$ 139,764	\$ 139,764	\$ 30,176	\$ 113,006	81%

\$ 115,186	\$ 115,186	\$ (7,789)	\$ 66,003	
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\$ 115,186	\$ 115,186			
	\$ 1,159,638			

	\$ 1,274,824			
-	-			

\$ -	\$ 1,274,824			
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**OTHER FUNDS: MONTHLY FINANCIALS
FOR THE MONTH ENDED MAY 31, 2020**

FUND		FUND NAME		BUDGET					Y-T-D ACTUAL								
				Revenues	Expenditures	Change in Fund Balances	Fund Balance Beginning of Year	Fund Balance End of Year	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		\$ 1,490,191	85.1%	\$ 1,376,092	92.5%	\$ 114,099	43.5%	\$ 309,119	\$ 423,218

OTHER GENERAL FUNDS														
5	Capital Replacement Fund	\$ 185,732	\$ 185,732	\$ -	\$ 236,826	\$ 236,826	\$ 6,857	3.7%	\$ 110,614	59.6%	\$ (103,757)	0.0%	\$ 236,826	\$ 133,069
12	Court Security Fund	\$ 3,000	\$ -	\$ 3,000	\$ 20,614	\$ 23,614	1,835	61.2%	\$ -	0.0%	\$ 1,835	61.2%	\$ 20,614	\$ 22,449
16	Court Technology Fund	\$ 3,920	\$ 875	\$ 3,045	\$ 9,796	\$ 12,841	2,014	51.4%	\$ -	0.0%	\$ 2,014	66.1%	\$ 9,796	\$ 11,810
18	Juvenile Case Manager Fund	\$ 5,650	\$ 13,873	\$ (8,223)	\$ 6,079	\$ (2,144)	2,130	37.7%	\$ 1,213	0.0%	\$ 917	-11.2%	\$ 6,079	\$ 6,996
21	TIF 1 (New Hope Rd) Fund	\$ 146,648	\$ -	\$ 146,648	\$ (656,862)	\$ (510,214)	104,532	71.3%	\$ -	0.0%	\$ 104,532	71.3%	\$ (656,862)	\$ (552,330)
34	Leose Fund	\$ 1,767	\$ 1,650	\$ 117	\$ 1,895	\$ 2,012	1,757	99.4%	\$ -		\$ 1,757	1501.7%	\$ 1,895	\$ 3,652
83	Tree Reforestation Fund	\$ 500	\$ 500	\$ -	\$ 70,425	\$ 70,425	558	111.6%	\$ -	59.6%	\$ 558	0.0%	\$ 70,425	\$ 70,983
		\$ 347,217	\$ 202,630	\$ 144,587	\$ (311,227)	\$ (166,640)	\$ 119,683		\$ 111,827		\$ 7,856		\$ (311,227)	\$ (303,371)

CAPITAL FUNDS														
4	Capital Projects Fund	\$ 70,250	\$ 104,768	\$ (34,518)	\$ (24,182)	\$ (58,700)	\$ 144,074	205.1%	\$ -	0.0%	\$ 144,074	-417.4%	\$ (24,182)	\$ 119,892
13	Capital Bond Fund	\$ -	\$ 735,000	\$ (735,000)	\$ 2,617,419	\$ 1,882,419	\$ 20,082		\$ 271,164	36.9%	\$ (251,082)	34.2%	\$ 2,617,419	\$ 2,366,337
14	Park Dedication Fund	\$ 800	\$ 30,170	\$ (29,370)	\$ 96,825	\$ 67,455	\$ 17,532	2191.5%	\$ -	0.0%	\$ 17,532	-59.7%	\$ 96,825	\$ 114,357
32	Library Building Fund	\$ 2,270	\$ 2,000	\$ 270	\$ (4,035)	\$ (3,765)	\$ 1,077	47.4%	\$ -	0.0%	\$ 1,077	398.9%	\$ (4,035)	\$ (2,958)
45	Roadway Impact Fee Fund	\$ 27,535	\$ 10,000	\$ 17,535	\$ 573,275	\$ 590,810	\$ 6,223	22.6%	\$ 11,319	113.2%	\$ (5,096)	-29.1%	\$ 573,275	\$ 568,179
61	Water Impact Fee Fund	\$ 35,146	\$ 152,525	\$ (117,379)	\$ 12,325	\$ (105,054)	\$ 2,251	6.4%	\$ 101,683	66.7%	\$ (99,432)	84.7%	\$ 12,325	\$ (87,107)
62	Sewer Impact Fee Fund	\$ 17,201	\$ 60,000	\$ (42,799)	\$ 77,190	\$ 34,391	\$ 17,303	100.6%	\$ 35,000	58.3%	\$ (17,697)	41.3%	\$ 77,190	\$ 59,493
		\$ 153,202	\$ 1,094,463	\$ (941,261)	\$ 3,348,817	\$ 2,407,556	\$ 164,156		\$ 271,164		\$ (107,008)		\$ 2,593,237	\$ 2,486,229

EDC 4B FUNDS														
15	EDC 4B Fund	\$ 700,728	\$ 572,598	\$ 128,130	\$ 306,146	\$ 434,276	\$ 585,452	83.5%	\$ 423,746	74.0%	\$ 161,706	126.2%	\$ 306,146	\$ 467,852
		\$ 700,728	\$ 572,598	\$ 128,130	\$ 306,146	\$ 434,276	\$ 585,452		\$ 423,746		\$ 161,706		\$ 306,146	\$ 467,852

STAFF REPORT
TO THE HONORABLE MAYOR AND CITY COUNCIL

MEETING DATE: JUNE 16, 2020

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

SUBJECT

Approval of the minutes from the May 12, 2020 special meeting

ORIGINATED BY

Leslie E. Galloway, City Secretary & Communications Coordinator

SUMMARY

Please see the attached minutes for your approval.

RECOMMENDATION

Approve

ATTACHMENTS

1.	2020_05.12 CC Special Meeting Minutes DRAFT	2020_05.12 CC Special Meeting Minutes DRAFT.pdf
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KENNEDALE CITY COUNCIL MINUTES
SPECIAL MEETING VIA VIDEOCONFERENCE
MAY 12, 2020 AT 5:00 PM

MEMBERS OF THE PUBLIC MAY JOIN BY VISITING
WWW.CITYOFKENNEDALE.COM/JOINMEETING AND/OR BY DIALING
1-877-853-5257 (TOLL-FREE) AND USING ACCESS CODE 76060-76060

I. CALL TO ORDER

Mayor Brian Johnson called the meeting to order at 5:00 p.m.

II. SPECIAL SESSION

A. ROLL CALL

Participating via VideoConference: Mayor Brian Johnson; Josh Altom, Place 1; Chris Pugh, Place 2; Linda Rhodes, Place 4; Chad Wandel, Place 5; **Absent:** Mayor Pro Tem Lee, Place 3. **Staff**

Participating via VideoConference: City Manager George Campbell, City Secretary and Communications Coordinator Leslie E. Galloway, City Attorney Drew Larkin, Public Works Director Larry Hoover, Fire Chief James Brown, and Administrative Assistant Rosie Ericson.

B. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Discuss and consider approval of Ordinance 697, amending Chapter 15, "Nuisances" by adding provisions regulating noxious and invasive plants

City Manager George Campbell stated that staff had been made aware of issues related to bamboo in recent weeks and was now offering this ordinance as a way to classify the planting and cultivating of those invasive species of the plant as a nuisance as well as mitigating issues and offering guidance for planting that would aim to protect adjoining properties. He added that, because it would be classified as a nuisance, that existing bamboo plantings would not be grandfathered.

There was some discussion regarding invasive bamboo's potential to affect multiple adjoining properties and Council's desire for staff to consider the development of a process by which individual cases could be evaluated and potentially offered variances.

Motion Approve. **Action** Approve Ordinance 697, amending Chapter 15, "Nuisances" by adding provisions regulating noxious and invasive plants, **Moved By** Altom, **Seconded By** Pugh. **Motion passed unanimously**, with a vote of 4-0, with Mayor Pro Tem Lee being absent.

Melissa Almond, 1001 Little School Road, and **Al De Arana**, her landscaper, requested to speak following the vote; each spoke in opposition to the item.

Mayor Brian Johnson asked that they reach out to staff for further discussion, if desired.

2. Discuss and take action as may be required regarding issues relating to the Coronavirus (COVID-19) emergency

City Manager George Campbell stated that there was no action necessary at this time, and gave updates regarding funding via the CARES Act that the City expected to receive from the County. There was some discussion of when types of businesses might soon be allowed to re-open under the Governor's Open Texas plan.

III. ADJOURNMENT

Motion Adjourn. Action Adjourn, Moved By Altom, Seconded By Pugh. Motion passed unanimously, with a vote of 4-0, with Mayor Pro Tem Lee being absent.

Mayor Johnson adjourned the meeting at 5:20 p.m.

APPROVED:

ATTEST:

BRIAN JOHNSON, MAYOR

LESLIE E. GALLOWAY, CITY SECRETARY

CONSIDERED DRAFT
UNTIL APPROVED
BY THE COUNCIL

MEETING DATE: JUNE 16, 2020

AGENDA ITEM NUMBER: CONSENT AGENDA ITEM IV.E.2.

SUBJECT

Approval of the minutes from the May 19, 2020 regular meeting

ORIGINATED BY

Leslie E. Galloway, City Secretary & Communications Coordinator

SUMMARY

Please see the attached minutes for your approval.

RECOMMENDATION

Approve

ATTACHMENTS

1.	2020_05.19 CC Regular Meeting Minutes DRAFT	2020_05.19 CC Regular Meeting Minutes DRAFT.pdf
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KENNEDALE CITY COUNCIL MINUTES
REGULAR MEETING VIA VIDEOCONFERENCE
MAY 19, 2020 AT 5:30 PM

MEMBERS OF THE PUBLIC MAY JOIN BY VISITING
WWW.CITYOFKENNEDALE.COM/JOINMEETING AND/OR BY DIALING
1-877-853-5257 (TOLL-FREE) AND USING ACCESS CODE 76060-76060

I. CALL TO ORDER

Mayor Brian Johnson called the meeting to order at 5:30 p.m.

II. EXECUTIVE SESSION

The Council did not recess to Executive Session at any time during this meeting.

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 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

III. WORK SESSION

A. **WORK SESSION REPORTS**

1. Receive a presentation, hold a discussion, and provide staff direction regarding Capital Improvements Programming

City Manager George Campbell stated that, following the FY19-20 budget workshop, the Council had indicated a desire to consider a bond election to fund capital projects. He then offered an overview of those projects identified by staff as necessary as well as the various funding options including Certificates of Obligation (COs), General Obligation Bonds (GOs), and Tax Notes. There was some discussion of timing, tax or rate impacts of the funding options, the need to prioritize the projects, and considerations of a potential bond election. Campbell asked for Council's input via email regarding the prioritization and funding, noting that staff would aim to send the Council a refined list in June.

B. **REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA**

At the request of Mayor Johnson, Director of Planning and Economic Development Melissa Dailey stated that Council had recently approved an updated schedule of fees for Planning

and Development, but that the current proposed fee schedule (Item IV.F.1.) included updated fees and language for several departments including Fire, Public Works, and the Library. She noted that the primary goal was to recover actual costs for items including water and sewer taps and Fire and EMS services. City Manager George Campbell noted that it had been several years since a comprehensive update of the fee schedule had been undertaken, adding that staff planned to propose one more update (to include the water and wastewater utility fees utilized by the City of Arlington) in the near future. There was some discussion regarding of the rationale behind some of the changes.

At the request of the Mayor, George Campbell stated that the Stormwater Fee amendment (item IV.G.1.) was an attempt to further the original intent of incrementally increasing the fee each year, and that this \$1.00 adjustment would increase revenue by ~\$38,000 annually. Finance Director Lakeita Sutton noted that the fee would be effective June 1. There was some discussion of the financial impact this might have on customers.

Mayor Johnson stated his desire to meet with Bill Lane before considering item IV.E.1., and Mayor Pro Tem Lee stated her desire to see Erin Jackson serve as the Municipal Judge. Following a brief discussion, it was the consensus of the Council to postpone this item and advertise for applications before making a decision. City Manager George Campbell noted that Lane would continue serving until an appointment was made.

At 6:52 p.m., Mayor Johnson called for a brief recess before the Regular Session.

IV. REGULAR SESSION

Mayor Brian Johnson called the Regular Session to order at 7:00 p.m.

A. ROLL CALL

Participating via VideoConference: Mayor Brian Johnson; Josh Altom, Place 1; Chris Pugh, Place 2; Mayor Pro Tem Lee, Place 3; Linda Rhodes, Place 4; Chad Wandel, Place 5; **Absent:**None. **Staff Participating via VideoConference:** City Manager George Campbell, City Secretary and Communications Coordinator Leslie E. Galloway, City Attorney Drew Larkin, Finance Director Lakeita Sutton, Public Works Director Larry Hoover, Fire Chief James Brown, Police Chief Tommy Williams, Library Director Amanda King, Director of Human Resources and Administrative Services Danielle Clarke, and Director of Planning and Economic Development Melissa Dailey (arrived at 5:42 p.m.).

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

The invocation and pledges were not carried out due to the meeting being held remotely.

C. VISITOR AND CITIZEN FORUM

There were no requests to speak at this time.

D. REPORTS AND ANNOUNCEMENTS

1. Updates from the City Council

- **Mayor Pro Tem Sandra Lee, Place 3**, announced that she helped with a food drive for Kennedale Senior Outreach and that a ramp would be installed soon at the senior apartment complex.
- **Josh Altom, Place 1**, announced that he donated plasma twice recently and that he had noticed that water meters were being replaced in his neighborhood.
- **Linda Rhodes, Place 4**, did not have any announcements at this time.

- **Chad Wandel, Place 5**, announced that he was helping farmers with supply chain issues at work.
- **Chris Pugh, Place 2**, announced that he had seen new smart meters being installed, that he had answered a few citizen questions regarding COVID-19, and that he distributed several “Shop Kennedale” signs, thanking Melissa Dailey and staff for their work on that project.

2. Updates from the Mayor

Mayor Brian Johnson proclaimed May 19, 2020 as Trenton Nichols Day; and announced that the Tarrant County 9-1-1 District would soon implement the option to text operators in emergency situations upon recommendation by the Grand Prairie and Arlington Police Chiefs.

3. Updates from the City Manager

City Manager George Campbell did not have any updates at this time.

4. Financial Reports for the City

Finance Director Lakeita Sutton noted that General Fund revenue was tracking as projected, but that the potential impact of COVID-19 on sales tax from April would not be seen until the June financial report, noting that any projected revenue or expenditure changes would be included in the budget amendment currently being prepared. Sutton noted that FY19 was projected to end with a ~\$600,000 drawdown, but that the audit had shown the year ending, instead, with a surplus of ~\$102,000, which would significantly improve projections for FY20, and that staff hoped to be able to end FY20 with a Fund Balance of about 13% instead of the projected 7.9%. Sutton added that the bond rating agencies planned to review the City again in the next 18 months.

There was some discussion of the City's allocation under the CARES Act, the impact COVID-19 might have on sales tax, and sales tax auditing.

E. CONSENT AGENDA

1. Consider approval of Ordinance 698, reappointing Municipal Judge Bill Lane to a two-year term and authorizing the Mayor to sign a two-year extension of the municipal judge's contract
2. Consider Ordinance 701, renewing the Mayor's Local Disaster Declaration in relation to Coronavirus (COVID-19)
3. Consider approval of Resolution 572, denying the Distribution Cost Recover Factor (DCRF) Rate Request of ONCOR Electric Delivery Company, LLC, made on or about April 3, 2019
4. Consider approval of Resolution 573, authorizing continued participation in Tarrant County's Community Development Block Grant (CDBG), Home Investment Partnership, and Emergency Solutions Grant Consortium for the three program year period, fiscal year 2021 through 2023

5. Approval of the minutes from the April 14, 2020 special meeting
6. Approval of the minutes from the April 21, 2020 regular meeting
7. Approval of the minutes from the April 28, 2020 regular meeting

Motion Approve. **Action** Approve the Consent Agenda, except Item IV.E.1. (an extension of Judge Bill Lane's Contract, which was postponed pursuant to the Work Session discussion), **Moved By** Mayor Pro Tem Lee, **Seconded By** Altom. **Motion passed unanimously.**

F. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider approval of Ordinance 699, amending the Kennedale City Code, by amending Exhibit A "Schedule of Fees" of Section 2-3, "Fees for Licenses, Inspections, Permits, etc." by amending fees and provisions related to Check and Credit Card Transactions; Facility Rentals/Reservations; Library; Registration and Miscellaneous Permits; Planning and Development; Utility Billing, Public Works, and Water and Wastewater Fees related to Liquid Waste, Water and Sewer Taps, and Public Works Construction Inspection; Fire Department; and Public Information Act Requests

Director of Planning and Economic Development Melissa Dailey stated that staff was presenting a comprehensive Fee Schedule update in an effort to make the document more user-friendly and to recover actual costs for services provided, noting that staff planned to bring forth another amendment in the near future, which would incorporate the City of Arlington's water and wastewater utility fees.

- **Joe Palmer**, 4017 Sanguinet Court, Fort Worth, spoke against this item.

There was some discussion regarding the need to recapture costs of services provided, comparisons to other Cities' fees, and the reason for differences in credit card service fees.

Motion Approve. **Action** Approve Ordinance 699, amending the Kennedale City Code, by amending Exhibit A "Schedule of Fees" of Section 2-3, "Fees for Licenses, Inspections, Permits, etc." by amending fees and provisions related to Check and Credit Card Transactions; Facility Rentals/Reservations; Library; Registration and Miscellaneous Permits; Planning and Development; Utility Billing, Public Works, and Water and Wastewater Fees related to Liquid Waste, Water and Sewer Taps, and Public Works Construction Inspection; Fire Department; and Public Information Act Requests, **Moved By** Pugh, **Seconded By** Altom. **Motion passed unanimously.**

2. Discuss and consider approval of an Inter-Local Agreement (ILA) with Tarrant County regarding the distribution of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding to address COVID-19 related expenses

City Manager George Campbell stated that this agreement would allow for the City to receive funding via the CARES Act to reimburse for COVID-19 related expenses from March 1 through December 31, 2020, noting that the amount the City was eligible to receive – about \$420,000 – was based on a rate of \$55 per capita. He added that any amount that could not be justified as COVID-19 related would have to be returned to the County for redistribution.

Motion Approve. Action Approve an Inter-Local Agreement (ILA) with Tarrant County regarding the distribution of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding to address COVID-19 related expenses, **Moved By** Mayor Pro Tem Lee, **Seconded By** Pugh. **Motion passed unanimously.**

G. PUBLIC HEARINGS

1. Hold a Public Hearing and consider adoption of Ordinance 686, amending Chapter 23, Article IX "Stormwater (Drainage) Utility System" by amending the monthly Stormwater (Drainage) Utility Fee from \$3.50 to \$4.50 for Residential Units and Religious Organizations

Finance Director Lakeita Sutton stated that adoption of this Ordinance would increase the monthly Stormwater Drainage Fee (on utility bills) by \$1.00, and that the increased revenue would be utilized to address drainage and erosion issues. There was some discussion of the number of identified projects that were currently unfunded.

Mayor Johnson opened the public hearing at 7:45 p.m.

- **Joe Palmer**, 4017 Sanguinet Court, Fort Worth, spoke against this item.

Mayor Johnson closed the public hearing at 7:51 p.m.

City Manager George Campbell noted that this increase was in line with comparable Cities in the region. There was some discussion of these revenues being restricted, the life of stormwater projects, and the Council's desire to mitigate this increased cost for those receiving the Senior/Disabled utility billing discount.

Motion Approve. Action Approve Ordinance 686, amending Chapter 23, Article IX "Stormwater (Drainage) Utility System" by amending the monthly Stormwater (Drainage) Utility Fee from \$3.50 to \$4.50 for Residential Units and Religious Organizations, **Moved By** Mayor Pro Tem Lee, **Seconded By** Wandel. **Motion passed unanimously.**

2. Hold a Public Hearing and consider approval of Ordinance 700, granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the City of Kennedale, Tarrant County, Texas, for the transportation, delivery, and sale of gas in, out of, and through said city for all purposes

Finance Director Lakeita Sutton stated that there was no change to this agreement other than extending it through 2030, and that the City would continue receiving the maximum of 5% of gross revenues. She noted that the existing agreement had expired in 2017, but that the City had continued to receive franchise fees from Atmos in the interim. There was some discussion regarding the length of the agreement.

Motion Approve. Action Approve Ordinance 700, granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the City of Kennedale, Tarrant County, Texas, for the transportation, delivery, and sale of gas in, out of, and through said city for all purposes, **Moved By** Rhodes, **Seconded By** Pugh. **Motion passed unanimously.**

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** Wandel. **Motion passed unanimously.**

Mayor Brian Johnson adjourned the meeting at 8:07 p.m.

APPROVED:

ATTEST:

BRIAN JOHNSON, MAYOR

LESLIE E. GALLOWAY, CITY SECRETARY

CONSIDERED DRAFT
UNTIL APPROVED
BY THE COUNCIL

MEETING DATE: JUNE 16, 2020

AGENDA ITEM NUMBER: CONSENT AGENDA ITEM IV.E.3.

SUBJECT

Consider adoption of Ordinance 702, amending Ordinance 611 by increasing the Senior and Disabled Persons Water And Sewer Rate Credits and amending section 23-83 of the Kennedale City Code to require applicants to reapply every two years

ORIGINATED BY

Lakeita Sutton, Director of Finance and Information Technology

SUMMARY

Pursuant to Ordinance 611, the City currently offers a monthly utility billing discount to qualified seniors and disabled persons, upon approval of application. The attached Ordinance would increase that monthly discount from \$7.50 for water and \$7.50 for sewer to \$8.00 for each (a total of \$16.00/month). At this time, there are approximately 180 accounts receiving this discount, which means that approval of this increase would result in an approximate annual decrease of \$2,160.00 in water and sewer revenue, collectively.

Additionally, the current Ordinance 611 does not warrant any re-application process after the initial Senior/Disabled discount application. The lack of a process to re-verify an applicant's income limits the City's ability to ensure that the account remains eligible. With the amendment of the Ordinance being presented, qualifying applicants would reapply to the program every two years in order to continue receiving the discount.

Staff will be available to answer questions.

RECOMMENDATION

Approve

ATTACHMENTS

1.	O702 Senior Discount Increase	O702 Senior Discount Increase.pdf
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ORDINANCE NO. 702

AN ORDINANCE AMENDING ORDINANCE NO. 611 BY INCREASING THE SENIOR AND DISABLED PERSONS WATER AND SEWER RATE CREDITS; AMENDING THE KENNEDALE CITY CODE, BY AMENDING SECTION 23-83 "DISCOUNT FOR QUALIFYING SENIOR CITIZENS AND DISABLED PERSONS" OF CHAPTER 23 "WATER, SEWERS AND SEWAGE DISPOSAL" TO REQUIRE APPLICANTS TO REAPPLY EVERY TWO YEARS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, by Ordinance No. 611, the City Council previously adopted discounts for water and sewer charges for senior and disabled persons; and

WHEREAS, Section 23-83 of the Kennedale City Code sets forth eligibility requirements to receive the discount; and

WHEREAS, the City Council now desires to increase the water and sewer rate credits to be given and require that applicants reapply for the credits every two years.

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

SECTION 1.

Section 1.A.1. of Ordinance No. 611 is amended by increasing the senior/disabled water rate credit from \$7.50 to \$8.00 per month/billing cycle.

SECTION 2.

Section 2.A. of Ordinance No. 611 is amended by increasing the senior/disabled sewer rate credit from \$7.50 to \$8.00 per month/billing cycle.

SECTION 3.

Section 23-83 "Discount for Qualifying Senior Citizen and Disabled Persons" of Chapter 23 "Water, Sewers and Sewage Disposal" of the Kennedale City Code is hereby amended by amending subsection 23-83(3) to read as follows:

“(3) Qualifying senior citizens or disabled individuals may only apply the credit on water rates and sewer charges to one (1) residence in the City of Kennedale. All recipients of the discount must apply and complete an affidavit for the discount, and must reapply and complete an affidavit every two years from the date of the initial application to continue to receive the discount. Should a qualifying spouse become deceased, the surviving spouse will continue to receive the discount until the end of the fiscal year, which spans from October to the following September.”

SECTION 4.

Section 23-83 “Discount for Qualifying Senior Citizen and Disabled Persons” of Chapter 23 “Water, Sewers and Sewage Disposal” of the Kennedale City Code is hereby amended by amending subsection 23-83(1)b. to correct a typographical error and to read as follows:

“b. Must provide proof of annual household income, inclusive of all household residents, by submitting a Federal Income Tax Return and/or benefit letter from the Social Security Administration. The annual household income must not exceed thirty-two thousand dollars (\$32,000); and”

SECTION 5.

The increased credits described in Sections 1 and 2 of this ordinance will take effect upon the City transferring its billing operations to the City of Arlington, Texas.

SECTION 6.

Qualifying senior citizens and disabled individuals who have been receiving a discount on residential water rates and sewer charges for more than two consecutive years must reapply for a discount as provided in Section 23-83 of the Kennedale City Code within 60 days of the effective date of this ordinance.

SECTION 7.

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

SECTION 8.

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 invalid or unconstitutional by the valid judgment or decree of any court of competent

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

SECTION 9.

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

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, ON THE 16TH DAY OF JUNE, 2020.

APPROVED:

MAYOR BRIAN JOHNSON

[CITY SEAL]

ATTEST:

CITY SECRETARY LESLIE E. GALLOWAY

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY DREW LARKIN

MEETING DATE: JUNE 16, 2020

AGENDA ITEM NUMBER: CONSENT AGENDA ITEM IV.E.4.

SUBJECT

Consider approval of Ordinance 703, amending Chapter 15 "Nuisances" of the Kennedale City Code by regulating the planting of bamboo within the City

ORIGINATED BY

Melissa Dailey, Director of Planning & Economic Development

SUMMARY

In an effort to prevent the invasive species of bamboo from spreading to adjacent properties, the City Council adopted an Ordinance prohibiting the planting of bamboo in the City on May 12, 2020 (effective May 14, 2020).

There may, however, be circumstances under which bamboo could be planted in such a way that it would not be able to spread to adjacent properties. Therefore, Council requested that staff bring forth modifications to the Ordinance that would outline exceptions for the planting bamboo while avoiding the pervasive spreading to other properties.

Staff is now recommending amendments (via the attached Ordinance) that would allow for bamboo to be planted in containers that are placed on a hard surface (not on the ground). Staff will be available to answer questions.

RECOMMENDATION

Approve

ATTACHMENTS

1.	O703 Bamboo Amendment	O703 Bamboo Amendment.pdf
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ORDINANCE NO. 703

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS AMENDING CHAPTER 15 "NUISANCES" OF THE CODE OF ORDINANCES BY REGULATING THE PLANTING OF BAMBOO WITHIN THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Section 217.042 of the Texas Local Government Code authorizes a home rule city to define, prohibit, and abate any nuisance within the municipality limits; and

WHEREAS, the City Council of the City of Kennedale finds that the growing of bamboo results in rapid spreading and infestation of bamboo plants through its root system and underground rhizomes; and

WHEREAS, the growth of bamboo plants may cause serious damage to structures and plant materials located in the path of the underground root system; and

WHEREAS, the City Council desires to amend the Code of Ordinances to regulate the planting of bamboo within the City; and

WHEREAS, the City Council has determined that the amendments to the Code of Ordinances as set forth herein are in the best interest of the health, safety and general welfare of the citizens of the City of Kennedale and the public.

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

SECTION 1.

Section 15-3, "Definitions," of Article I, "In General," of Chapter 15, "Nuisances," is hereby amended by adding the following definition to read as follows:

Required enclosure means a pot, planter, or similar container, the entire bottom of which is placed on top of an impervious hard surface.

SECTION 2.

Article I, "In General," of Chapter 15, "Nuisances," is hereby amended by amending Section 15-21 to read as follows:

"Sec. 15-21. – Bamboo.

- (a) It shall be unlawful and a nuisance for any property owner to allow bamboo to encroach or spread from their property onto any adjacent private or public property or right-of-way.

- (b) It is unlawful and a nuisance to plant, grow, or maintain bamboo on property within the city other than in a required enclosure.
- (c) It is a defense to prosecution under this section that a person did not plant or grow or cause bamboo to be planted or grown on his or her property and has initiated steps for the removal of the bamboo from his or her property.
- (d) Before planting bamboo on any property within the city, a property owner must receive a permit and submit documentation with their application demonstrating that the planting of bamboo will be in compliance with this section.”

SECTION 3.

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

SECTION 4.

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

SECTION 5.

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the City Code amended or revised herein, or any other ordinances affecting the matters regulated herein which 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.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

The City Secretary of the City of Kennedale is hereby directed to publish this ordinance or caption to the extent required by law.

SECTION 8.

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

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, ON THE 16TH DAY OF JUNE, 2020.

APPROVED:

MAYOR BRIAN JOHNSON

[CITY SEAL]

ATTEST:

CITY SECRETARY LESLIE E. GALLOWAY

APPROVED AS TO FORM AND LEGALITY:

EFFECTIVE DATE:

CITY ATTORNEY DREW LARKIN

MEETING DATE: JUNE 16, 2020

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

SUBJECT

Consider approval of Ordinance 704, amending the Kennedale City Code, by amending Exhibit A "Schedule of Fees" of Section 2-3, "Fees for Licenses, Inspections, Permits, etc." by amending fees and provisions related to check and credit card payments for utility billing; amending water and wastewater, utility billing, and public works fees to adopt the City of Arlington's fee schedule for water and wastewater deposits, meter fees, tap fees, testing fees, and other related services and charges

ORIGINATED BY

George Campbell, City Manager

SUMMARY

As the Council is aware, water and sewer fees are separate from utility rates, but do serve to regulate utility rates by charging individually for those services that fall outside of the monthly provision of service – for example, fees associated with new or temporary meters or consumption.

As anticipated and as part of the plan for transfer of utility billing to the City of Arlington (COA), it is recommended that our fee schedule be amended to reflect fees that are the same as COA fees. This action would not only serve to simplify our customers' experiences, but would also remove the administrative burden of managing and implementing two dissimilar fee schedules – allowing for simplified communication between COA and City of Kennedale (COK) staff members. Approval of this item would advance us towards the goal of transferring utility billing and customer service to the City of Arlington, which will provide our customers with expanded services including – among others – online access to up-to-the-hour water consumption and leak detection.

COK and COA staff have collaborated on the proposed update, which includes the addition of some fees, deletion of others, and – on specific items – a move from set fees to language allowing the cost to be calculated per job. The chart below shows the current fees and their counterparts (if any) under the COA schedule.

Again, adoption of the COA water and sewer fee schedule has no effect on the COK's Water and Sewer utility rates nor would it change development fees such as Impact Fees. The Ordinance presented only changes the Water and Sewer Fees to reflect the COA fees. Of note, COA does not offer a Senior/Disabled Discount, but COK will continue to separately offer that credit to qualified customers. **To aid in the Council's consideration, staff has provided the following comparison:**

Category	CURRENT City of Kennedale Fee	PROPOSED City of Arlington Fee
Utility Account Deposits		
Residential/Owner	\$90.00 (owner) \$150.00 (tenant/renter)	2.5 times residential city average usage for the fiscal year of service establishment (FY20 \$140.00)

Builder	\$60.00	2.5 times prior pattern of consumption at service location;\$300 minimum if no consumption history
Multi-Family Units	—	\$50.00 per unit
Commercial	\$150.00	2.5 times prior pattern of the consumption at service location; \$300.00 minimum if no prior consumption history
Water Resource Service Field Sampling Fees		
Grab Sample	—	\$104.92
Grab Sample TTO	—	\$148.44
Composite Sample	—	\$181.07
pH	—	\$16.32
Wastewater Surcharges		
Class Rate Billing - Class 1	—	\$1.05648
Class Rate Billing - Class 2	—	\$0.47192
Biochemical Oxygen Demand (BOD)	—	\$0.08162
Inspections-Monitoring-Analysis-Grease Abatement (IMAG)	—	\$0.11491
Total Suspended Solids (TSS)	—	\$0.12381
Construction Meter Activation		
Construction Meter Activation	—	\$212.93
Construction Meter Fixed Fee	\$79.50	\$59.11 inspection fee plus 2" meter fee of \$80.00 (\$140.11)
Construction Meter Deposit	\$600.00 deposit \$50.00 service charge	\$950.00
Service Charges		
Delinquent Account	\$20.00	\$34.61
Delinquent Account Follow Up - After Hours	—	\$129.70
Inactive Account Follow Up	—	\$61.97
Plug Meter	—	\$197.09
Pulled Meters - up to 1"	—	\$197.09
Pulled Meters - > 1"	—	\$698.70
Returned Checks/Drafts	\$30.00	\$25.00
Valve Operation (non-residential)	—	\$327.98
Late Fee	10% applied to bill 2 days after bill due date	5% of water and sewer charges after bill due date
Activation Fee	\$15.00	\$30.00
Credit Card Convenience Fee	2.8% of total bill	\$3.00
Sewer Deduct Meter Set Up	—	Calculated per job
Bill Reprints	—	\$3.00
Water Transfer fee	\$15.00	—
Tap Fees		
Water	—	Calculated per job
Sewer	4" in \$425.00 no cut 6"	Calculated per job

	\$600.00 no cut	
Sewer Tap Location	—	Calculated per job
Connection to Existing Sewer Tap	—	\$600.00
Front Footage Fees		
Water	—	Calculated per job
Sewer	—	Calculated per job
Other Charges		
Hauler Fees	—	\$158.50
MIU Permit	—	\$606.28
SIU Permit	—	\$1,243.57
Backflow Assembly Test Recording/Filing Fee	—	\$43.80
Tampering with Public Water System	\$200.00 per offense, plus actual cost of repair or replacements	\$250.00
Meter Calibration (when staff performs)	\$45.00	First test free (5/8" through 2" set price; >2" to be calculated individually per job)
Meter Calibration (contractor performs)	\$125.00	Calculated per job
Disconnect Service at the Main	Actual Cost	1290.01
Private Water Well Permit & Inspection	\$75.00	—
Meter Set Re-inspection Fee	\$100.00	—
Water for Cleanup	\$30.00 per day	\$30 activation plus actual water usage; Deposit pushed to 2nd month
Meter Testing Fee (1st test free)		
Meter Testing 5/8 x 3/4 inch	—	\$153.85
Meter Testing 1 inch	—	\$153.85
Meter Testing 1 1/2 inch	—	\$285.67
Meter Testing 2 inch+A471	—	\$285.67
Meter Testing >2 inch	—	Calculated per job
Cap/Eliminating Existing Service		
All sizes	—	\$1,290.01
Meter & Related Equipment		
Meter 5/8" x 3/4"	\$475.00 plus \$300.00 meter set fee	\$363.76
Meter 1"	\$525.00 plus \$350.00 meter set fee	\$500.37
Meter 1.5"	\$950.00 plus \$550.00 meter set fee	\$849.36
Meter 2"	\$1075.00 plus \$700.00 meter set fee	\$1,078.64
Meter >2"	Actual Cost	Calculated per job
Automated Meter Interface Replacement	—	\$207.45
Large Meters		
6" Detector Check Valve w/Fire Flow Detector	—	Calculated per job

8" Detector Check Valve w/Fire Flow Detector	—	Calculated per job
3" Combination w/ ¾" meter	—	\$2,640.27
4" Combination w/ ¾" meter	—	\$4,485.78
6" Combination w/ ¾" meter	—	\$13,231.88
8" Combination w ¾" meter	—	\$19,762.89
Laboratory Service Testing Fees		
BOD 5	—	\$61.79
TSS	—	\$20.60
Oil and Grease	—	\$78.26
Cyanide	—	\$73.11
EPA 624 (Volatile Organic Compounds)	—	\$194.95
EPA 625 (Organics)	—	\$374.65
Total Coliform/E. Coli Presence-Absence	—	\$30.04
HPC	—	\$26.53
Total Coliform/E. Coli Enumeration	—	\$40.77
ATP	—	\$42.72
Mercury (Hg)	—	\$38.17
Metals	—	\$29.37
Pesticides (EPA 525)	—	\$193.38
Anions	—	\$33.21
Hardness	—	\$23.77
TPH	—	\$123.01
Chlorophyll A	—	\$113.01
Phosphorus, Total	—	\$68.01
Sampling Fee (one hour Min.) First Hour	—	\$45.60
Sampling Fee (one hour Min.) Additional Hour	—	\$33.20
Geosmin	—	\$100.24
Seep/Tap	—	\$74.68
Identification	—	\$20.90
COD	—	\$53.27
Senior/Disabled Discount	\$7.50 off fixed fee for water and sewer monthly (upon approval of application)	<i>Not offered by COA; Will continue to be offered by COK but is not listed in the fee schedule</i>

RECOMMENDATION

Approve

ATTACHMENTS

1.	2020_06.16 Schedule of Fees Update COA Water Fees_redlined	2020_06.16 Schedule of Fees Update COA Water Fees_redlined.pdf
2.	O704 Fee Schedule Amendment Adopting COA Water and Sewer Utility Fees	O704 Fee Schedule Amendment Adopting COA Water and Sewer Utility Fees.pdf

NOTE: IN THE FINAL FEE SCHEDULE, ALL PRICES IN RED WILL SIMPLY BE LISTED AS "TO BE CHARGED AT THE CURRENT RATES ESTABLISHED IN THE CITY OF ARLINGTON'S ADOPTED FEE SCHEDULE". HOWEVER, CURRENT CITY OF ARLINGTON FEES ARE INCLUDED IN THIS REDLINE VERSION FOR EASE OF COMPARISON. ALSO, FOR CONSISTENCY, IN THE FINAL FEE SCHEDULE, THESE FEES WILL BE LISTED IN THE CATEGORIES AND ORDER IN WHICH THEY APPEAR IN THE CITY OF ARLINGTON'S FEE SCHEDULE. IN THIS VERSION, THEY ARE, INSTEAD, LISTED IN THE ORDER OF OUR MOST RECENTLY ADOPTED FEE SCHEDULE.

Black = Deleted/Replaced Blue = Lines Replacing those Immediately Preceding Deleted Item(s)
Red = Cost Change Orange = Moved to Another Section Green = New Fee

Schedule of Fees for the City of Kennedale, Texas

Updated 06/16/2020 via Ordinance No. 704 | www.cityofkennedale.com/fees

ADMINISTRATIVE

SERVICE	COST	NOTES
CHECK AND CREDIT CARD TRANSACTIONS		
Credit Card Payments		
Permitting / Planning & Development	3.0%	When payment of any fee or other charge related to the Planning and Development Department (including, but not limited to, permitting) is made by credit card (or a debit card run as a credit card) a fee will be added that is equal to three (3) percent of the total amount being paid
Municipal Court (In-Person)	3.0%	When payment of any fee, fine, court cost, or other charge related to Kennedale Municipal Court is made by credit card (or a debit card run as a credit card) in-person, a fee will be added that is equal to three (3) percent of the amount being paid
Municipal Court (Online or Over the Phone)	6.5%	When payment of any fee, fine, court cost, or other charge related to Kennedale Municipal Court is made by credit or debit card (or a debit card run as a credit card) via phone or online, a fee will be added that is equal to 6.5 percent of the amount being paid
Library	No Charge	Payments made to the Library for fees, fines, or reservations will not incur a fee when paid by credit card (or a debit card run as a debit card)
UTILITY BILLING	2.8% \$3.00	When a payment related to Utility Billing is made by credit card (or a debit card run as a credit card) via phone, mail, online or in person (to the City of Kennedale and/or any third-party payment processor) a fee will be added that is equal to 2.8 percent of the amount being paid
Other Departments Not Listed	3.0%	When payment of any fee or other charge related to any other department or miscellaneous activity not listed is made by credit card (or a debit card run as a credit card) online, by phone, or in-person, a fee will be added that is equal to three (3) percent of the amount being paid
Returned Check/Declined Credit Transaction Fee - Utility Billing	\$30.00 \$25.00	
Returned Check/Declined Credit Transaction Fee	\$30.00	All other departments except for utility billing.

POLICE DEPARTMENT

SERVICE	COST	NOTES
Fingerprinting of Residents for Background Checks	\$7.50	Per card
Vehicle Accident Report	\$6.00	Per copy
Offense or Arrest Report	\$1.50	Per report, plus \$0.10 per page for additional copies
Wrecker License/Permit	\$20.00	

NO CHANGES TO THESE SECTIONS; OMITTED HERE	CITY SECRETARY		
	FIRE DEPARTMENT		
	KENNEDALE PUBLIC LIBRARY		
	PERMITS, PLANNING, AND DEVELOPMENT		
	Black = Deleted/Replaced Blue = Lines Replacing those Immediately Preceding Deleted Item(s) Red = Cost Change Orange = Moved to Another Section Green = New Fee		
	WATER & WASTEWATER, UTILITY BILLING, AND PUBLIC WORKS		
	SERVICE	COST	NOTES
	<i>View monthly utility rate information at www.cityofkennedale.com/waterrates</i>		
	As the City of Arlington operates and maintains the City of Kennedale's water and wastewater utility systems, the City of Kennedale utilizes the City of Arlington's fee schedule for those items related to water, wastewater, waste hauling, and other related services. The current City of Arlington fee schedule regarding these items (as of the adoption of this City of Kennedale Fee Schedule) is attached, but for the most current rates, please visit www.arlingtontx.gov . NOTE: The City of Kennedale sets and assesses its own impact fees, which can be located under the Permits, Planning, and Development section of this Fee Schedule.		
	Deposits		
REPLACED	Residential Water (Owner Occupied)	\$60.00	If an account is finaled out for nonpayment, re-establishment of service requires a deposit of 2X the normal fee. Accounts are associated with the name of the responsible party (or parties), not the address.
	Residential Sewer (Owner Occupied)	\$30.00	
	Residential Water (Tenant Occupied)	\$90.00	
	Residential Sewer (Tenant Occupied)	\$60.00	
	Commercial/Industrial w/High Consumption	Varies	1/6 of annual consumption
	Commercial Water	\$90.00	
	Commercial Sewer	\$60.00	
	Water for Cleanup (15-Day Temp Service)	\$30.00	Per day
	Use of Bulk Water Meter (Fire Hydrant)	\$600.00	Plus \$50.00 service fee
	Use of Bulk Water Meter (Gas Drilling)	\$1,000.00	Plus \$50.00 service fee
	Use of Bulk Unmetered Water	Varies	(rate) X (estimated gallons)
REPLACED WITH	Residential/Owner	2.5 times residential city average usage for the fiscal year of service establishment (FY20 \$140.00)	NOTE: IN THE FINAL FEE SCHEDULE, <u>ALL PRICES IN RED</u> WILL SIMPLY BE LISTED AS "TO BE CHARGED AT THE CURRENT RATES ESTABLISHED IN THE CITY OF ARLINGTON'S ADOPTED FEE SCHEDULE". HOWEVER, CURRENT CITY OF ARLINGTON FEES ARE INCLUDED IN THIS REDLINE VERSION FOR EASE OF COMPARISON. ALSO, FOR CONSISTENCY, IN THE FINAL FEE SCHEDULE, THESE FEES WILL BE LISTED IN THE CATEGORIES AND ORDER IN WHICH THEY APPEAR IN THE CITY OF ARLINGTON'S FEE SCHEDULE. IN THIS VERSION, THEY ARE, INSTEAD, LISTED IN THE ORDER OF OUR MOST RECENTLY ADOPTED FEE SCHEDULE.
	Builder	2.5 times prior pattern of consumption at service location; \$300 minimum if no prior consumption history	
	Multi-Family Units	\$50.00 per unit	
	Commercial	2.5 times prior pattern of the consumption at service location; \$300.00 minimum if no prior consumption history	
COST CHANGE	Water for Cleanup	\$30.00 per day \$30.00 Activation Fee	Plus actual water usage; Deposit pushed to 2nd month
COST CHANGE	Disconnect Service At The Main	Actual Cost 1,290.01	

Black = Deleted/Replaced Blue = Lines Replacing those Immediately Preceding Deleted Item(s)
Red = Cost Change Orange = Moved to Another Section Green = New Fee

REPLACED	Liquid Waste Permit	\$50.00	The City of Arlington regulates the installation, maintenance, and the transportation of liquid wastes within the City of Kennedale. Questions? Call the City of Arlington at 817-459-5902 or the City of Kennedale Public Works Department at 817-985-2170.
REPLACED	Liquid Waste Trip Ticket Book	\$20.00	
	Hauler Fees	\$158.50	
	MIU Permit	\$606.28	
	SIU Permit	\$1,243.57	
DELETED	Move City Utilities	Actual Cost	
DELETED	Private Water Well Permit And Inspection	\$75.00	
COST CHANGE	Water Administrative Fee	\$20.00 \$34.61	Assessed when account appears on cut-off list; In addition to any late fee
COST CHANGE	Late Fee	10% applied to bill 2 days after bill due date 5% of water and sewer charges after bill due date	
REPLACED	Water Transfer Fee	\$15.00	
	Activation Fee	\$30.00	
MOVED TO PD	Wrecker License/Permit	\$20.00	
REPLACED	Utility Equipment	Actual Cost	Meter, meter base, MTU, register, bullhead, and any other associated equipment installed for water/sewer metering
REPLACED WITH	Meter & Related Equipment		
	Meter 5/8" x 3/4"	\$363.76	
	Meter 1"	\$500.37	
	Meter 1.5"	\$849.36	
	Meter 2"	\$1,078.64	
	Meter >2"	Actual Cost	To be calculated individually per job
	Automated Meter Interface Replacement	\$207.45	
	Other		
REPLACED	Fire Hydrant Fee (Construction Meter)	\$79.50	Monthly base charge
	Construction Meter Activation		
	Construction Meter Activation	\$212.93	
	Construction Meter Fixed Fee	\$140.11	\$59.11 inspection fee plus 2" meter fee of \$80.00
	Construction Meter Deposit	\$950.00	
REPLACED	Meter Calibration Fee (When Executed By City Staff)	\$45.00	
REPLACED	Meter Calibration Fee (When Executed By Independent Contractor)	\$125.00	Charges not incurred if meter is found to be inaccurate.
	Meter Calibration (when staff performs)	First test free (5/8" through 2" set price); >2" to be calculated individually per job	
	Meter Calibration (when contractor performs)	To be calculated individually per job	
DELETED	Meter Set Reinspection Fee	\$100.00	
REPLACED	Meter Tampering, Tampering With Lock, Or Cutting Lock On Meter	\$200.00	Per offense, plus actual cost of repair or replacement
	Tampering with Public Water System	\$250.00	
	Public Works Construction Inspection Fee for Saturday Work	\$250.00	Must be paid no later than 48 hours in advance of the work day
	Backflow Assembly Test Recording/Filing Fee	\$43.80	

Black = Deleted/Replaced Blue = Lines Replacing those Immediately Preceding Deleted Item(s)
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REPLACED	TAPS		
	Water Tap Fee (No Street Cut)		
	¾" (.75")	\$475.00 or Actual Cost, whichever is higher	Plus \$300.00 meter set fee; Plus cost of meter
	1"	\$525.00 or Actual Cost, whichever is higher	Plus \$350.00 meter set fee; Plus cost of meter
	1½" (1.5")	\$950.00 or Actual Cost, whichever is higher	Plus \$550.00 meter set fee; Plus cost of meter
	2"	\$1,075.00 or Actual Cost, whichever is higher	Plus \$700.00 meter set fee; Plus cost of meter
	3" or Larger	Actual Cost	Plus actual cost of meter set fee; Plus cost of meter
	Water Tap Fee (With Street Cut or Bore)		
	¾" (.75")	\$925.00 or Actual Cost, whichever is higher	Plus \$300.00 meter set fee; Plus cost of meter
	1"	\$975.00 or Actual Cost, whichever is higher	Plus \$350.00 meter set fee; Plus cost of meter
	1½" (1.5")	\$1,400.00 or Actual Cost, whichever is higher	Plus \$550.00 meter set fee; Plus cost of meter
	2"	\$1,525 or Actual Cost, whichever is higher	Plus \$700.00 meter set fee; Plus cost of meter
	3" or Larger	Actual Cost	Plus actual cost of meter set fee; Plus cost of meter
	Sewer Tap Fee (No Street Cut)		
	4"	\$425.00 or Actual Cost, whichever is higher	
	6"	\$600.00 or Actual Cost, whichever is higher	
	8" or Larger	Actual Cost	
	Sewer Tap Fee (With Street Cut or Bore)		
	4"	\$875.00 or Actual Cost, whichever is higher	
	6"	\$1,050.00 or Actual Cost, whichever is higher	
	8" or Larger	Actual Cost	
REPLACED WITH	Tap Fees		
	Water	Actual Cost	<i>To be calculated individually per job</i>
	Sewer	Actual Cost	<i>To be calculated individually per job</i>
	Sewer Tap Location	Actual Cost	<i>To be calculated individually per job</i>
	Connection to Existing Sewer Tap	\$600.00	

Black = Deleted/Replaced Blue = Lines Replacing those Immediately Preceding Deleted Item(s)
Red = Cost Change Orange = Moved to Another Section Green = New Fee

Water Resource Service Field Sampling Fees

Grab Sample	\$104.92	
Grab Sample TTO	\$148.44	
Composite Sample	\$181.07	
pH	\$16.32	

Wastewater Surcharges

Class Rate Billing - Class 1	\$1.06	
Class Rate Billing - Class 2	\$0.47	
Biochemical Oxygen Demand (BOD)	\$0.08	
Inspections-Monitoring-Analysis-Grease Abatement (IMAG)	\$0.11	
Total Suspended Solids (TSS)	\$0.12	

Service Charges

Delinquent Account Follow Up	\$129.70	
- After Hours		
Inactive Account Follow Up	\$61.97	
Plug Meter	\$197.09	
Pulled Meters - up to 1"	\$197.09	
Pulled Meters - > 1"	\$698.70	
Valve Operation (non-residential)	\$327.98	
Sewer Deduct Meter Set Up	Actual Cost	To be calculated individually per job
Bill Reprints	\$3.00	

Front Footage Fees

Water	Actual Cost	To be calculated individually per job
Sewer	Actual Cost	To be calculated individually per job

Meter Testing Fee (1st test free)

Meter Testing 5/8 x 3/4 inch	\$153.85	
Meter Testing 1 inch	\$153.85	
Meter Testing 1 1/2 inch	\$285.67	
Meter Testing 2 inch+A471	\$285.67	
Meter Testing >2 inch	Actual Cost	To be calculated individually per job

Cap/Eliminating Existing Service

All sizes	\$1,290.01	
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Large Meters

6" Detector Check Valve w/Fire Flow Detector	Actual Cost	To be calculated individually per job
8" Detector Check Valve w/Fire Flow Detector	Actual Cost	To be calculated individually per job
3" Combination w/ 3/4" meter	\$2,640.27	
4" Combination w/ 3/4" meter	\$4,485.78	
6" Combination w/ 3/4" meter	\$13,231.88	
8" Combination w 3/4" meter	\$19,762.89	

Laboratory Service Testing Fees

BOD 5	\$61.79	
TSS	\$20.60	
Oil and Grease	\$78.26	
Cyanide	\$73.11	
EPA 624 (Volatile Organic Compounds)	\$194.95	
EPA 625 (Organics)	\$374.65	
Total Coliform/E. Coli Presence-Absence	\$30.04	
HPC	\$26.53	
Total Coliform/E. Coli Enumeration	\$40.77	
ATP	\$42.72	
Mercury (Hg)	\$38.17	
Metals	\$29.37	
Pesticides (EPA 525)	\$193.38	
Anions	\$33.21	
Hardness	\$23.77	
TPH	\$123.01	
Chlorophyll A	\$113.01	
Phosphorus, Total	\$68.01	
Sampling Fee (one hour Min.) First Hour	\$45.60	
Sampling Fee (one hour Min.) Additional Hour	\$33.20	
Geosmin	\$100.24	
Seep/Tap	\$74.68	
Identification	\$20.90	
COD	\$53.27	

Black = Deleted/Replaced Blue = Lines Replacing those Immediately Preceding Deleted Item(s)
 Red = Cost Change Orange = Moved to Another Section Green = New Fee

Schedule of Fees for the City of Kennedale, Texas

Updated 05/19/2020 | www.cityofkennedale.com/fees

ORDINANCE NO. 704

AN ORDINANCE AMENDING THE KENNEDALE CITY CODE, BY AMENDING EXHIBIT A "SCHEDULE OF FEES" OF SECTION 2-3, "FEES FOR LICENSES, INSPECTIONS, PERMITS, ETC." BY AMENDING FEES AND PROVISIONS RELATED TO CHECK AND CREDIT CARD PAYMENTS FOR UTILITY BILLING; AMENDING WATER AND WASTEWATER, UTILITY BILLING, AND PUBLIC WORKS FEES TO ADOPT THE CITY OF ARLINGTON'S FEE SCHEDULE FOR WATER AND WASTEWATER DEPOSITS, METER FEES, TAP FEES, TESTING FEES, AND OTHER RELATED SERVICES AND CHARGES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City has previously adopted regulations for the collection of fees in connection with a variety of municipal services and functions, including water and wastewater related fees; and

WHEREAS, as part of the ongoing transfer of utility billing to the City of Arlington, the City desires to amend the fees described herein to be consistent with those of the City of Arlington; and

WHEREAS, the City Council, after due and careful consideration, considers it desirable and in the best interest of the health, safety, morals and general welfare of the citizens to amend the fees described herein.

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

SECTION 1.

The Schedule of Fees adopted in Section 2-3 "Fees for licenses, inspections, permits, etc." of the Kennedale City Code is hereby amended as shown on Exhibit "A" to this ordinance.

SECTION 2.

This ordinance shall be cumulative of all provisions of all existing ordinances and of the Kennedale City Code, as amended, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance. All fees in Exhibit A "Schedule of Fees" of Section 2-3 "Fees for licenses, inspections, permits, etc." that are not revised in Exhibit "A" to this ordinance shall remain unchanged.

SECTION 3.

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

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

SECTION 4.

This ordinance shall be in full force and effect from and after its passage and it is so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, ON THE 16TH DAY OF JUNE, 2020.

APPROVED:

MAYOR BRIAN JOHNSON

[CITY SEAL]

ATTEST:

CITY SECRETARY LESLIE E. GALLOWAY

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY DREW LARKIN

**ORDINANCE NO. 704
EXHIBIT "A"
SCHEDULE OF FEES**

Schedule of Fees for the City of Kennedale, Texas

Updated 06/16/2020 via Ordinance No. 704 | www.cityofkennedale.com/fees

ADMINISTRATIVE

SERVICE	COST	NOTES
CHECK AND CREDIT CARD TRANSACTIONS		
Credit Card Payments		
Permitting / Planning & Development	3.0%	When payment of any fee or other charge related to the Planning and Development Department (including, but not limited to, permitting) is made by credit card (or a debit card run as a credit card) a fee will be added that is equal to three (3) percent of the total amount being paid
Municipal Court (In-Person)	3.0%	When payment of any fee, fine, court cost, or other charge related to Municipal Court is made by credit card (or a debit card run as a credit card) in-person, a fee will be added that is equal to three (3) percent of the amount being paid
Municipal Court (Online or Over the Phone)	6.5%	When payment of any fee, fine, court cost, or other charge related to Municipal Court is made by credit or debit card (or a debit card run as a credit card) via phone or online, a fee will be added that is equal to 6.5 percent of the amount being paid
Library	No Charge	Payments made to the Library for fees, fines, or reservations will not incur a fee when paid by credit card (or a debit card run as a debit card)
Utility Billing	To be charged at the current rates established in the City of Arlington's Adopted Fee Schedule. (See the Utility Billing and Public Works Section of this Fee Schedule for more details.)	
Other Departments Not Listed	3.0%	When payment of any fee or other charge related to any other department or miscellaneous activity not listed is made by credit card (or a debit card run as a credit card) online, by phone, or in-person, a fee will be added that is equal to three (3) percent of the amount being paid
Returned Check/Declined Credit Transaction Fee - Utility Billing	To be charged at the current rates established in the City of Arlington's Adopted Fee Schedule. (See the Utility Billing and Public Works Section of this Fee Schedule for more details.)	
Returned Check/Declined Credit Transaction Fee	\$30.00	All other departments except for utility billing payments, which will be charged at the current rate established in the City of Arlington's adopted Fee Schedule. (See the Utility Billing and Public Works Section of this Fee Schedule for more details.)

CITY SECRETARY

SERVICE	COST	NOTES
REQUEST FOR PUBLIC INFORMATION/OPEN RECORDS REQUESTS/REQUESTS UNDER THE PUBLIC INFORMATION ACT (PIA)		
Requests may incur a fee, and the City of Kennedale may require prepayment. Generally, the City will charge \$0.10 per page and \$15.00 an hour for labor, but actual costs will be calculated based on Rule §70.3 of the Texas Administration Code. Charges vary depending upon the amount and location of responsive documents and personnel time required. General charges are as follows:		
Single Sided, Black & White, 8.5x11" Paper	\$0.10	Per paper copy
11x17" or Other Oversized Paper, Not Including Maps & Photographs	\$0.50	Per paper copy
Plat Page	\$3.00	Per plat page
Compact Disc (CD)	\$1.00	Per CD
Digital Video Disc (DVD)	\$3.00	Per DVD
Personnel Time for Locating, Compiling and Reproducing Records	\$15.00	Per hour
Mailing Expenses, Speciality Papers (including but not limited to mylar, blueprints, maps, and photos), Off-Site Storage Retrieval	Actual Cost	

Charges not outlined here will be calculated according to the regulations and recommendations of the Texas State Library and Archives Commission, the Texas Attorney General, and the Texas Administrative Code.

POLICE DEPARTMENT

SERVICE	COST	NOTES
Fingerprinting of Residents for Background Checks	\$7.50	Per card
Vehicle Accident Report	\$6.00	Per copy
Offense or Arrest Report	\$1.50	Per report, plus \$0.10 per page for additional copies
Wrecker License/Permit	\$20.00	

FIRE DEPARTMENT

SERVICE	COST	NOTES
Ambulance Fees	Actual Cost	Established according to reasonable and customary reimbursement allowances of applicable insurance carriers; reviewed and approved periodically by the City Manager
EMS Report	\$15.00	
Fire Report	\$15.00	
Certificate of Occupancy (CO)	—	Cost Included in Certificate of Occupancy fees charged by Permits Department
FALSE ALARM FEE (COMMERCIAL)		
First Two (2) False Alarm Calls	No Charge	Instances are tracked per calendar year (January – December)
3 rd – 5 th False Alarm Calls	\$100.00	Per instance
6 th and 7 th False Alarm Calls	\$500.00	Per instance
8 th and Subsequent False Alarm Calls	\$1,000.00	Per instance
STANDBY		
Brush Truck	\$300.00	Per hour
Engine	\$448.00	Per hour
Fire Marshall (Investigator)	\$150.00	Per hour
Paramedic	\$40.00	Per hour
FIRE CODE PLAN REVIEW FOR COMMERCIAL AND/OR MULTI-FAMILY (MF) STRUCTURES (Review of Fire Alarm and Fire Sprinkler Systems)		
Fire System Valuation (Each) of Less than \$6,250	\$290.00	
\$6,250 to \$250,000	\$440.00	
\$250,001 to \$500,000	\$625.00	
\$500,001 to \$1,000,000	\$800.00	
\$1,000,001 to 3,000,000	\$1,175.00	
\$3,000,001 to \$6,000,000	\$1,760.00	
\$6,000,001+		\$1,760.00 for the first \$6,000,000 plus \$0.55 for each additional \$1,000, or fraction thereof
FIRE INSPECTIONS AND TESTING FEES		
Annual Fire Inspections (All Occupancies)*		
1 – 1,500 sq. ft.	\$50.00	Per year
1,501 – 3,000 sq. ft.	\$55.00	Per year
3,001 – 5,000 sq. ft.	\$60.00	Per year
5,001 – 10,000 sq. ft.	\$65.00	Per year
10,001 – 25,000 sq. ft.	\$75.00	Per year
25,001 – 50,000 sq. ft.	\$85.00	Per year
50,000 – 75,000 sq. ft.	\$100.00	Per year
75,001 – 200,000 sq. ft.	\$125.00	Per year
200,001 or more sq. ft.	\$250.00	Per year

Other Inspections and Tests		
State Licensed Facilities*	\$100.00	
Fire Hydrant Flow Test*	\$100.00	
Fire Protection Systems*		
1 – 10 devices	\$75.00	
11 – 25 devices	\$100.00	
26 – 100 devices	\$200.00	
101 – 300 devices	\$275.00	
301 – 500 devices	\$500.00	
Per device for each device over 500	\$1.00	Each
Fire Sprinkler Systems*		
Underground	\$150.00	
1 – 20 Heads	\$75.00	
21 – 100 Heads	\$100.00	
101 – 300 Heads	\$200.00	
301 – 1,000 Heads	\$400.00	
Per head for each over 1,000 heads	\$1.00	Each
Fire Pump, Additional	\$150.00	Each
Access Control Doors*		
1 – 10 doors	\$75.00	
11 – 25 doors	\$100.00	
26 – 100 doors	\$200.00	
101 – 200 doors	\$275.00	
201 – 500 doors	\$500.00	
Per door for each door over 500	\$5.00	
* Reinspection Fees (applies to each of the above starred (*) items)		
Re-Inspection	No Charge	
2 nd Re-Inspection	Same as Initial Fee	
3 rd and Subsequent Re-Inspections	Varies	Beginning with the 3 rd , the fee doubles for each subsequent re-inspection

KENNEDALE PUBLIC LIBRARY

SERVICE	COST	NOTES
Overdue Book	No Charge	
Photocopies From Copier (Only Black and White Available)	\$0.25	Per page
Printouts From Computer	\$0.25	Per page
Materials Lost or Damaged Beyond Repair	\$5.00	Processing fee + listed retail price of item(s)
Repair of Inventory Material	Actual Cost	
Replace Lost or Damaged Audiobook Binder	\$5.00	
Replace Lost or Damaged CD Case	\$1.00	
Replace Lost or Damaged DVD Case	\$2.00	
Interlibrary Loan	No Charge	
Initial (New Account) Library Card for Residents	No Charge	For residents of the Cities of Kennedale, Arlington, and Mansfield
Annual Library Card for Non-Residents	\$35.00	Per year
Library Card Replacement (Residents and Non-Residents)	\$2.00	Per card
Repair of CD/DVD	\$1.00	
Transmittal Fax Only (Local)	\$1.00	First page, \$0.25 each additional page
Transmittal Fax Only (Long Distance)	\$2.00	First page, \$0.50 each additional page
FACILITY RENTALS/RESERVATIONS (All Facility Reservations are Coordinated by Library Staff)		
Ballfields (Village Street off of Averett Rd.; Subfacility of Sonora Park)		
Deposit (applies to all Ballfield rentals)	\$50.00	Per field; May be returned, dependent upon satisfactory inspection by staff
General Reservations (Residents and Non-Residents)	\$25.00	Per hour
Kennedale Youth Association (KYA) Annual Lease Agreement		
Community Center (316 W Third St.; in the Kennedale Public Library Building)		
Deposit (applies to all Community Center rentals)	\$150.00	May be returned, dependent upon satisfactory inspection by staff
Residents	\$50.00	Per hour; Rental must begin during Library's operating hours; 3 (Three) hour minimum
Non-Residents	\$60.00	Per hour; Rental must begin during Library's operating hours; 3 (Three) hour minimum
Pavilions (TownCenter Park at 405 Municipal Drive; Sonora Park at 263 S. New Hope Rd.)		
Deposit (applies to all pavilion rentals)	\$50.00	May be returned, dependent upon satisfactory inspection by staff
Residents	\$45.00	Per hour; 2 (Two) hour minimum
Non-Residents	\$90.00	Per hour; 2 (Two) hour minimum
Senior Center Banquet Room (420 Corry A. Edwards Dr.)		
Deposit (Members and/or Residents)	\$75.00	May be returned, dependent upon satisfactory inspection by staff
Deposit (Non-Members who are also Non-Residents)	\$150.00	May be returned, dependent upon satisfactory inspection by staff
Members and/or Residents	\$25.00	Per hour; 3 (Three) hour minimum
Non-Members who are also Non-Residents	\$25.00	Per hour; 3 (Three) hour minimum

PERMITS, PLANNING, AND DEVELOPMENT

SERVICE	COST	NOTES
NOTE: Minimum Fee For Any Single Permit or Inspection, Listed or Unlisted, Regardless of Department.	\$90.00	Excluding signs
NOTE: In addition to all fees listed below, developers, property owners, or applicants must pay additional fees in an amount equal to the actual cost incurred by the City related to (i) third-party engineering review of plats, plans, and applications and (ii) third-party construction inspection.		
Building Permit for Residential Construction (single family, two family, multifamily, and townhome)	\$0.85	Per square foot
BUILDING PERMIT FOR NON-RESIDENTIAL CONSTRUCTION BASED ON TOTAL VALUATION OF PROJECT (also used for building code pricing below)		
\$1.00 to \$10,000.00	\$120.00	
\$10,001.00 to \$25,000.00	\$181.50	For the first \$10,000.00, plus \$13.50 for each additional \$1000.00, or fraction thereof, up to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$430.50	For the first \$25,000.00, plus \$10.00 for each additional \$1,000.00, or fraction thereof, up to and including \$50,000.00
\$50,001 to \$100,000.00	\$708.00	For the first \$50,000.00, plus \$6.50 for each additional \$1,000.00, or fraction thereof, up to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,093.00	For the first \$100,000.00, plus \$4.95 for each additional \$1,000.00, or fraction thereof, up to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,557.00	For the first \$500,000.00, plus \$4.50 for each additional \$1,000.00, or fraction thereof, up to and including \$1,000,000.00
\$1,000,001.00+	\$6,170.00	For the first \$1,000,000.00, plus \$2.90 for each additional \$1,000.00, or fraction thereof
BUILDING CODE PERMITS, INSPECTIONS, AND PLAN REVIEWS		
Accessory Building (Min. 100 ft ²)	\$100.00	
Building Code Appeal	\$100.00	
Carnival or Temporary Amusement	\$55.00	
Contractor Registration, Initial	\$100.00	See Article XIII, Chapter 4 Of City Code
Contractor Registration, Annual Renewal	\$50.00	If not renewed within 30 days of expiration, renewal fee is \$100.00
Detached Garage	\$0.85 per sq. ft.	
Demolition	\$110.00	
Drive Approach	\$110.00	
Fence, single family residential	\$90.00	
Fence, Retaining Wall, Screen Wall (non-residential/subdivision/multifamily)	\$150.00	
Moving Building into the City	\$100.00	
Signs	Varies	Consult Construction Table (above)
Special Event Permit	\$150.00	
Swimming Pool and/or Hot Tub (Above Ground)	\$200.00	
Swimming Pool and/or Hot Tub (In-Ground)	\$400.00	
Tent (Commercial) - Larger Than 200 ft ²	\$90.00	
Tree Mitigation Fee	\$200.00	Per caliper inch
Underground Storage Tanks (Includes Gas Lines To Tank)	Varies	Consult Construction Table (above)
Reinspection Fee	\$90.00	
Park Dedication Fee	\$1,200.00	Per residential Lot
PLAN REVIEW		
All Permits Calculated by Construction Table (above)	35.0%	Of building permit fee
CODE ENFORCEMENT		
Lien Assessment Fee	Actual Cost	Plus \$100.00 administrative fee
Mowing, Cleaning, and/or Boarding Property (By Contractor)	Actual Cost	Plus \$100.00 administrative fee

ELECTRICAL CODE PERMITS AND INSPECTIONS

Apartments, Condominiums, Triplex, Etc.	\$90.00	
Commercial/Industrial New Construction	\$90.00	
Single Family, Duplex, Townhouse, Etc.	\$90.00	
Contractor Registration, Initial	—	See Article XIII, Chapter 4 Of City Code; Not required for electricians
Electric Generators Used By Carnival, Circuses, Traveling Shows, Exhibits	\$90.00	
Electrical Code Appeal	\$100.00	
Fixed Residential Appliances, Receptacle Outlets, Etc.	\$90.00	As defined by City Code
Minimum For Any Single Permit	\$90.00	Except temporary construction pole re-connects
Swimming Pool, In-Ground, Residential	\$110.00	
Receptacles, Switch, Lighting or Other Outlet Holding Devices	\$90.00	
Reinspection Fee	\$90.00	
Services of 600 Volts or Less		
Less than 200 Amps	\$90.00	
600+ Volts or 1,000+ Amps	\$90.00	
Each Power Apparatus (As Defined By City Code)	\$2.00	
Rating in Horsepower, Etc.		
Up To And Including 1	\$90.00	Each
Over 1, Up To And Including 10	\$90.00	Each
Over 10, Up To And Including 50	\$90.00	Each
Over 50, Up To And Including 100	\$90.00	Each
Over 100	\$90.00	Each
Signs, Outline Lighting, or Marquees		
One Branch Circuit	\$90.00	Each
Additional Branch Outlets	\$90.00	Each
Temporary Power To Any Structure (Maximum Of Ninety (90) Days)	\$90.00	
MECHANICAL CODE PERMITS AND INSPECTIONS		
Contractor Registration, Initial (Article XIII, Chapter 4 Of City Code)	\$100.00	
Contractor Registration, Annual Renewal	\$50.00	If not renewed within thirty (30) days of expiration, renewal fee is \$100.00 .
HVAC (Heating/Cooling Systems)	\$110.00	\$55 Per air handling unit (e.g. <i>inside unit + outside unit = \$110.00</i>)
Replacement of Furnaces, Condensing Unit or Cooling/Heating System	\$90.00	
Vent-A-Hood (Commercial)	\$90.00	
Re-Inspection Fee	\$90.00	
Mechanical Code Appeal	\$100.00	

PLUMBING CODE PERMITS AND INSPECTIONS

Apartments, Condominiums, Triplex, Etc.	\$90.00	
Commercial/Industrial New Construction	\$90.00	
Single Family, Duplex, Townhouse, Etc.	\$90.00	
Contractor Registration, Initial	—	See Article XIII, Chapter 4 Of City Code; Not required for plumbers
Unit Fee Schedule		
Building Water Line	\$90.00	
Building Sewer Line	\$90.00	
Fireplace Piping and Valve	\$90.00	
Gas Fired Applicable W/Special Vent Pipe	\$90.00	
Gas Piping System (1 – 4 Outlets)	\$90.00	
Gas Piping System (5+ Outlets)	\$90.00	
Industrial Waste Pre-Treatment Interceptor	\$90.00	
Installation/Repair of Water Piping and/or Water Treatment Equipment	\$90.00	
Lawn Sprinkler System On Any One Meter, Including Backflow Protection	\$90.00	
Private Sewage Disposal System	\$90.00	
Repair of Existing Piping	\$90.00	
Repair or Alteration of Drainage or Vent Piping	\$90.00	
Gas Line Pressure Check	\$90.00	
Plumbing Fixture, Trap, or Set Fixture, Etc.	\$90.00	
Yard Line Pressure Check	\$90.00	
Plumbing Code Appeal	\$100.00	
Re-Inspection Fee	\$90.00	

REGISTRATION AND MISCELLANEOUS PERMITS

Business License	\$25.00	
Home Business License	\$25.00	
Certificate of Occupancy (CO)	\$150.00	
Contractor Registration, Initial	\$100.00	See Article XIII, Chapter 4 Of City Code
Contractor Registration, Annual Renewal	\$50.00	If not renewed within thirty (30) days of expiration, renewal fee is \$100.00
Garage Sale Permit	\$10.00	No more than three (3) garage sales per address per year
Gathering Station Inspection	\$1,000.00	
Itinerant Vendor License	\$100.00	Fee due at time of application
Sub-Division Construction Inspection Fee	4.0%	Of construction cost
Tree Removal Permit	\$150.00	Per acre; \$150.00 minimum charge

SHORT TERM RENTALS

Permit	\$100.00	per each permit and renewal permit
Inspection and Reinspection	\$75.00	Per each inspection or reinspection

OIL AND GAS WELLS

Annual Air Sampling And Reporting Fee Per Low-To-Moderate Impact Pad Sites (As Determined By City Official(s))	\$12,000.00	
Annual Air Sampling And Reporting Fee Per High Impact Pad Site (As Determined By City Official(s))	\$45,000.00	May be paid in quarterly installments
Annual Air Sampling And Reporting Fee As Needed	\$12,000.00	Per instance of additional monitoring
Annual Inspection Per Well	\$2,000.00	\$300.00 per additional well on same pad site
Well Requested On Application for Pad Site	\$5,000.00	Per well

PLANNING AND DEVELOPMENT

Annexation, Request for	\$200.00	
Commercial Site Plan Review	\$500.00	Engineering review fee; In additional to applicable permitting fees
Conditional Use Permit	\$500.00	
Easement or Right-Of-Way (ROW) Abandonment, Request for	\$300.00	

Zoning

Zoning Verification Letter	\$30.00	
Zoning Change or Amendment for Less Than 10 Acres, Request for	\$500.00	
Zoning Change or Amendment for 10+ Acres, Request for	\$1,500.00	
Rezone Less Than 10 Acres to Planned Development District (PD)	\$750.00	
Rezone 10+ Acres to Planned Development District (PD)	\$1,500.00	

Plats

Minor Plat, Vacated Plat, Amended Plat	\$300.00	Plus \$10.00 per lot
Minor Plat Engineering Review Fee	\$200.00	
Preliminary Plat	\$300.00	Plus \$10.00 per lot
Preliminary Plat Engineering Review Fee	\$1,000.00	
Replat (0-10 Acres)	\$500.00	
Replat (10+ Acres)	\$1,500.00	
Final Plat	\$300.00	Plus \$10.00 per lot
Final Plat, Repat Engineering Review Fee	\$2,500.00	Placed in escrow; Unused funds can be requested for return

Other

Renotification	Actual Cost	Cost to republish/resent legally required notices after request for date change
Special Exception, Request for	\$250.00	
Variance, Request for	\$250.00	
Printouts/Copies From Plotter	\$1.00	Per Square Foot (ft ²)

NOTE: Minimum Fee For Any Single Permit or Inspection, Listed or Unlisted, Regardless of Department.	\$90.00	Excluding signs
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NOTE: In addition to all fees listed above, developers, property owners, or applicants must pay additional fees in an amount equal to the actual cost incurred by the City related to (i) third-party engineering review of plats, plans, and applications and (ii) third-party construction inspection.

WATER & WASTEWATER, UTILITY BILLING, AND PUBLIC WORKS

View monthly utility rate information at www.cityofkennedale.com/waterrates

As the City of Arlington operates and maintains the City of Kennedale's water and wastewater utility systems, **the City of Kennedale utilizes the City of Arlington's fee schedule for those items related to water, wastewater, waste hauling, and other related services**. The current City of Arlington fee schedule regarding these items (as of the adoption of this City of Kennedale Fee Schedule) is attached, but for the most current rates, please visit www.arlingtontx.gov.

NOTE: The City of Kennedale sets and assesses its own impact fees, which can be located under the *Permits, Planning, and Development* section of this Fee Schedule.

SERVICE	COST	NOTES
Utility Account Deposits		
Residential/Owner	To be charged at the current rates established in the City of Arlington's Adopted Fee Schedule.	
Builder		
Multi-Family Units		
Commercial		
Water Resource Service Field Sampling Fees		
Grab Sample	To be charged at the current rates established in the City of Arlington's Adopted Fee Schedule.	
Grab Sample TTO		
Composite Sample		
pH		
Wastewater Surcharges		
Class Rate Billing - Class 1	To be charged at the current rates established in the City of Arlington's Adopted Fee Schedule.	
Class Rate Billing - Class 2		
Biochemical Oxygen Demand (BOD)		
Inspections-Monitoring-Analysis-Grease Abatement (IMAG)		
Total Suspended Solids (TSS)		
Construction Meter Activation		
Construction Meter Activation	To be charged at the current rates established in the City of Arlington's Adopted Fee Schedule.	
Construction Meter Fixed Fee		
Construction Meter Deposit		
Service Charges		
Delinquent Account	To be charged at the current rates established in the City of Arlington's Adopted Fee Schedule.	
Delinquent Account Follow Up		
After Hours		
Inactive Account Follow Up		
Plug Meter		
Pulled Meters - up to 1"		
Pulled Meters - > 1"		
Returned Checks/Drafts		
Valve Operation (non-residential)		
Late Fee		
Activation Fee		
Credit Card Convenience Fee		
Sewer Deduct Meter Set Up		
Bill Reprints		
Water Transfer fee		

Tap Fees	
Water	To be charged at the current rates established in the City of Arlington's Adopted Fee Schedule.
Sewer	
Sewer Tap Location	
Connection to Existing Sewer Tap	
Front Footage Fees	
Water	To be charged at the current rates established in the City of Arlington's Adopted Fee Schedule.
Sewer	
Other Charges	
Hauler Fees	To be charged at the current rates established in the City of Arlington's Adopted Fee Schedule. <i>NOTE: The City of Arlington regulates backflow and the installation, maintenance, and the transportation of liquid wastes within the City of Kennedale. Questions? Call the City of Arlington at 817-459-5902 or the City of Kennedale Public Works Department at 817-985-2170.</i>
MIU Permit	
SIU Permit	
Backflow Assembly Test Recording/Filing Fee	
Tampering with Public Water System	
Meter Calibration (when staff performs)	
Meter Calibration (when contractor performs)	
Disconnect Service at the Main	
Private Water Well Permit & Inspection	
Meter Set Re-inspection Fee	
Water for Cleanup	
Meter Testing Fee (1st test free)	
Meter Testing 5/8 x 3/4 inch	To be charged at the current rates established in the City of Arlington's Adopted Fee Schedule.
Meter Testing 1 inch	
Meter Testing 1 1/2 inch	
Meter Testing 2 inch+A471	
Meter Testing >2 inch	
Cap/Eliminating Existing Service	
All sizes	To be charged at the current rates established in the City of Arlington's Adopted Fee Schedule.
Meter & Related Equipment	
Meter 5/8" x 3/4"	To be charged at the current rates established in the City of Arlington's Adopted Fee Schedule.
Meter 1"	
Meter 1.5"	
Meter 2"	
Meter >2"	
Automated Meter Interface Replacement	
Large Meters	
6" Detector Check Valve w/Fire Flow Detector	To be charged at the current rates established in the City of Arlington's Adopted Fee Schedule.
8" Detector Check Valve w/Fire Flow Detector	
3" Combination w/ ¾" meter	
4" Combination w/ ¾" meter	
6" Combination w/ ¾" meter	
8" Combination w ¾" meter	

Laboratory Service Testing Fees

BOD 5
TSS
Oil and Grease
Cyanide
EPA 624 (Volatile Organic Compounds)
EPA 625 (Organics)
Total Coliform/E. Coli Presence-Absence
HPC
Total Coliform/E. Coli Enumeration
ATP
Mercury (Hg)
Metals
Pesticides (EPA 525)
Anions
Hardness
TPH
Chlorophyll A
Phosphorus, Total
Sampling Fee (one hour Min.) First Hour
Sampling Fee (one hour Min.) Additional Hour
Geosmin
Seep/Tap
Identification
COD

To be charged at the current rates established in the City of Arlington's Adopted Fee Schedule.

As the City of Arlington operates and maintains the City of Kennedale's water and wastewater utility systems, **the City of Kennedale utilizes the City of Arlington's fee schedule for those items related to water, wastewater, waste hauling, and other related services**. The current City of Arlington fee schedule regarding these items (as of the adoption of this City of Kennedale Fee Schedule) is attached, but for the most current rates, please visit www.arlingtontx.gov.

NOTE: The City of Kennedale sets and assesses its own impact fees, which can be located under the Permits, Planning, and Development section of this Fee Schedule.

Schedule of Fees for the City of Kennedale, Texas

Updated 05/19/2020 | www.cityofkennedale.com/fees

Resolution No. 19-252

A resolution authorizing Arlington Water Utilities fees and adjustments to fees for special services and utility account deposits and incorporating the adjustments into the Water Utilities Office Policies

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

I.

That effective October 1, 2019, the following fees for special services provided by the City of Arlington Water Utilities Department and utility account deposits are hereby adjusted, approved and authorized, and shall be incorporated into the Water Office Policies:

CATEGORY	FEE
Meter Testing Fee (1st test free)	
Meter Testing 5/8 x 3/4 inch	\$153.85
Meter Testing 1 inch	\$153.85
Meter Testing 1 1/2 inch	\$285.67
Meter Testing 2 inch	\$285.67
Meter Testing > 2 inch	To be calculated individually per job
Tap Fees	
Water	To be calculated individually per job
Sewer	To be calculated individually per job
Sewer Tap Location	To be calculated individually per job
Connection to Existing Sewer Tap	\$600.00
Cap/Eliminate Existing Service	
All sizes	\$1,290.01

Meter & Related Equipment	
Meter - 5/8" x 3/4 inch	\$363.76
Meter - 1 inch	\$500.37
Meter - 1 1/2 inch	\$849.36
Meter - 2 inch	\$1,078.64
Meter - > 2 inch	To be calculated individually per job
Automated Meter Interface Replacement	\$207.45

Large Meters	
6" Detector Check Valve with Fire Flow Detector	To be calculated individually per job
8" Detector Check Valve with Fire Flow Detector	To be calculated individually per job
3" Combination with 3/4" Meter	\$2,640.27
4" Combination with 3/4" Meter	\$4,485.78
6" Combination with 2" Meter	\$13,231.88
8" Combination with 2" Meter	\$19,762.89

Construction Meter Activation	
Construction Meter Activation	\$212.93
Construction Meter Fixed Fee	\$59.11

Laboratory Service Testing Fees	
BOD5	\$61.79
TSS	\$20.60
Oil and Grease	\$78.26
Cyanide	\$73.11
EPA 624 (Volatile Organic Compounds)	\$194.95
EPA 625 (Organics)	\$374.65
Total Coliform/E. Coli Presence-Absence	\$30.04
HPC	\$26.53
Total Coliform/E. Coli Enumeration	\$40.77
ATP	\$42.72
Mercury (Hg)	\$38.17
Metals	\$29.37
Pesticides (EPA 525)	\$193.38
Anions	\$33.21
Hardness	\$23.77
TPH	\$123.01
Chlorophyll A	\$113.01
Phosphorus, Total	\$68.01
Sampling Fee (one hour minimum), First Hour	\$45.60
Sampling Fee (one hour minimum), Additional Hour	\$33.20
Geosmin	100.24
Seep/Tap	74.68
Identification	20.90
COD	53.27

Front Footage Fees	
Water	To be calculated individually per job
Sewer	To be calculated individually per job

Service Charges	
Delinquent Account	34.61
Delinquent Account Follow-Up -- After Hours Reconnect	\$129.70
Inactive Accounts Follow-Up	\$61.97
Pulled Meters - up to 1 inch	\$197.09
Pulled Meters - > 1 inch	\$698.70
Returned Checks/Drafts	25.00
Valve Operation (non-residential)	\$327.98
Late Fee	5%
Account Activation Fee	\$30.00
Credit Card Convenience Fee	\$3.00
Sewer Deduct Meter Account Setup	To be calculated individually per job
Bill Reprints	\$3.00

Other Charges	
Hauler Fees	\$158.50
MIU Permit	\$606.28
SIU Permit	\$1,243.57
Backflow Assembly Test Recording/Filing Fee	\$43.80
Backflow Tester Registration Fee	\$92.05
Tampering with Public Water System	\$250.00

Wastewater Surcharges	
Class Rate Billing - Class I	\$1.05648
Class Rate Billing - Class II	\$0.47192
Biochemical Oxygen Demand (BOD)	\$0.08162
Inspections-Monitoring-Analysis-Grease Abatement (IMAG)	\$0.11491
Total Suspended Solids (TSS)	\$0.12381

Water Resource Services Field Sampling Fees	
Grab Sample	\$104.92
Grab Sample-TTO	\$148.44
Composite Sample	\$181.07
pH	\$16.32

Utility Account Deposits	
Renter/Owner	2.5 times residential city average usage for the fiscal year of service establishment
Builder	2.5 times prior pattern of consumption at service location; \$300.00 minimum if no prior consumption history
Multi-Family Units	\$50.00 per unit
Commercial	2.5 times prior pattern of consumption at service location; \$300.00 minimum if no prior consumption history

II.

Further, that the City Council hereby adopts the revised City of Arlington Water Utilities Office Policies which incorporate revised fees for special services provided by the City of Arlington Water Utilities Department and deposits for utility accounts. The City of Arlington Water Utilities Office Policies shall be effective October 1, 2019.

III.

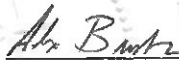
A substantial copy of the City of Arlington Water Utilities Office Policies is attached hereto and incorporated herein for all purposes.

PRESENTED AND PASSED on this the 19th day of September, 2019,
by a vote of 8 ayes and 0 nays at a special meeting of the City Council of the
City of Arlington, Texas.



W. JEFF WILLIAMS, Mayor

ATTEST:



ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY



ARLINGTON

MEETING DATE: JUNE 16, 2020

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

SUBJECT

Consider approval of Ordinance 705, amending the Fiscal Year 2019–2020 Adopted Budget of the City of Kennedale, Texas

ORIGINATED BY

Lakeita Sutton, Director of Finance and Information Technology

SUMMARY

Charter Section 6.02 states that “During the fiscal year, the City Council shall have the power to make budget adjustments. Expenditures that could not, by reasonable thought and attention, have been included in the original budget, may be authorized by the City Council. All such authorizations by the City Council shall be filed as amendments to the original budget, including the reasons for such amendments.”

Staff is recommending the attached budget amendment (via Ordinance 705), which will forward encumbrances from the previous fiscal year, account for several items related to special circumstances or opportunities, and aim to avoid budget overruns. The amendment includes savings in certain areas – something that staff continues to prioritize as a way to restore fund balance reserves in an effort to maintain the City’s current AA- bond rating. In this amendment, General Fund revenue is projected to decrease (mainly due to reduced sales tax projections related to COVID-19). General Fund expenditures are also projected to decrease (due to various reasons noted in Appendix A). While it is less common to remove expenditures via budget amendment, under current conditions, staff felt it prudent to make accurate projections based on mid-year balances.

As Council is aware, the FY19–20 Budget was adopted with a reduction of General Fund reserves by \$862,944 – reflecting a projected end-of-year fund balance of only 7.9% of annual expenditures. During this evaluation, a decrease of \$205,700 was identified in the budgeted drawdown of the General Fund balance. Some General Fund spending ceased or slowed as a result of COVID-19. In several departments, line items including travel, training, and personnel experienced reduced spending. The updated projections offer a healthier fiscal outcome (one that has a potential of meeting the City’s adopted financial policy of 15-25% Fund balance remaining).

The Water and Sewer Fund was budgeted to be drawn down by \$322,608. While revenue is projected to increase, so are expenditures, not offering much of a different outlook in FY19–20. However, with several phases of utility billing and operations being transferred to Arlington, the future outlook remains positive.

The Stormwater Fund was budgeted to have ~\$38,000 in new revenue from a stormwater fee increase that was to take effect near the beginning of the fiscal year. Because that action was delayed, however, the revenue increase is now estimated at ~\$12,000. Council also approved additional drainage improvements projects following budget adoption that caused an increase in expenditures of ~\$34,000. The net effect of the amendment in the Stormwater Fund is a drawdown of \$350,416 (compared to the original drawdown of \$284,416).

Appendix A provides additional detail on each affected line item in the proposed FY19–20 Budget amendment. Staff will be available to answer any questions.

RECOMMENDATION

Approve

ATTACHMENTS

1.	O705 FY20Budget Amendment	O705 FY20Budget Amendment.pdf
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ORDINANCE NO. 705

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS, AMENDING THE FISCAL YEAR 2019–2020 ADOPTED BUDGET OF THE CITY OF KENNEDALE, TEXAS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale, Texas Fiscal Year 2019–2020 Budget was adopted within the time and in the manner required by State law; and

WHEREAS, the City Council of the City of Kennedale, Texas, hereby finds and determines that it is prudent to amend specific line items due to the occurrence of unforeseen situations that have impacted those line items; and

WHEREAS, the City Council of the City of Kennedale, Texas, further finds that the amendments, as set forth in the attached Exhibit “A”, will serve the public interest and are necessary to support City operations; and

WHEREAS, the City Council of the City of Kennedale, Texas, finds and determines that the change in the Fiscal Year 2019–2020 Budget for the stated municipal purpose serves the best interests of the taxpayers, is necessary, and warrants action at this time.

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

SECTION 1.

That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2.

That the City of Kennedale, Texas, Fiscal Year 2019–2020 Budget is hereby amended to fund the projects represented by the line items as stated in the attached Exhibit “A”. These amendments to the original Adopted Budget of the City of Kennedale, Texas, for the Fiscal Year 2019–2020 shall be attached to and made part of the original Adopted Budget by the City Secretary and shall be filed in accordance with State law.

SECTION 3.

That this Ordinance shall be cumulative of all other Ordinances of the City affecting the Fiscal Year 2019–2020 Budget of the City and shall not repeal any of the provisions of such Ordinances except in those instances where provisions of those Ordinances are in direct conflict with the provisions of this Ordinance; whether such Ordinances are codified or uncoded, and all other provisions of the Ordinances of the City of Kennedale, Texas, codified or uncoded, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 4.

That if any section, article, paragraph, sentence, clause, phrase, or word in this

Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5.

That the City Secretary of the City of Kennedale, Texas, is hereby directed to engross and enroll this Ordinance in the Ordinance Records of the City and to properly record this Ordinance in accordance with the City Charter.

SECTION 6.

That this Ordinance shall take effect from and after its date of passage, in accordance with law, and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, THIS THE 16TH DAY OF JUNE, 2020.

APPROVED:

MAYOR BRIAN JOHNSON

[CITY SEAL]

ATTEST:

CITY SECRETARY LESLIE E. GALLOWAY

ORDINANCE NO. 702
EXHIBIT "A"

Budget Amendent: Fiscal Year 2019–2020

GENERAL FUND REVENUE	LINE ITEM	DEPARTMENT	ORIGINAL BUDGET	AMENDED BUDGET	DIFFERENCE	EXPLANATION
01-4081-00-00	SALES TAX		\$ 1,280,458	\$ 1,247,909	\$ (32,549)	Decrease Due to COVID-19
01-4099-00-00	GRANTS		\$ -	\$ 62,345	\$ 62,345	Received Grant for Body Cameras
01-4120-00-00	CONTRACTOR LICENSES		\$ 12,000	\$ 7,800	\$ (4,200)	Decreased Development Activity
01-4155-00-00	BUILDING PERMITS		\$ 80,000	\$ 38,800	\$ (41,200)	Decreased Development Activity
01-4160-00-00	ELECTRICAL PERMITS		\$ 10,000	\$ 5,400	\$ (4,600)	Decreased Development Activity
01-4165-00-00	PLUMBING PERMITS		\$ 10,000	\$ 6,700	\$ (3,300)	Decreased Development Activity
01-4175-00-00	MECHANICAL PERMITS		\$ 10,000	\$ 5,700	\$ (4,300)	Decreased Development Activity
01-4183-00-00	CONSTRUCTION INSPECTION FEES		\$ 30,000	\$ 58,000	\$ 28,000	Magnolia Hills Development
01-4192-00-00	ZONE CHANGE FEES		\$ 13,000	\$ 1,590	\$ (11,410)	Decreased Development Activity
01-4193-00-00	PLAN REVIEW FEES		\$ 1,000	\$ 8,300	\$ 7,300	Increased Collections
01-4199-00-00	REINSPECTION FEES		\$ -	\$ 12,000	\$ 12,000	Oaks Court Development
01-4255-00-00	WARRANT FEES		\$ 20,000	\$ 10,200	\$ (9,800)	Delayed Court Appearances Due to COVID-19
01-4256-00-00	ARREST FEES		\$ 6,000	\$ 3,400	\$ (2,600)	Delayed Court Appearances Due to COVID-19
01-4281-00-00	FINES / FORFEITS - FROM 2006		\$ 140,000	\$ 78,000	\$ (62,000)	Delayed Court Appearances Due to COVID-19
01-4390-00-00	AMBULANCE FEES - FROM 2006		\$ 180,000	\$ 192,000	\$ 12,000	Increased collections by new Ambulance Billing Provider
Total Amendment to General Fund Revenue					\$ (54,314)	↓

GENERAL FUND EXPENDITURES	LINE ITEM	DEPARTMENT	ORIGINAL BUDGET	AMENDED BUDGET	DIFFERENCE	EXPLANATION
01-5578-03-00	TRAVEL	CITY SECRETARY	\$ 1,770	\$ 500	\$ (1,270)	TMCA Conference Cancelled
01-5578-04-00	TRAVEL	MUNICIPAL COURT	\$ 2,434	\$ 1,600	\$ (834)	TCCA and TMCEC Conference Cancelled
01-5440-07-01	OFFICE EQUIP SOFTWARE MAINT	FINANCE	\$ 15,580	\$ 14,000	\$ (1,580)	Decrease in Financial Software Support
01-5525-07-01	TRANING/SEMINARS	FINANCE	\$ 1,535	\$ 675	\$ (860)	GFOAT Conference Cancelled
01-5578-07-01	TRAVEL	FINANCE	\$ 846	\$ 95	\$ (751)	GFOAT Conference Cancelled
01-5101-09-01	SALARIES	POLICE	\$ 1,291,931	\$ 1,245,366	\$ (46,565)	Vacancies
01-5109-09-01	TEMPORARY PART TIME	POLICE	\$ 20,810	\$ 28,666	\$ 7,856	Increase in Hours
01-5114-09-01	LONGEVITY PAY	POLICE	\$ 23,188	\$ 22,058	\$ (1,130)	Vacancies
01-5115-09-01	RETIREMENT	POLICE	\$ 199,872	\$ 190,971	\$ (8,901)	Vacancies
01-5117-09-01	PAYROLL TAXES FICA	POLICE	\$ 110,200	\$ 100,836	\$ (9,364)	Vacancies
01-5118-09-01	MEDICAL INSURANCE	POLICE	\$ 126,893	\$ 120,967	\$ (5,926)	Vacancies
01-5220-09-01	UNIFORMS	POLICE	\$ 15,125	\$ 11,000	\$ (4,125)	Fewer Uniforms Needed
01-5280-09-01	MINOR EQUIPEMENT SMALL TOOLS	POLICE	\$ 13,400	\$ 5,000	\$ (8,400)	Did not replace Tasers, Misc. Furniture
01-5285-09-01	FUEL	POLICE	\$ 36,000	\$ 30,000	\$ (6,000)	Decreased Fuel Prices
01-5291-09-01	GRANT FUNDED SUPPLIES	POLICE	\$ -	\$ 62,345	\$ 62,345	Received Grant for Body Cameras
01-5525-09-01	TRANING/SEMINARS	POLICE	\$ 14,925	\$ 11,700	\$ (3,225)	Decreased Training Activity
01-5583-09-01	ANIMAL CONTROL	POLICE	\$ 55,000	\$ 15,000	\$ (40,000)	Decrease in Fort Worth ACO Shelter Charges
01-5101-10-00	SALARIES	FIRE	\$ 1,235,777	\$ 1,150,613	\$ (85,165)	Vacancies
01-5107-10-00	OVERTIME	FIRE	\$ 135,000	\$ 110,000	\$ (25,000)	Vacancies
01-5109-10-00	TEMPORARY PART TIME	FIRE	\$ 40,000	\$ -	\$ (40,000)	Not Using Part-Time Firefighters
01-5115-10-00	RETIREMENT	FIRE	\$ 214,956	\$ 185,000	\$ (29,956)	Vacancies
01-5117-10-00	PAYROLL TAXES FICA	FIRE	\$ 121,576	\$ 90,000	\$ (31,576)	Vacancies
01-5118-10-00	MEDICAL INSURANCE	FIRE	\$ 102,035	\$ 85,000	\$ (17,035)	Vacancies
01-5225-10-00	LIFE SAFETY EQUIPMENT	FIRE	\$ 15,000	\$ 30,000	\$ 15,000	Bunker Gear purchased through Grant
01-5440-10-00	OFFICE EQUIPMENT/SOFTWARE MAINT.	FIRE	\$ 5,665	\$ 11,982	\$ 6,317	Computer Upgrades at Fire Station
01-5570-10-00	SPECIAL SERVICES	FIRE	\$ 51,456	\$ 75,000	\$ 23,544	Contract Staffing for Administrative Assistant
01-5101-12-01	SALARIES	COMMUNITY DEVELOPMENT	\$ 271,509	\$ 243,594	\$ (27,915)	Building Inspection Position Moved to Contracting
01-5118-12-01	MEDICAL INSURANCE	COMMUNITY DEVELOPMENT	\$ 30,058	\$ 25,524	\$ (4,534)	Building Inspection Position Moved to Contracting

01-5240-12-01	PRINTED SUPPLIES	COMMUNITY DEVELOPMENT	\$	2,500	\$	1,000	\$	(1,500)	Fewer Signs for Zoning Cases
01-5285-12-01	FUEL	COMMUNITY DEVELOPMENT	\$	2,200	\$	1,500	\$	(700)	Building Inspection Vehicle No Longer Needed
01-5440-12-01	OFFICE EQUIP/SOFTWARE MAINT	COMMUNITY DEVELOPMENT	\$	18,940	\$	15,000	\$	(3,940)	Decrease in Permits & Code Enforcement Software
01-5578-12-01	TRAVEL	COMMUNITY DEVELOPMENT	\$	2,000	\$	-	\$	(2,000)	No Local Conferences Attended
01-5580-12-01	ENGINEERING SERVIES	COMMUNITY DEVELOPMENT	\$	11,000	\$	24,000	\$	13,000	Development Activity Related
01-5109-17-00	TEMPORARY PART TIME	LIBRARY	\$	30,763	\$	18,000	\$	(12,763)	Vacancies
01-5294-17-00	LIBRARY BOOK CITY FUND	LIBRARY	\$	28,500	\$	23,750	\$	(4,750)	Decrease in Library Material Purchases
01-5403-17-00	BUILDING MAINTENANCE	LIBRARY	\$	13,436	\$	15,000	\$	1,564	Installation of Plexiglass and Cleaning of Facility
01-5820-17-00	BUILDING IMPROVEMENTS	LIBRARY	\$	14,000	\$	800	\$	(13,200)	Delay of Redesigning Director's Office and Storage Area
01-5119-90-00	WORKERS COMPENSATION	NON DEPARTMENTAL	\$	78,023	\$	102,766	\$	24,743	Higher Salaries / Increase in Claims
01-5123-90-00	HEALTH ADMIN FEES	NON DEPARTMENTAL	\$	9,718	\$	44,700	\$	34,982	Increase in HSA Reimbursements
01-5569-90-00	IT SUPPORT	NON DEPARTMENTAL	\$	125,400	\$	115,000	\$	(10,400)	New IT Provider
Total Amendment to General Fund Expenditures							\$	(260,014)	↓

STORMWATER FUND REVENUE	LINE ITEM	DEPARTMENT	ORIGINAL BUDGET	AMENDED BUDGET	DIFFERENCE	EXPLANATION
07-4201-00-00	DRAINAGE FEES	STORMWATER	\$ 297,200	\$ 265,000	\$ (32,200)	Increase in Drainage Fees Delayed Until June 2020
Total Amendment to Stormwater Fund Revenue					\$ (32,200)	↓

STORMWATER FUND EXPENDITURES	LINE ITEM	DEPARTMENT	ORIGINAL BUDGET	AMENDED BUDGET	DIFFERENCE	EXPLANATION
07-5580-01-00	ENGINEERING SERVCIES	STORMWATER	\$ 22,000	\$ 56,000	\$ 34,000	Winding Creek Drainage Project
Total Amendment to Stormwater Fund Expenditures					\$ 34,000	

WATER SEWER FUND REVENUE	LINE ITEM	DEPARTMENT	ORIGINAL BUDGET	AMENDED BUDGET	DIFFERENCE	EXPLANATION
10-4040-00-00	PENALTIES		\$ 50,873	\$ 14,450	\$ (36,423)	Ceased Penalties when FATHOM Departed
10-4050-00-00	ADMINISRATIVE FEES		\$ 15,150	\$ 4,500	\$ (10,650)	Ceased Cut-offs when FATHOM Departed
10-4082-00-00	ARLINGTON OPERATOR COST		\$ -	\$ 300,874	\$ 300,874	Reimbursement for Electric on Wells / Fort Worth Water
10-4886-00-00	SALE OF PARTS / ASSETS		\$ 1,010	\$ 37,750	\$ 36,740	Sale of Water Utility Vehicles
10-4964-00-00	TRANSFER - IN SEWER IMPACT FUND		\$ 60,000	\$ 35,000	\$ (25,000)	Tranfer Out Discontinued
Total Amendment to Water Sewer Fund Revenue					\$ 265,541	↑

WATER SEWER FUND EXPENDITURES	LINE ITEM	DEPARTMENT	ORIGINAL BUDGET	AMENDED BUDGET	DIFFERENCE	EXPLANATION
10-5570-01-01	SPECIAL SERVICES	UTILITY BILLING	\$ 318,664	\$ 424,696	\$ 106,032	Additional Expenses When Ceased Operations with FATHOM
10-5594-01-01	INTERGOV-ARLINGTON SEWER	UTILITY BILLING	\$ 947,915	\$ 987,960	\$ 40,045	Increase in Treatment of Sewage
10-5597-01-01	INTERGOV-FORT WORTH WATER	UTILITY BILLING	\$ 113,300	\$ 267,882	\$ 154,582	Offset in Arlington Operation Cost Revenue
10-5598-01-01	INTERGOV-ARLINGTON WATER	UTILITY BILLING	\$ 100,000	\$ -	\$ (100,000)	Connection Line Cost Delayed
10-5403-01-02	BUILDING MAINTENANCE	INTERLOCAL CITY OF ARLINGTON	\$ 15,015	\$ 3,000	\$ (12,015)	Repairs at Public Works Facility Not Needed
10-5530-01-02	ELECTRIC SERVICES	INTERLOCAL CITY OF ARLINGTON	\$ 15,000	\$ 157,436	\$ 142,436	Offset in Arlington Operation Cost Revenue
10-5570-01-02	SPECIAL SERVICES	INTERLOCAL CITY OF ARLINGTON	\$ -	\$ 31,859	\$ 31,859	TCEQ Water Renewal and State Water Sampling
10-5599-01-02	INTERGOV-ARLINGTON O&M	INTERLOCAL CITY OF ARLINGTON	\$ 1,075,000	\$ 1,050,000	\$ (25,000)	Decrease in Cost Effective April 2020
Total Amendment to Water Sewer Fund Expenditures					\$ 337,939	↑

CAPITAL BOND FUND REVENUE	LINE ITEM	DEPARTMENT	ORIGINAL BUDGET	AMENDED BUDGET	DIFFERENCE	EXPLANATION
13-4401-00-00	INVESTMENT INCOME		\$ 13,307	\$ 23,846	\$ 10,539	Receipt of 2019 Tax Notes Proceeds
Total Amendment to Capital Bond Fund Revenue					\$ 10,539	↑

CAPITAL BOND FUND EXPENDITURES	LINE ITEM	DEPARTMENT	ORIGINAL BUDGET	AMENDED BUDGET	DIFFERENCE	EXPLANATION
13-5850-08-00	TX DOT BRIDGE PROJECT		\$ 570,000	\$ 285,000	\$ (285,000)	Delay in Project Engineering and Design
13-5852-10-00	TRENT STREET INFRASTRUCTURE		\$ -	\$ 44,000	\$ 44,000	New Project - 2019 Tax Notes
13-5853-10-00	LINDA ROAD IMPROVEMENTS		\$ -	\$ 62,000	\$ 62,000	New Project - 2019 Tax Notes
13-5854-10-00	COLLETT SUBLETT INFRASTRUCTURE		\$ -	\$ 73,000	\$ 73,000	New Project - 2019 Tax Notes
13-5857-10-00	PEGGY LANE INFRASTRUCTURE			\$ 90,000	\$ 90,000	New Project - 2019 Tax Notes
Total Amendment to Capital Bond Fund Expenditures					\$ (16,000)	↓

PARK DEDICATION FUND REVENUE	LINE ITEM	DEPARTMENT	ORIGINAL BUDGET	AMENDED BUDGET	DIFFERENCE	EXPLANATION
14-4194-00-00	PARK DEDICATION FEES		\$ -	\$ 16,800	\$ 16,800	Oaks Court, LTD Development
Total Amendment to Park Dedication Fund Revenue					\$ 16,800	↑

EDC4B FUND REVENUE	LINE ITEM	DEPARTMENT	ORIGINAL BUDGET	AMENDED BUDGET	DIFFERENCE	EXPLANATION
15-4081-00-00	SALES TAX		\$ 410,401	\$ 400,141	\$ (10,260)	Decrease Due to COVID-19
15-4412-00-00	LAND PROCEEDS		\$ -	\$ 150,368	\$ 150,368	Sold EDC-Owned Land
15-4805-00-00	RENTAL FEES- SHOPPING CTR		\$ 221,207	\$ 180,000	\$ (41,207)	Reduced Rent May through September
Total Amendment to EDC4B Fund Revenue					\$ 98,901	↑

ROADWAY IMPACT FEE FUND REVENUE	LINE ITEM	DEPARTMENT	ORIGINAL BUDGET	AMENDED BUDGET	DIFFERENCE	EXPLANATION
45-4215-00-00	IMPACT FEES		\$ 24,535	\$ 6,100	\$ (18,435)	Decrease in Development
Total Amendment to Roadway Impact Fee Fund Revenue					\$ (18,435)	↓

ROADWAY IMPACT FEE FUND EXPENDITURES	LINE ITEM	DEPARTMENT	ORIGINAL BUDGET	AMENDED BUDGET	DIFFERENCE	EXPLANATION
45-5582-01-00	IMPACT FEE STUDY		\$ -	\$ 100,000	\$ 100,000	Not Originally Budgeted
Total Amendment to Roadway Impact Fee Fund Expenditures					\$ 100,000	↑

WATER IMPACT FUND REVENUE	LINE ITEM	DEPARTMENT	ORIGINAL BUDGET	AMENDED BUDGET	DIFFERENCE	EXPLANATION
61-4201-00-00	IMPACT FEES		\$ 33,146	\$ 3,231	\$ (29,915)	Decreased Development Activity
Total Amendment to Water Impact Fee Fund Revenue					\$ (29,915)	↓

SEWER IMPACT FUND REVENUE	LINE ITEM	DEPARTMENT	ORIGINAL BUDGET	AMENDED BUDGET	DIFFERENCE	EXPLANATION
62-4201-00-00	IMPACT FEES		\$ 15,201	\$ 1,650	\$ (13,551)	Decreased Development Activity
Total Amendment to Sewer Impact Fee Fund Revenue					\$ (13,551)	↓

SEWER IMPACT FUND EXPENDITURES	LINE ITEM	DEPARTMENT	ORIGINAL BUDGET	AMENDED BUDGET	DIFFERENCE	EXPLANATION
62-5710-00-00	TRANSFER OUT - W/S FUND		\$ 60,000	\$ 35,000	\$ (25,000)	Transfer Out Discontinued
Total Amendment to Sewer Impact Fee Fund Expenditures					\$ (25,000)	↓

MEETING DATE: JUNE 16, 2020

AGENDA ITEM NUMBER: WORK SESSION ITEM IV.F.3.

SUBJECT

Consider authorizing the City Manager to sign an Interlocal Agreement (ILA) for County game room regulations, permitting, and enforcement within the City limits

ORIGINATED BY

George Campbell, City Manager

SUMMARY

For information and documents related to this item, please see Work Session item III.A.2.

RECOMMENDATION

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

ATTACHMENTS

MEETING DATE: JUNE 16, 2020

AGENDA ITEM NUMBER: PUBLIC HEARING ITEM IV.G.1.

SUBJECT

Case #PZ 20-02 — Conduct a public hearing and consider Ordinance 706 regarding a request by Ahmad and Theresa Khammash for a rezoning from "R2" to "R3" Residential for approximately 8 acres located at 5869 Eden Road, Jesse Russell Survey, Abstract 1361, Tracts 9F Improvement, 9F01A, 9F01 and 9D02, City of Kennedale, Tarrant County, Texas

ORIGINATED BY

Melissa Dailey, Director of Planning & Economic Development

SUMMARY

BACKGROUND AND OVERVIEW

Request	Rezone from R2 Single Family Residential to R3 Single Family Residential
Applicant	Ahmad and Theresa Khammash
Location	5869 Eden Road
Surrounding Uses	Primarily Single-Family Residential
Surrounding Zoning	R1, R2, R3, MH, C2
Future Land Use Plan Designation	Residential
Staff Recommendation	Approve

CURRENT STATUS OF PROPERTY

The property has a vacant metal building on-site. The building has been used in past years for light industrial uses. Since the property was rezoned to R2 and the building has remained vacant for an extended period, it has lost its non-conforming commercial use.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The property fronts Eden Road, which is characterized by large rural residential lots and a gated subdivision across the street, Falcon Wood Estates. A large utility corridor is located along this part of Eden. The area has been rezoned over the years to a combination of R1, R2, and R3 to promote residential development.

STAFF REVIEW

Future Land Use Plan

The Future Land Use Plan indicates this property as residential.

Related Goals From the Comprehensive Land Use Plan

The comprehensive plan goal related to this rezoning request falls under:

- **PRINCIPLE 2: ECONOMIC PROSPERITY. PROMOTE ACCESS TO HOUSING.**
Providing housing options for people of varying financial means and residential preferences. Provide the regulatory framework and developer support to provide quality housing for residents. Create job opportunities in Kennedale that help stabilize the local tax base and allow residents to work close to home.
- **PRINCIPLE 3: THRIVING COMMUNITY. CREATE VIBRANT CENTERS.**
Promote social integration and economic activity through the development of different scale centers throughout the community.

City Council Ends Statements and Goals

- Business uses are compatible with residential areas.
- Sidewalks and landscaping are integral to the community.
- Financially responsible and sustainable.
- Well planned community based on principles of a connected city, economic prosperity, and a thriving community.

SUMMARY

This property is currently zoned R2, a zoning category for larger lot (1/3 acre) single family development. The size of this property as well as the current demand for single family lots smaller than 1/3 acre does not lend itself to lots of this size. Additionally, the cost of the required infrastructure could not be justified with the few lots that could be developed at this size. R3 zoning allows for 80' wide lots while still allowing for development of this smaller property. Single family residential development on this site is consistent with the comprehensive plan and with other development in this area. The development will be required to meet standards for R3 zoning and must meet all requirements for single family development. This development will provide quality housing for residents of Kennedale.

The Planning & Zoning Commission recommended approval unanimously at the regular meeting on May 19, 2020.

STAFF RECOMMENDATION

Based on the above analysis, staff recommends approval of the rezoning.

ACTION BY THE CITY COUNCIL

- **Approval:** Based on the information presented, I find that the request meets city requirements and is in compliance with the comprehensive land use plan and make a motion to approve the request for rezoning.
- **Deny:** Based on the information presented, I find that the proposed use does not meet (list standards or requirements not met) and make a motion to deny the request

RECOMMENDATION

Approve

ATTACHMENTS

1.	O706 PZ20-02 5869 Eden Road Rezoning	O706 PZ20-02 5869 Eden Road Rezoning.pdf
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ORDINANCE NO. 706

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE CITY OF KENNEDALE, BEING APPROXIMATELY 8 ACRES LOCATED AT 5869 EDEN ROAD, JESSE RUSSELL SURVEY, ABSTRACT 1361, TRACTS 9F IMPROVEMENT, 9D, 9F01A, 9D01, 9F01 and 9D02, CITY OF KENNEDALE, TARRANT COUNTY, TEXAS FROM "R2" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R3" SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale, Texas, is a home rule 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; and

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

WHEREAS, a change in the zoning classification of the property listed below was requested by a person or entity having a proprietary interest in said property; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale, Texas, on May 21, 2020, and by the City Council of the City of Kennedale, Texas, on June 16, 2020, with respect to the zoning change described herein; and

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

WHEREAS, the City Council of the City of Kennedale, Texas, does hereby deem it advisable and in the public interest to amend the Unified Development Code, as amended, as described herein.

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

SECTION 1.

The Unified Development Code, as amended, is hereby amended so that the permitted uses in the hereinafter described area shall be altered, changed and amended as shown and described below:

Approximately 8 acres located at 5869 Eden Road, Jesse Russell Survey, Abstract 1361, Tracts 9F Improvement, 9D, 9F01A, 9D01, 9F01 and 9D02, City of Kennedale, Tarrant County, Texas on the illustration attached hereto as Exhibit "A" and incorporated herein for all purposes of this ordinance, is hereby rezoned from "R2" Single Family Residential District to "R3" Single Family Residential District.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

The use of the property hereinabove described shall be subject to all the applicable regulations contained in the Unified Development Code, as amended, and all other applicable and pertinent ordinances of the City of Kennedale, Texas.

SECTION 5.

This Ordinance shall be cumulative of the Unified Development Code, as amended, and all other Ordinances of the City of Kennedale, Texas, affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 6.

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

SECTION 7.

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 invalid or unconstitutional

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

SECTION 8.

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

SECTION 9.

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

SECTION 10.

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

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, ON THE 16TH DAY OF JUNE, 2020.

APPROVED:

MAYOR BRIAN JOHNSON

[CITY SEAL]

ATTEST:

CITY SECRETARY LESLIE E. GALLOWAY

APPROVED AS TO FORM AND LEGALITY:

EFFECTIVE DATE:

CITY ATTORNEY DREW LARKIN

MEETING DATE: JUNE 16, 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