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KENNEDALE CITY COUNCIL

AGENDA
REGULAR MEETING
January 10, 2013
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

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

I. CALL TO ORDER

II. WORK SESSION

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

A. Governance workshop.

III. REGULAR SESSION

IV. ROLL CALL

V. INVOCATION

VI. UNITED STATES PLEDGE

VII. TEXAS PLEDGE

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

VIII. VISITOR/CITIZENS FORUM

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

IX. REPORTS/ANNOUNCEMENTS

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

A. Information and updates from the Mayor, Council, and the City Manager.

X. CONSENT ITEMS

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

A. Consider approval of a Resolution calling the May 11, 2013 General Election.

B. Consider approval of minutes from the regular meeting held on December 13, 2012.

C. Consider authorizing final acceptance and payment on the Kennedale-Sublett Road improvements project.

XI. REGULAR ITEMS

A. Consider approval of an Ordinance to officially establish and provide operating guidance to the Youth Advisory Council.

B. CASE # PZ 12-07 to receive comments and consider action on a request by the City of Kennedale for a replat of approximately 1.183 acres of land at 621 & 625 E Kennedale Pkwy, legal description of Lots 8-12, Block 12, Boaz's Subdivision, Kennedale, Tarrant County, Texas.

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

XII. EXECUTIVE SESSION

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

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

1. 1200 Bowman Springs Rd.
2. 801 W. Kennedale Parkway.
3. 6801 E. Oak Crest Drive.

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

XIV. ADJOURNMENT

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

CERTIFICATION

I certify that a copy of the January 10, 2013, agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.

Amethyst G. Cirmo

Amethyst G. Cirmo, City Secretary

Staff Report to the Honorable Mayor and City Council

Date: January 10, 2013

Agenda Item No: WORK SESSION - A.

I. Subject:
Governance workshop.

II. Originated by:

Bob Hart, City Manager

III. Summary:
At this time the City Council will hold a governance workshop with the City Manager.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

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Staff Report to the Honorable Mayor and City Council

Date: January 10, 2013

Agenda Item No: REPORTS/ANNOUNCEMENTS - A.

I. Subject:
Information and updates from the Mayor, Council, and the City Manager.

II. Originated by:

Bob Hart, City Manager

III. Summary:
At this time the Mayor, Councilmembers and/or the City Manager may provide updates or information on any topic.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

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Staff Report to the Honorable Mayor and City Council

Date: January 10, 2013

Agenda Item No: CONSENT ITEMS - A.

I. Subject:
Consider approval of a Resolution calling the May 11, 2013 General Election.

II. Originated by:

Amethyst G. Cirmo, City Secretary and Communications Coordinator

III. Summary:
This year's general election will take place on Saturday, May 11th, 2013.

Positions up for Election: Council places 1, 3, & 5
Candidate Filing Period: Jan 30 - March 1
Early Voting Period: April 29 - May 7

As usual, we will be contracting with Tarrant County for election equipment, staff, etc. The County agreement will not be sent to participating municipalities for several more weeks but we do not anticipate any significant changes. Staff will notify Council of any changes should they occur.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	resolution	Resolution No. XXX, Calling 2013 General Election.doc

RESOLUTION NO. XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 11, 2013; APPROVING A JOINT CONTRACT WITH TARRANT COUNTY ELECTIONS ADMINISTRATOR TO ADMINISTER THE ELECTION; AND ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the regular election for City Council of the City of Kennedale is required to be held on May 11, 2013, at which time the voters will elect persons to fill the offices of City Council Places 1, 3, and 5;

WHEREAS, the election will be held as a joint election, conducted under the authority of Chapter 217 of the Texas Election Code; and

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

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

Section 1. General Election Called. An election is hereby called to elect the offices of City Council Places 1, 3, and 5; to serve from May of 2013 until May of 2015 or until their successors are duly elected and qualified. The election shall be held on May 11, 2013 between the hours of 7:00 a.m. and 7:00 p.m., at the Kennedale Community Center, 316 W. 3rd Street, Kennedale, Texas 76060.

Section 2. Joint Election Agreement Approved. The Joint Election Agreement for Tarrant County and the City of Kennedale (the "Agreement") attached hereto as Exhibit "A" and incorporated herein for all purposes is hereby approved and the Mayor is authorized to execute the Agreement. In the event of conflict between this Resolution and the Agreement, the Agreement shall control.

Section 3. Application for Place on Ballot. Qualified persons may file as candidates by filing applications in the office of the City Secretary from 8:00 a.m. to 5:00 p.m., Monday through Friday, from January 30, 2013 through March 1, 2013.

Section 4. Early Voting.

a. Early voting by personal appearance. Early voting by personal appearance shall be conducted beginning on April 30th, 2012 and continuing through May 8th, 2012 in Kennedale at the Kennedale Community Center, 316 W. 3rd Street, Kennedale, Texas 76060 at the following times:

Monday, April 29, 2013	8:00 a.m. – 5:00 p.m.
Tuesday, April 30, 2013	8:00 a.m. – 5:00 p.m.

Wednesday, May 1, 2013	8:00 a.m. – 5:00 p.m.
Thursday, May 2, 2013	8:00 a.m. – 5:00 p.m.
Friday, May 3, 2013	8:00 a.m. – 5:00 p.m.
Saturday, May 4, 2013	7:00 a.m. – 7:00 p.m.
Sunday, May 5, 2013	11:00 a.m. – 4:00 p.m.
Monday, May 6, 2013	7:00 a.m. – 7:00 p.m.
Tuesday, May 7, 2013	7:00 a.m. – 7:00 p.m.

Additional early voting will be conducted at locations throughout Tarrant County as established by the Agreement. This Resolution will be amended at a later date to include early voting sites added due to the joint elections conducted with other subdivisions pursuant to the Agreement. If there is any discrepancy between this resolution and the Agreement as to early voting locations or times, the Agreement shall control.

b. Early voting by mail. Steve Raborn, the Tarrant County Election Administrator ("Election Administrator") is hereby designated as Early Voting Clerk for the general election. Applications for early voting by mail may be delivered to the Election Administrator at the following address: Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas 76161-0011, not earlier than March 12, 2013 and not later than close of business on May 3, 2013, if delivered in person, and May 3th, 2013, if delivered by mail. Early voting by ballots shall be mailed to the Elections Administrator at the same address.

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

Section 5. **Appointment of Election Judge and Alternate Election Judge.** The Presiding Election Judge and Alternate Presiding Judge shall be appointed by Tarrant County as authorized by Chapter 271 of the Code.

Section 6. **Method of Voting.** The Hart InterCivic eSlate (Direct Recording Electronic Voting System) shall be used for voting by personal appearance and on election day the Hart InterCivic eSlate (Direct Recording Electronic Voting System) and Hart InterCivic eScan (Optical Scan Voting System) shall be used. The City Council hereby adopts the Hart InterCivic eSlate DRE for early voting and the Hart InterCivic eSlate DRE and Hart InterCivic eScan for election day. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials are hereby authorized, and shall be conducted in accordance with the Election Code.

Section. 7. **Governing Law and Qualified Voters.** The election shall be held in accordance with the Constitution of the State of Texas and the Code, and all resident qualified voters of the City shall be eligible to vote at the election.

Section 8. **Publication and Posting of Notice of Election.** Notice of the election shall be given as required by Chapter 4 of the Code.

Section 9. **Submissions to the United States Justice Department.** Tarrant County is authorized to make such submissions as are necessary to the United States Justice Department to seek pre-clearance for any changes in voting practices as authorized by the Voting Rights Act of 1965, as amended.

Section 10. **Necessary Actions.** The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

Section 11. **Runoff Election.** Should a runoff election be required following the canvass of the May 12, 2012 election, the Council hereby orders that a runoff election be held on **Saturday, June 15, 2012.** The polling place on Election Day for the runoff election shall be at the same polling places as those of the original election and the hours of voting shall be between 7:00 a.m. and 7:00 p.m.

Section 12. **Effective Date.** This resolution shall be effective upon its adoption.

PASSED AND APPROVED this 10th day of January, 2013.

____
Mayor, John Clark

ATTEST:

____
Amethyst G. Cirmo, City Secretary

APPROVED AS TO FORM AND LEGALITY:

____
Wayne K. Olson, City Attorney

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Staff Report to the Honorable Mayor and City Council

Date: January 10, 2013

Agenda Item No: CONSENT ITEMS - B.

I. Subject:
Consider approval of minutes from the regular meeting held on December 13, 2012.

II. Originated by:

Amethyst G. Cirmo, City Secretary and Communications Coordinator

III. Summary:
Please see the attached minutes.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	minutes	12.13.2012 CC Minutes.doc

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KENNEDALE CITY COUNCIL

MINUTES
REGULAR MEETING
December 13, 2012
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION – Cancelled
REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

Mayor Clark called the meeting to order at 7:02PM.

II. WORK SESSION - Cancelled

III. REGULAR SESSION

IV. ROLL CALL

Present: Mayor John Clark, Brian Johnson, Charles Overstreet, Frank Fernandez, Kelly Turner
Absent: Liz Carrington

V. INVOCATION

VI. UNITED STATES PLEDGE

VII. TEXAS PLEDGE

VIII. VISITOR/CITIZENS FORUM

No one signed up for the forum.

IX. REPORTS/ANNOUNCEMENTS

A. Discuss Council participation in the multi-jurisdictional public education rally at Mansfield ISD in February 2013.

Amethyst Cirmo presented information on the rally, which will be held at the Mansfield Performing Arts Center on February 21st, 2013. The rally will be a public education showcase and include performances by artistic groups from the Arlington, Kennedale, Grand Prairie, Midlothian, and Mansfield ISDs.

Other announcements:

Mayor Clark announced the recent Management Innovations award bestowed upon the city by the Texas Municipal League.

Councilmember Johnson praised the recently Christmas Tree Lighting event and noted that he and Councilmember Overstreet had recently attended the National League of Cities conference in Boston. Councilmember Overstreet will be presenting at the conference next year on Kennedale's approach to road construction and beautification, including our new roundabouts and landscaped medians.

Finance Director Sakura Moten-Dedrick announced that the city had achieved the Texas Comptroller's Leadership Circle award, which indicates a high level of online transparency for cities. She walked the council through the website and explained the sections of information that were now available to the public.

X. CONSENT ITEMS

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

A. Consider awarding the contract and approving financing for 12" Swiney Hiett water line extension project.

B. Consider approval of a Master Road Repair Agreement with Carrizo Oil and Gas, Inc.

C. Consider approval of minutes from November 7, 2012 regular meeting.

Motion To approve the consent agenda as presented. **Action** Approve, **Moved By** Brian Johnson, **Seconded By** Frank Fernandez
Motion Passed Unanimously

XI. REGULAR ITEMS

A. Authorize City Manager to execute a contract with Global Water for utility services and capital improvement financing.

Sakura Moten-Dedrick and Jon Kunkle approached the council to reiterate information on this subject that was brought to council at the previous meeting. Council had questions regarding the cost of the new metering system, customer service portion, and general changes for residents. The new system will allow for increased revenue capture, hourly consumption monitoring, and increased ease of use. Entering into this system will also allow for increased opportunities with regard to asset and infrastructure management in the future.

Motion To authorize the City Manager to execute a contract with Global Water for utility services and capital improvement financing. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Brian Johnson
Votes
Yes: Brian Johnson, Charles Overstreet, Kelly Turner
No: Frank Fernandez
Motion Passed

B. Consider authorizing the City Manager to execute a Rabies Control Agreement with the City of Fort Worth.

Chief Williams approached the council, explaining that due to increased costs on their end, Fort Worth is adding a $50 per animal charge to the contract, which will increase our contract by approximately $15,000 per year. As Fort Worth is the only entity currently available for contract work, this cost in unavoidable.

Motion To authorizing the City Manager to execute a Rabies Control Agreement with the City of Fort Worth. **Action** Approve, **Moved By** Charles Overstreet, **Seconded By** Kelly Turner
Motion Passed Unanimously

C. Consider naming the new street that connects Mansfield-Cardinal Road to Kennedale Parkway.

Staff noted that while the historical plat indicates a potential road in this area as ‘Alma Lane,’ the road’s direct physical connection to Meadowview Drive makes that name a more viable option in terms or ease of use, public safety, etc.

Motion To name the new street that connects Mansfield-Cardinal Road to Kennedale Parkway ‘Meadowview Drive.’ **Action** Approve, **Moved By** Brian Johnson, **Seconded By** Frank Fernandez
Motion Passed Unanimously

D. Consider issuing a list of projects to the Youth Advisory Council.

Amethyst Cirmo presented information to the council, noting that the YAC was in a transition phase and in need of direction from Council. Council was asked to provide guidance on YAC mission, membership, and directives at the January meeting. The YAC will be soliciting membership from students at Fellowship Academy in January as well.

Council asked that 2013 projects for the YAC include recycling initiatives, research on a combined playground/city park with Delaney Elementary School, research on trails, and work on general governance. More information on the YAC will be discussed at the January meeting.

XII. EXECUTIVE SESSION

No executive session was held.

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

No executive session was held.

XIV. ADJOURNMENT

Motion To adjourn. **Action** Adjourn, **Moved By** Brian Johnson, **Seconded By** Charles Overtreet
Motion Passed Unanimously

The meeting was adjourned at 8:15PM.

APPROVED: ______________________________
Mayor John Clark

ATTEST: ________________________________
City Secretary, Amethyst G. Cirmo

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Staff Report to the Honorable Mayor and City Council

Date: January 10, 2013

Agenda Item No: CONSENT ITEMS - C.

I. Subject:
Consider authorizing final acceptance and payment on the Kennedale-Sublett Road improvements project.

II. Originated by:

Larry Hoover, Streets and Parks Supervisor

III. Summary:
The Kennedale Sublett Road Improvement project has been completed. Staff and Engineers from Teague, Nall and Perkins has inspected and verified that the project meets the standards and specifications of the approved plans with one exception, they were not able to reach 80%coverage of grass in the landscaping. JLB has submitted for the final payment of $ 156,348.04 and asks for acceptance of the project. Staff agrees with the Engineers recommendation to withhold $10,000.00 dollars from the final payment and to allow the contractor the time to establish the 80% grass coverage needed to meet the requirements in the landscaping area of the contract later this spring.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Final acceptance letter	Final Acceptance Letter.pdf

teague nall & perkins

www.tnpinc.com

engineers
surveyors
landscape architects

January 2, 2013

Mr. Bob Hart, City Manager
City of Kennedale
405 Municipal Drive
Kennedale, TX 76060

RE: Kennedale Sublett Road Improvements

Dear Mr. Hart,

On August 22, 2012 a Final Inspection of the 'substantially complete' project was held for the above referenced project. In attendance were Sam Davis, JLB Contracting (the Contractor), Larry Hoover and Larry Ledbetter, City of Kennedale (the Owner), and Greg Saunders and Andrew Luce, Teague Nall and Perkins (the Engineer). A landscape and irrigation inspection was also held for the above referenced project on August 31, 2012 in attendance were Greenscaping (the Contractor), Charles Comeaux and Larry Hoover, City of Kennedale (the Owner), and Tim May, Teague Nall and Perkins (the Engineer). After a thorough observation of the construction was accomplished a 'punch list' of deficiencies was prepared for the Contractor for each inspection. Since that time, it has been determined that all deficiencies have been addressed with the exception of the establishment of Bermuda grass in the medians and parkway.

It is our recommendation that the project be considered for Final Acceptance with the stipulation the Contractor re-seed bare areas in late Spring of 2013. Commencement of the two-year bonded maintenance period should start on the date Final Acceptance is made. The original seeding and sodding line items for this project totaled $4,207.65. It is recommended $10,000.00 is retained until grass is established or re-seeded in Spring 2013.

Below is a list of key dates and contract information for the project:
Notice to Proceed Date: September 13, 2010
Contract days to Complete the Project: 360 Calendar Days
Completion Date per the Notice to Proceed: September 8, 2011
Delay Days (due to AT&T relocations): 84 Calendar Days
Total Days (as of the date of this letter): 842 Calendar Days
Original Contract Amount: $2,651,703.34
Total Change Order/Quantity Change Amount: $475,257.48
Current Contract Amount: $3,126,960.82
Amount Paid to Date: $2,935,806.19
Current Invoice Amount: $34,806.59
Current Retainage Amount (5% of Current Contract Amount): $156,348.04

Please also note that the presence of AT&T relocating facilities within Kennedale Sublett Rd. right of way from December of 2010 to August of 2011 hindered JLB Contracting's progress due to having to work around AT&T construction and that a substantial portion of JLB Contracting's work could not be performed until AT&T's facilities had been relocated.

Fort Worth ▲ 1100 Macon Street ▲ Fort Worth, Texas 76102 ▲ 817.336.5773
Denton ▲ 1517 Centre Place Drive, Suite 320 ▲ Denton, Texas 76205 ▲ 940.383.4177
Dallas ▲ 17304 Preston Road, Suite 1340 ▲ Dallas, Texas 75252 ▲ 214.461.9867
Sherman ▲ 200 North Travis Street, Suite 500 ▲ Sherman, Texas 75090 ▲ 903.870.1089

Should you have any questions regarding these recommendations, please contact our office at your convenience. Thank you for your cooperation and assistance in coordinating the successful completion of this Project.

Sincerely,

tnp
teague nall & perkins

Andrew Luce, P.E.

xc: Mr. Larry Ledbetter, Public Works Director
Mr. Larry Hoover, Public Works

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Staff Report to the Honorable Mayor and City Council

Date: January 10, 2013

Agenda Item No: REGULAR ITEMS - A.

I. Subject:
Consider approval of an Ordinance to officially establish and provide operating guidance to the Youth Advisory Council.

II. Originated by:

Amethyst G. Cirmo, City Secretary and Communications Coordinator

III. Summary:
Due to recent changes related to the YAC, staff is recommending that Council revisit the composition and operation of the YAC as a whole. An establishing ordinance will provide structure and guidance to a new form of the YAC. It will be very beneficial to the city and the community to move the YAC under the same umbrella and general processes as all other city boards and commissions, and staff believes that adjusting the structure will greatly improve the general efficiency and productivity of the YAC. The ordinance reorganizes the YAC into a more manageable, all-encompassing unit and is based on best practices from YACs throughout the country.

Ordinance Highlights:

Duties and Responsibilities
The YAC focus will be on on research, policy, and providing perspectives and information to council on youth issues and ideas. This will include community events and focus on coordination with the community to complete projects and formulate policy recommendations. We would also like to encourage project collaboration with other boards and community groups. The YAC will update council on all activities on a regular basis.

Membership

- Staff recommends increasing the YAC to 15 members, anyone between the ages of 15 and 19 who lives within the city limits, the limits of the ISD, or attends a state recognized school within the city limits may apply. This allows anyone from KISD, Fellowship Academy, or a homeschool program to apply. As council will make the appointments, council will have discretion as to the percent of seats allocated to any specific area.
- Applications, references, and essays will be available online, at City Hall, and through any means possible at all educational facilities in Kennedale.
- Members will be appointed by City Council. Staff would like to see the YAC focus on community initiatives and research objectives and less on the interview process.
- Members will serve 1 year terms (June 1 to May 31) and may apply for reappointment until they graduate. This will ensure increased participation as members who wish to remain on the council will be more likely to display a high level of continuous involvement.

- The YAC will elect its own Chair, VIce Chair, Secretary, and Historian, to serve one-year terms.

Procedures & Operations

- The YAC must hold one regular meeting per month on a decided upon recurring date and time. Committees of the YAC may meet at any time.
- Agendas will be publicly posted according to state law. We believe that this will help to provide a basic schedule and timeline for projects.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	yac	ORDXXX - YAC.doc

ORDINANCE NO. XXX

AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF KENNEDALE, TEXAS BY ADDING A NEW ARTICLE IX CREATING A YOUTH ADVISORY COUNCIL; PROVIDING FOR DUTIES, MEMBERSHIP QUALIFICATIONS, APPOINTMENTS, OFFICERS, MEETINGS, RULES, TERMS, ABSENCES, REMOVAL, VACNCIES, COMPENSATION, AND DISPENSATION OF REVENUES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Kennedale City Council wishes to provide opportunities for youth to be active, informed, and empowered in public service and in government; and

WHEREAS, the Kennedale City Council believes that active youth will positively contribute to the Council's goal of enhancing our family-friendly community by identifying and addressing issues related to youth, ; and

WHEREAS, in an effort to realize its commitment to youth, the City wishes to establish a Youth Advisory Council.

NOW, THEREFORE, BE IT HEREBY ORDAINED THAT THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, AS FOLLOWS:

SECTION 1.

The Kennedale City Code is hereby amended by adding an Article IX, "Youth Advisory Council" to Chapter 16, which shall read as follows:

ARTICLE IX: YOUTH ADVISORY COUNCIL

Section 16-109. Creation and purpose

(a) There is hereby created and established a Youth Advisory Council (YAC) to be composed of fifteen (15) regular members. Such council shall be officially designated as the Youth Advisory Council of the City of Kennedale, Texas.

(b) The YAC shall study, investigate, plan, implement, and advise the city of matters related to youth. Specifically, the YAC is assigned with identifying areas for improvement related to youth, including developing programs and services that empower, support, and inform youth; that create a family-friendly community; and that enable and encourage youth to be productive members of the community. The YAC shall serve as an advisory body to the city on all matters that relate to youth.

Section 16-110. Duties and Responsibilities

(a) The YAC shall have all the powers granted herein and shall perform all duties as provided herein.
(b) The YAC shall adopt rules and regulations for the conduct of its meetings and for defining in detail the duties of its members, officers, and committees.
(c) The YAC shall work with the City Council and city staff to develop and implement policies that focus on youth.
(d) The YAC shall advise the City Council and city staff on important issues that relate to youth.
(e) The YAC shall facilitate the planning and organization of community events and meetings related to youth.
(f) The YAC shall build partnerships with individuals, groups, and organizations that impact both youth and families.
(g) The YAC shall partner with individuals, groups, and organizations in the planning and implementation of services, supports, and opportunities that impact both youth and families.
(h) The YAC shall carry out and implement other directives from the Mayor, City Council, and city staff.

Section 16-111. Membership

(a) The YAC shall consist of fifteen (15) voting members, who broadly represent the diversity of thought and experience of Kennedale youth. The fifteen voting members shall be between the ages of 15 and 19. These members shall meet at least one of the following qualifications:
    (1) Reside within the corporate boundaries of the City of Kennedale; or
    (2) Reside within the boundaries of the Kennedale Independent School District; or
    (3) Attend a state-recognized school or homeschool within the corporate boundaries of the City of Kennedale.

(b) The following may be ex-officio, non-voting members of the YAC:
    (1) One (1) resident affiliated with Kennedale youth, appointed by City Council to serve as facilitator to the YAC.
    (2) One (1) City staff member appointed by the City Manager shall serve as a non-voting, staff liaison to the YAC.

    No individual who has been convicted of a crime shall be qualified to serve as an ex-officio member of the YAC. By submitting an application for appointment to the YAC, applicants for ex-officio membership must consent to a background check for such purposes, to the extent provided by law.

Section 16-112. Application and Appointment Process

(a) Any interested individual who meets the qualifications set in Section 16-111 may indicate interest in serving on the YAC by submitting the following information to the city staff liaison in City Hall:
   (1) Completed application. Applications will be available at City Hall and on the city website. Applications will also be distributed to the appropriate offices at all schools.
   (2) Applicants for initial appointment must submit two (2) letters of reference. This is not necessary for applicants who wish to be reappointed.
   (3) Applicants for initial appointment must submit a short essay describing the applicant's reasons for wanting to serve on the YAC. This is not necessary for applicants wishing to be reappointed.

(b) All applications will be initially reviewed by the ex-officio members of the YAC. Selected applications will be given to City Council for review. Appointments will be made by the City Council.

Section 16-113. Terms of Office

(a) All terms of office for all YAC members shall be one (1) year and will begin on June 1 and end May 31, with the option of applying for reappointment until the student has graduated from high school. Reappointments will be based on past participation in and commitment to YAC activities.
(b) The terms of ex-officio representatives shall coincide with their respective tenure of office.

Section 16-114. Procedural Rules and Operation

(a) At the first meeting after being sworn into office, the YAC shall elect officers to serve one (1) year terms. All are eligible for reelection to office during any subsequent reappointment to the YAC. Officers shall consist of the following:
   (1) *Chair*: The person, elected by the members of the YAC, who is responsible for running meetings, developing agenda items, and helping all officers with their duties.
   (2) *Vice Chair*: The person, elected by the members of the YAC, who is responsible for running meetings when the Chair is not present and helping all officers with their duties.
   (3) *Secretary*: The person, elected by the members of the YAC, who is responsible for taking minutes and making sure the YAC city staff liaison has the updated minutes.
   (4) *Historian*: The person, elected by the members of the YAC, who is responsible for keeping track of the history of the YAC, including event documentation, photography, and website content submittal.

(b) The YAC shall adopt such rules and regulations governing procedures (bylaws), and will ensure that they are maintained.
(c) The YAC shall meet once each month at a regularly established time and date. All meetings of the YAC shall be conducted consistent with the City of

Kennedale Charter and the City of Kennedale Municipal Code. Committees of the YAC may meet at any time.

(d) A quorum shall consist of a simple majority of members

(e) All YAC meetings and records shall be public subject to applicable state law.

Section 16-115. Absences

Any member who is unable to attend a meeting shall notify the Chair or facilitator in advance of the meeting, stating the reason for his or her absence. YAC members are permitted three (3) unexcused regular meetings. Excessive absences will cause a member's appointment to be reviewed by the YAC officers and ex-officio staff, with potential presentation to the City Council for action to remove.

Section 16-116. Removal

Members of the YAC, other than the ex-officio representatives, may be removed by the City Council for inefficiency, excessive absence as defined in Section 16-115, or other neglect of duty.

Section 116-117. Compensation and Reimbursement of Expenditures

The members of the YAC shall regularly attend meetings of the YAC and shall receive ten dollars ($10.00) for each scheduled YAC meeting duly attended as compensation for performance of their duties.

Section 16-118. Vacancies

Vacancies occurring on the YAC, other than through the expiration of a term, shall be filled by appointment by the City Council. The original applicant pool for that year's YAC should be the first source for such a replacement; otherwise new applicants may be recruited.

Section 16-119. Disposition of revenue.

All revenues derived from fundraising or other means associated with the Youth Advisory Council, which are under the direct control of the city, shall be maintained by the city and deposited to the appropriate fund for utilization in support of Youth Advisory Council related activities to the extent of citywide needs as determined by the City Council during the annual budgeting of funds for all city departments.

SECTION 2.
CUMULATIVE

This Ordinance shall be cumulative of all other ordinances of the City of Kennedale, and shall not repeal any of the provisions of such ordinances except in those instances when provisions of such ordinances are in direct conflict with the provisions of this ordinance, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.
SEVERABLE

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

SECTION 4.
EFFECTIVE DATE

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

PASSED, APPROVED, AND ADOPTED this the 10th day of January 2013.

____
MAYOR, JOHN CLARK

ATTEST:

____
AMETHYST G. CIRMO, CITY SECRETARY

Staff Report to the Commissioners

Date: January 10, 2013

Agenda Item No: REGULAR ITEMS - B.

I. Subject:
CASE # PZ 12-07 to receive comments and consider action on a request by the City of Kennedale for a replat of approximately 1.183 acres of land at 621 & 625 E Kennedale Pkwy, legal description of Lots 8-12, Block 12, Boaz's Subdivision, Kennedale, Tarrant County, Texas.

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

II. Originated by:

III. Summary:
Background.
The City of Kennedale owns five (5) lots on Kennedale Parkway and would like to replat them into one (1) lot. The lots are located at the corner of Kennedale Parkway and Alma Lane (recently built). The property is zoned C-2 Commercial and is partially located within the Business 287 overlay district.

After platting the lots, the city plans to sell the property.

Staff Review.
Planning and Public Works staff reviewed the proposed plat. The plat meets all city requirements for new lots in the zoning district (including lot width, depth, and area) and conforms with applicable sections of the comprehensive plan.

Planning & Zoning Commission review and recommendation.
The Planning & Zoning Commission considered the plat during its meeting on December 20, 2012 and held a public hearing. The Commission voted to recommend approval of the plat, with the condition that the following notes be added:
1. That a 10' utility easement is to be abandoned by the plat;
2. That a 5' utility easement is to be widened to 7.5' feet; and
3. That the 1.183 acres in the plat includes a 3,096 square feet right-of-way dedication for Alma Lane.

City Council consideration.
According to Kennedale city code, the Council may approve or disapprove the plat. The Council shall approve the plat if it conforms to the comprehensive plan and the city's subdivision regulations. If you determine that additional conditions must be met, the plat shall be disapproved and returned to the Planning & Zoning Commission for reprocessing.

IV. Notification:
Notices were sent to owners of real property within 200 feet of the site in question. Notice was also published in the Fort Worth Star Telegram.

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:
Approve

VIII. Alternative Actions:

IX. Attachments:

1.	Plat drawing	boaz-12-8R FP 12-26-12.pdf

REGISTERED PROFESSIONAL SURVEYORS

HERBERT S. BEASLEY

LAND SURVEYORS L.P.

• LAND • TOPOGRAPHIC
• CONSTRUCTION SURVEYING

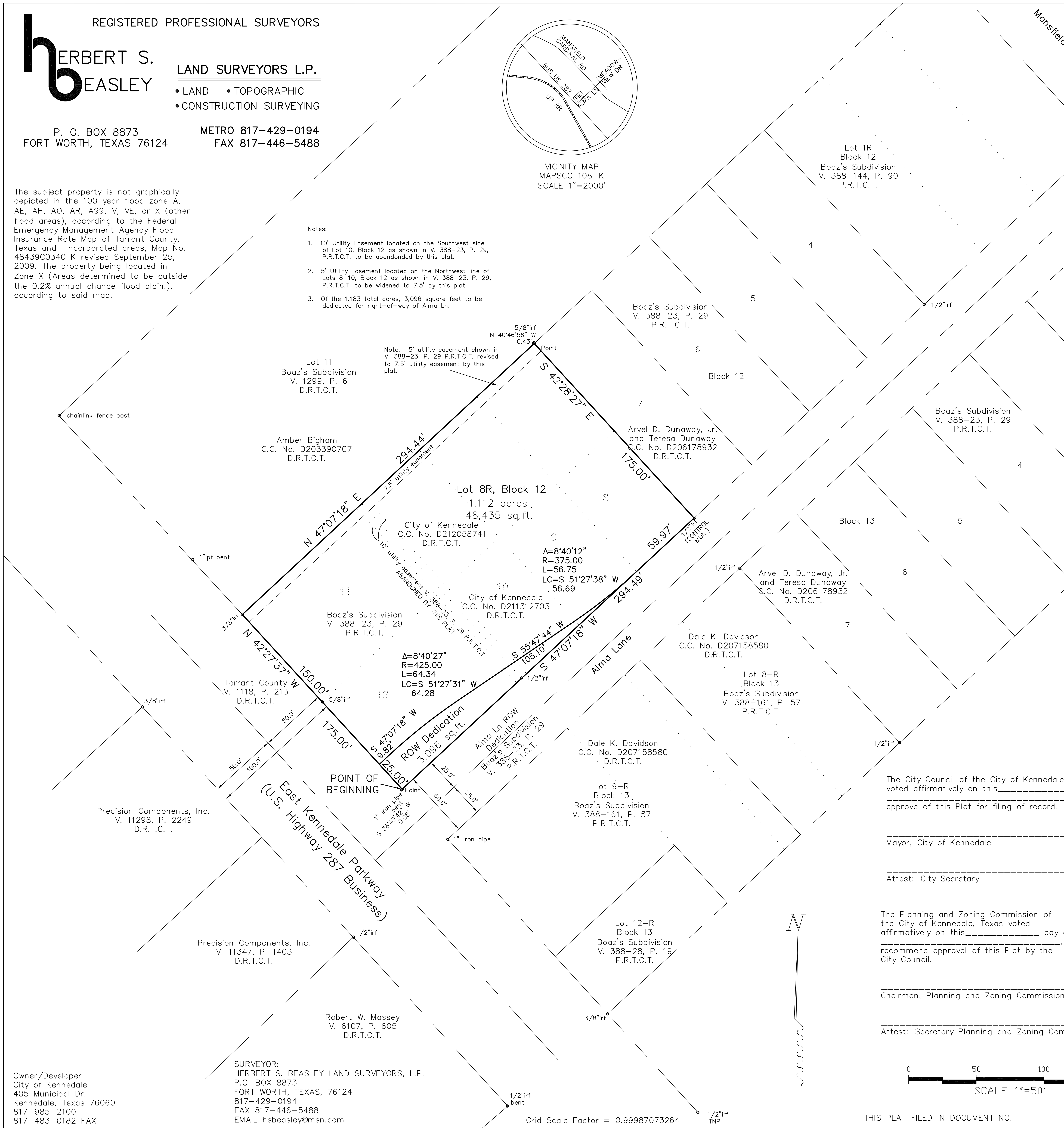
P. O. BOX 8873
FORT WORTH, TEXAS 76124

METRO 817-429-0194
FAX 817-446-5488

The subject property is not graphically depicted in the 100 year flood zone A, AE, AH, AO, AR, A99, V, VE, or X (other flood areas), according to the Federal Emergency Management Agency Flood Insurance Rate Map of Tarrant County, Texas and Incorporated areas, Map No. 48439C0340 K revised September 25, 2009. The property being located in Zone X (Areas determined to be outside the 0.2% annual chance flood plain.), according to said map.

Notes:

1. 10' Utility Easement located on the Southwest side of Lot 10, Block 12 as shown in V. 388-23, P. 29, P.R.T.C.T. to be abandoned by this plat.
2. 5' Utility Easement located on the Northwest line of Lots 8-10, Block 12 as shown in V. 388-23, P. 29, P.R.T.C.T. to be widened to 7.5' by this plat.
3. Of the 1.183 total acres, 3,096 square feet to be dedicated for right-of-way of Alma Ln.



STATE OF TEXAS §

COUNTY OF TARRANT §

WHEREAS, the City of Kennedale, acting by and through the undersigned, its duly authorized agent is the sole owner of two tracts of land situated in the Jesse B. Renfro Survey, Abstract 1260, Tarrant County, Texas, according to the deeds recorded in County Clerk's Instrument Numbers D211312703 and D212058741, Deed Records, Tarrant County, Texas, being Lots 8-12, Block 12, Boaz's Subdivision, an addition to the City of Kennedale, Tarrant County, Texas, recorded in Volume 388-23, Page 29, Plat Records, Tarrant County, Texas, and being more particularly described as follows:

BEGINNING at a point at the South corner of said Block 12 from which a 1" bent iron pipe found bears S38°49'42"W 0.65 feet;

THENCE N42°27'37"W, along the Southwest line of said Block 12, at a distance of 87.43 feet passing a 5/8" iron rod found at the West corner of said City of Kennedale tract recorded in D211312703 and the South corner of said City of Kennedale tract recorded in D212058741, continuing in all a distance of 175.00 feet to a 3/8" iron rod found at the West corner of said Block 12 and at the South corner of Lot 11, Boaz's Subdivision, an addition to the City of Kennedale, Tarrant County, Texas, according to the plat recorded in Volume 1299, Page 6, Deed Records, Tarrant County, Texas;

THENCE N47°07'18"E, along the Northwest line of said Block 12 and the Southeast line of said Lot 11, Boaz's Subdivision recorded in Volume 1299, Page 6, a distance of 294.44 feet to a point at the North corner of said Lot 8 and at the West corner of Lot 7, Block 12, said Boaz's Subdivision recorded in Volume 388-23, Page 29 from which a 5/8" iron rod found bears N40°46'56"W 0.43 feet;

THENCE S42°28'27"E, along the Northeast line of said Lot 8 and the Southwest line of said Lot 7, a distance of 175.00 feet to a 1/2" iron rod found at the East corner of said Lot 8 and at the South corner of said Lot 7, being in the Southeast line of said Block 12;

THENCE S47°07'18"W, along the Southeast line of said Block 12, a distance of 294.49 feet to the point of beginning, containing 1.183 acres of land.

The bearings recited hereon are oriented to NAD 83, North Central Texas Grid.

KNOW ALL MEN BY THESE PRESENTS:

That the City of Kennedale, acting by and through the undersigned, its duly authorized agent, does hereby certify that it is the legal owner of the above described land, and does hereby adopt the hereinabove described real property as Lot 8R, Block 12, Boaz's Subdivision, an addition to the City of Kennedale, Tarrant County, Texas and does hereby convey to the public for public use, the streets, alleys, right-of-way, easements, and any other public areas shown on this plat.

City of Kennedale

____
By

STATE OF TEXAS §

COUNTY OF TARRANT §

BEFORE ME, on this day personally appeared ______________________________, ______________________________ of the City of Kennedale, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the _____ day of ________________ 2013.

This is to Certify that I, Kenneth R. Rogers, a Registered Professional Land Surveyor of the State of Texas, have surveyed the above described property on the ground, is true and correct, and that all lot corners, angle points, and points of curve shall be set after construction and will be 1/2" iron rods capped and stamped "BEASLEY 4050". Irons that are damaged, disturbed, or not so marked are not original corners.

____
Kenneth R. Rogers
Texas Registration No. 6066
October, 2012
Phone 817-429-0194

STATE OF TEXAS
REGISTERED
KENNETH R. ROGERS
6066
PROFESSIONAL LAND SURVEYOR

The City Council of the City of Kennedale, Texas voted affirmatively on this____________ day of ______________________________,2013 to approve of this Plat for filing of record.

____
Mayor, City of Kennedale

____
Attest: City Secretary

The Planning and Zoning Commission of the City of Kennedale, Texas voted affirmatively on this____________ day of ______________________________, 2013 to recommend approval of this Plat by the City Council.

____
Chairman, Planning and Zoning Commission

____
Attest: Secretary Planning and Zoning Commission

Replat
Lot 8R, Block 12
Boaz's Subdivision
an addition to the City of Kennedale
Tarrant County, Texas,

Being a revision of Lots 8-12, Block 12, Boaz's Subdivision, an addition to the City of Kennedale, Tarrant County, Texas according to the plat recorded in Volume 388-23, Page 29, Plat Records, Tarrant County, Texas, containing 1.183 acres of land.

Prepared October 2012

Owner/Developer
City of Kennedale
405 Municipal Dr.
Kennedale, Texas 76060
817-985-2100
817-483-0182 FAX

SURVEYOR:
HERBERT S. BEASLEY LAND SURVEYORS, L.P.
P.O. BOX 8873
FORT WORTH, TEXAS, 76124
817-429-0194
FAX 817-446-5488
EMAIL hsbeasley@msn.com

Grid Scale Factor = 0.99987073264

THIS PLAT FILED IN DOCUMENT NO. ___________, DATE______.

boaz-12-8R FP.dwg

Staff Report to the Honorable Mayor and City Council

Date: January 10, 2013

Agenda Item No: EXECUTIVE SESSION - A.

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

II. Originated by:

Bob Hart, City Manager

III. Summary:
At this time the city council will meet in executive session.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments: