

**KENNEDALE CITY COUNCIL
AGENDA
REGULAR MEETING
February 14, 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. Review executive limitations and discuss council management delegation.

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. Presentation of Government Finance Officers Association (GFOA) Award of Financial Reporting Achievement to City of Kennedale Finance Department for year ending September 30, 2011 and Sakura Moten-Dedrick, Director of Finance & Information Technology.

- B. Proclamation regarding the Celebration Rally for Texas public schools.
- C. Updates and information from the Mayor and Councilmembers, if any.
- D. Updates and information from the City Manager, if any.

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 meeting minutes from January 10, 2013 regular meeting and January 31, 2013 governance workshop.
- B. Discuss and consider authorizing temporary permission to Art in the Park to sell alcohol in TownCenter Park during the Art in the Park event from April 5, 2013 through April 7, 2013.
- C. Consider accepting the 2012 Racial Profiling Report.
- D. Consider authorizing the City Manager to execute a contract in the amount of \$69,600.00 with Corrosion Eliminators, Inc. for emergency repairs to the the T-2 750,000 gallon standpipe.
- E. Final acceptance of and payment on the Little School Road Improvement project with Conatser Construction.

XI. REGULAR ITEMS

A. Public hearing and consideration of an an Ordinance regarding case # PZ 12-08, a request by Bowerman Oil & Gas for a zoning change from "R-3" Single Family Residential district to "AG" Agricultural district for a portion of Lot 1R, Block A, Bowerman Addition, being approximately 2.610 acres at 205 N Joplin (formerly 1309 Swiney Hiatt).

1. Staff presentation
2. Applicant presentation
3. Public hearing
4. Applicant response
5. Staff response
6. Action by the City Council

B. Public Hearing to approve and pledge City funding for the 39th Year Community Development Block Grant project to replace sanitary sewer lines and manholes on Caylebait Drive.

1. Staff presentation
2. Public hearing
3. Staff response
4. Action by the City Council

C. Consider approval of a Resolution authorizing the city to pledge funding in the amount of \$33,043.00 toward the 39th year Community Development Block Grant project with Tarrant County to replace sanitary sewer lines and manholes on Caylebait Drive in Kennedale.

D. Consider approval of an Ordinance providing for the appointment of prescribed magistrates Sakura Moten Dedrick and Tiffany Panhallegon-Oakes for the Kennedale Municipal Court.

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 the preparation of developer's agreements.

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 Cirno, City Secretary, at 817.985.2104 or (TDD) 1.800.735.2989

CERTIFICATION

I certify that a copy of the February 14, 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. Cirno, City Secretary

Date: February 14, 2013

Agenda Item No: WORK SESSION - A.

I. Subject:

Review executive limitations and discuss council management delegation.

II. Originated by:

Bob Hart, City Manager

III. Summary:

At this time the city manager will have a discuss with the Council on executive limitations and general governance.

Mr. Hart will continue the discussion on executive limitations from the last governance meeting and will also discuss the attached template regarding management delegation.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

1.	Management Delegation Template	REINVENTING BOARD TEMPLATE COUNCIL PACKET 02142013.pdf
2.	Executive Limitations updated	reinventing your board as of 02082013.docx

POLICY TITLE: GLOBAL COUNCIL-MANAGEMENT DELEGATION

Date Adopted by Council:

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

POLICY TITLE: UNITY OF CONTROL

Date Adopted by Council:

Only officially passed motions of the Council are binding on the CM.

1. Decisions or instructions of individual Council members, officers, or committees are not binding on the CM except in rare instances when the Council has specifically authorized such exercise of authority.
2. In the case of Council members or committees requesting information or assistance without Council authorization, the CM can refuse such requests that require, in the CM's opinion, a material amount of staff time or funds, or are disruptive.

POLICY TITLE: ACCOUNTABILITY OF THE CM

Date Adopted by Council:

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

1. The Council will never give instructions to persons who report directly or indirectly to the CM.
2. The Council will not evaluate, either formally or informally, any staff other than the CM or other direct Council Appointees.
3. The Council will view CM performance as identical to organizational performance, so that organizational accomplishment of Council-stated Ends and avoidance of Council-proscribed means will be viewed as successful CM performance.

POLICY TITLE: DELEGATION TO THE CM

Date Adopted by Council:

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

1. The Council will develop policies instructing the CM to achieve specified results, for specified recipients, at a specified cost. These policies will be developed systematically from the broadest, most general level to more defined levels, and will be called Ends policies. All issues that are not ends issues as defined here are means issues.
2. The Council will develop policies that limit the latitude that the CM may exercise in choosing the organizational means. These limiting policies will describe those practices, activities, decisions and circumstances that would be unacceptable to the Council even if they were to be effective. Policies will be developed systematically from the broadest, most general level to more defined levels, and they will be called Executive Limitations policies. The Council will never prescribe organizational means delegated to the CM.
3. As long as the CM uses *any reasonable interpretation* of the Council's Ends and Executive Limitations policies, the CM is authorized to establish all further policies, make all decisions, take all actions, establish all practices and develop all activities. Such decisions of the CM shall have full force and authority as if decided by the Council.

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

POLICY TITLE: MONITORING EXECUTIVE PERFORMANCE

Date Adopted by Council:

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

1. Monitoring is simply to determine the degree to which Council policies are being met. Information that does not do this will not be considered to be monitoring data.
2. The Council will acquire monitoring information by one or more of three methods:
 - a. By INTERNAL REPORT: in which the CM discloses interpretations and compliance information to the Council;
 - b. By EXTERNAL REPORT: in which an external, disinterested 3rd party selected by the Council assesses compliance with the CM's interpretation of Council policies; and
 - c. By DIRECT COUNCIL INSPECTION: in which a designated Council member or members of the Council assess compliance with the CM's interpretation of the appropriate policy criteria.
3. In every case, the Council will judge (a) the reasonableness of the CM's interpretation, and (b) whether data demonstrate accomplishment of the interpretation.

4. The standard for compliance shall be *any reasonable CM interpretation* of the Council policy being monitored. The Council is the final arbiter of reasonableness, but will always judge with a “reasonable person” test rather than with interpretations favored by Council members or by the Council as a whole.
5. All policies that instruct the CM will be monitored at a frequency and by a method chosen by the Council. The Council can monitor any policy at any time by any method, but will ordinarily depend on a routine schedule, as follows:

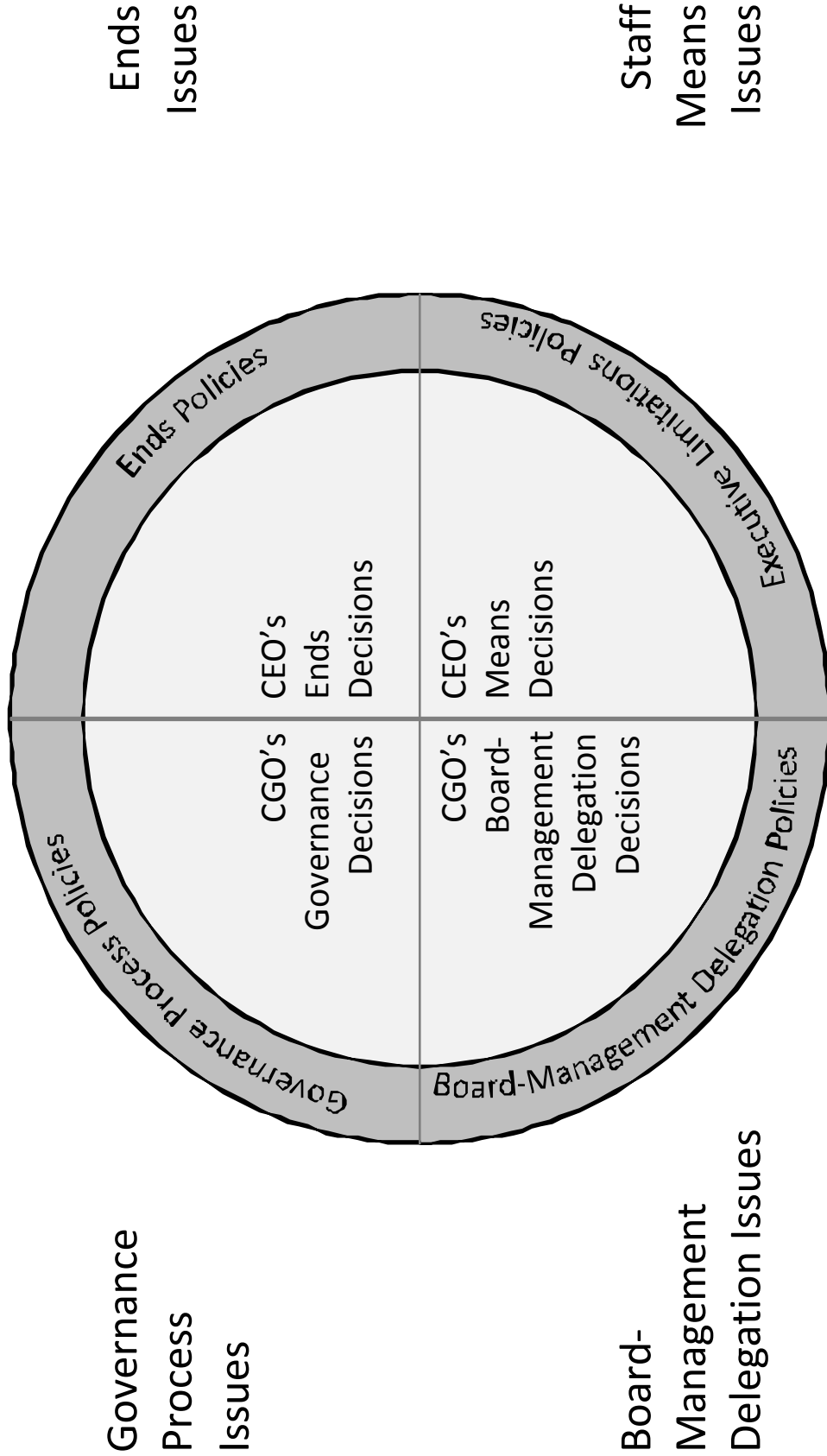
Policy	Frequency (Times per year)	Method (See legend below)
ENDS	1X/yr	IR
EL #1 Global Executive Constraint	1X	IR
EL #2a Treatment of Clients	1X	IR
EL #2b Treatment of Staff	1X	IR
EL #2c Compensation and Benefits	1X	IR
EL #2d Financial Condition and Activities	4X	IR
	1X	ER
	2X	BDI
EL #2e Financial Planning and Budgeting	1X or as needed	IR
EL #2f Asset Protection	1X	IR
EL #2g Communication and Support to the Council	1X	IR
	1X	BDI
EL #2h Emergency Executive Succession	1X or as needed	IR

Methods: IR = Internal CM Report

ER = External Report

BDI = Council direct inspection

Board Policies Completed in All Four Categories



EXECUTIVE LIMITATIONS

Global Treatment of Customers

Treatment of Staff

Financial Planning/budgeting

Financial Condition and Activities

Emergency City Manager Session

Asset Protection

Compensation and Benefits

Communication and Support to the Board

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: GLOBAL EXECUTIVE CONSTRAINT

The city manager shall not cause or allow any organizational practice, activity, decision, or circumstance that is either unlawful, imprudent, or in violation of commonly accepted business and professional ethics and practices.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: TREATMENT OF CUSTOMERS OF CITY SERVICES

With respect to interactions with customers, the city manager shall not cause or allow conditions, procedures, or decisions that are unsafe, untimely, undignified, or unnecessarily intrusive.

The City Manager will not

1. Elicit information for which there is no clear necessity.
2. Use methods of collecting, reviewing, transmitting, or storing customer information that fail to protect against improper access to the material.
3. Operate facilities without appropriate accessibility and privacy.
4. Operate without establishing with customers a clear understanding of what may be expected and what may not be expected from the service offered.
5. Operate without informing customers of the appropriate applicable policy.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: TREATMENT OF STAFF

With respect to the treatment of paid staff, the city manager shall not cause or allow conditions that are unfair, undignified, disorganized, or unclear.

The City Manager will not

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

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: FINANCIAL PLANNING/BUDGETING

The city manager shall not cause or allow financial planning for any fiscal year or the remaining part of any fiscal year to deviate materially from the board's Ends priorities, risk financial jeopardy, or fail to be derived from a multiyear plan.

The city manager will not allow budgeting to

1. Risk incurring those situations or conditions described as unacceptable in the board policy "Financial Condition and Activities."
2. Omit credible projection of revenues and expenses, separation of capital and operational items, cash flow, and disclosure of planning assumptions.
3. Take the form of an unbalanced budget.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: FINANCIAL CONDITION AND ACTIVITIES

With respect to the actual, ongoing financial condition and activities, the city manager shall not cause or allow the development of financial jeopardy or material deviation of actual expenditures from city council priorities established in Ends policies.

The city manager will not

1. Expend more funds than have been received in the fiscal year to date unless the Council's debt guideline is met.
2. Conduct interfund shifting in amounts greater than can be restored to a condition of discrete fund balances by certain and otherwise unencumbered revenues within thirty days.
3. Make a single purchase or commitment of greater than \$50,000. Splitting orders to avoid this limit is not acceptable.
4. Acquire, encumber, or dispose of real estate without City Council approval.
5. Allow payables or receivables not to be settled within a reasonable time frame.
6. Allow tax payments or other government-ordered payments or filings to be overdue or inaccurately filed.
7. Violate state required adopted financial policies.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: ASSET PROTECTION

The city manager shall not cause or allow corporate assets to be unprotected, inadequately maintained, or unnecessarily risked.

The city manager will not

1. Fail to insure adequately against theft and casualty and against liability losses to board members, staff, and the organization itself.
2. Insure the organization's assets for less than replacement value against theft, fire and casualty losses.
3. Allow unbonded personnel access to material amounts of funds.
4. Subject facilities and equipment to improper wear and tear or insufficient maintenance.
5. Unnecessarily expose the organization, its board, or staff to claims of liability.
6. Make any purchase: (a) wherein normally prudent protection has not been given against conflict of interest; (b) of more than \$3,000 without having obtained comparative process and quality; (c) of more than \$10,000 without a stringent method of assuring the balance of long-term quality and cost. Orders shall not be split to avoid these criteria.
7. Fail to protect intellectual property, information, and files from loss or significant damage.
8. Allow property, information and files to be unprotected from loss or significant damage.
9. Invest or hold operating capital in insecure instruments, including uninsured checking accounts and bonds of less than an acceptable rating, or in non-interest bearing accounts except where necessary to facilitate ease in operational transactions.
10. Endanger the organization's public image, credibility, or its ability to accomplish Ends.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: EMERGENCY CITY MANAGER SUCCESSION

In order to protect the board from sudden loss of the city manager services, the city manager shall not permit there to be fewer than two other executives sufficiently familiar with city council and city manager issues and processes to enable either to take over with reasonable proficiency as an interim successor.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: COMPENSATION AND BENEFITS

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

The city manager will not

1. Change the city manager's own compensation and benefits, except as those benefits are consistent with a package for all other employees.
2. Promise or imply permanent or guaranteed employment.
3. Establish current compensation and benefits that deviate materially from the geographic or professional market for the skills employed.
4. Create obligations over a longer term than revenues can be safely projected, in no event longer than one year and in all events subject to losses in revenue.
5. Establish or change TMRS benefits so as to cause unpredictable or inequitable situations, including those that:
 - a) Incur unfunded liabilities,
 - b) Provides less than some basic level of benefits to all full-time employees, though differential benefits to encourage longevity are not prohibited,
 - c) Treat the CM differently from other key employees.

POLICY TYPE: EXECUTIVE LIMITATIONS
POLICY TITLE: COMMUNICATION AND SUPPORT TO THE CITY COUNCIL

The city manager shall not cause or allow the city council to be uninformed or unsupported in its work.

The city manager will not

1. Neglect to submit monitoring data required by the City Council in Council-Staff Delegation policy "Monitoring City Manager Performance" in a timely, accurate, and understandable fashion, directly addressing provisions of Council policies being monitored, and including City Manager interpretations consistent with Council-Staff Delegation policy "Delegations to the City Manager," as well as relevant data.
2. Allow the city council to be unaware of any actual or anticipated noncompliance with any Ends or Executive Limitations policy of the council regardless of the council's monitoring schedule.
3. Allow the council to be without decision information required periodically by the council or let the council be unaware of relevant trends.

4. Let the council be unaware of any significant incidental information it requires including anticipated media coverage, threatened or pending lawsuits, and material internal and external changes.
5. Allow the council to be unaware that, in the City Manager's opinion, the council is not in compliance with its own policies on Governance Process and Council-Staff Delegation, particularly in the case of council behavior that is detrimental to the work relationship between the council and the city manager.
6. Present information in unnecessarily complex or lengthy form or in a form that fails to differentiate among information of three types: monitoring, decision preparation, and other.
7. Allow the council to be without a workable mechanism for official board, officer, or committee communications.
8. Deal with the council in a way that favors or privileges certain board members over others, except when (a) fulfilling individual requests for information or (b) responding to officers or committees duly charged by the board.
9. Fail to submit to the council a consent agenda containing items delegated to the City Manager yet required by law, regulation, or contract to be board-approved, along with applicable monitoring information.

BOARD-MANAGEMENT DELEGATION

Global Board-Management Delegation

Unity of Control

Accountability of the City Manager

Delegation to the City Manager

Monitoring City Manager Performance

POLICY TYPE: COUNCIL-MANAGEMENT DELEGATION
POLICY TITLE: GLOBAL BOARD-MANAGEMENT DELEGATION

The council's sole official connection to the operational organization, its achievements, and conduct will be through the city manager.

POLICY TYPE: COUNCIL-MANAGEMENT DELEGATION
POLICY TITLE: UNITY OF CONTROL

Only officially passed motions of the council are binding on the city manager.

1. Decisions or instructions of individual council members are not binding on the city manager, except in rare instances when the council has specifically authorized such exercise of authority.
2. In the case of council members requesting information or assistance without council authorization, the city manager can refuse such requests that require, in the city managers opinion, a material amount of staff time or funds, or are disruptive.

POLICY TYPE: COUNCIL-MANAGEMENT DELEGATION
POLICY TITLE: ACCOUNTABILITY OF THE CITY MANAGER

The city manager is the board's only link to operational achievement and conduct, so that all authority and accountability regarding organizational operation is the responsibility of the city manager.

1. The board will never give instructions to persons who report directly or indirectly to the city manager.
2. The board will not evaluate, either formally or informally, any staff other than the city manager.
3. The board will view city manager performance as identical to organizational performance, so that organizational accomplishment of board-stated Ends and avoidance of board-prescribed means will be viewed as successful city manager performance.
4. The city manager has discretion to establish priorities in accomplishing ends.

POLICY TYPE: COUNCIL-MANAGEMENT DELEGATION
POLICY TITLE: DELEGATION TO THE CITY MANAGER

The council will instruct the city manager through written policies that prescribe the organizational Ends to be achieved, and proscribe organizational situations and actions to be avoided, allowing the city manager to use any reasonable interpretation of these policies.

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

2. The council will develop policies that limit the latitude the city manager may exercise in choosing the organizational means. These limiting policies will describe those practices, activities, decisions, and circumstances that would be unacceptable to the board even if they were to be effective. Policies will be developed systematically from the broadest, most general level to more defined levels, and they will be called Executive Limitations policies. The council will never prescribe organizational means delegated to the mayor.
3. Below the global level, a single limitation at any given level does not limit the scope of any foregoing level.
4. Below the global level, the aggregate of limitations on any given level may embrace the scope of the foregoing level, but only if justified by the city manager to the council's satisfaction.
5. As long as the city manager uses any reasonable interpretation of the council's Ends and Executive Limitations policies, the city manager is authorized to establish all further policies, make all decisions, take all actions, establish all practices, and develop all activities. Such decisions of the city manager shall have full force and authority as if decided by the council.
6. The council may change its Ends and Executive Limitations policies, thereby shifting the boundary between council and city manager domains. By doing so, the council changes the latitude of choice given to the city manager. But as long as any particular delegation is in place, the board will respect and support the city manager's choices.

POLICY TYPE: COUNCIL-MANAGEMENT DELEGATION
POLICY TITLE: MONITORING CITY MANAGER PERFORMANCE

Systematic and rigorous monitoring of city manager job performance will be solely against the expected city manager job outputs: organizational accomplishment of council policies on Ends and organizational operation within the boundaries established in board policies on Executive Limitations.

1. Monitoring is simply to determine the degree to which council policies are being met. Information that does not accomplish this task will not be considered to be monitoring information.
2. The council will acquire monitoring information by one or more of three methods:
 - a. By internal report, in which the City Manager discloses interpretations and compliance information to the council.
 - b. By external report, in which an external, disinterested third party selected by the council assess compliance with council policies.
 - c. By direct council inspection, in which a designated member or members of the council assess compliance with the appropriate policy criteria.
3. In every case, the council will judge (a) the reasonableness of the city manager's interpretation and (b) whether data demonstrate accomplishment of the interpretation.
4. The standard for compliance shall be any reasonable city manager interpretation of the council policy being monitored. The council is final arbiter of reasonableness, but will always judge with a "reasonable person" test rather than with interpretations favored by council members or by the council as a whole.

5. All policies that instruct the city manager will be monitored at a frequency and by a method chosen by the council. The council can monitor any policy at any time by any method, but will ordinarily depend on a routine schedule.

Policy	Method	Frequency	Month
<i>Global Executive Constraint</i>	Internal	Annually	April
<i>Emergency City Manager Succession</i>	Internal	Annually	April
<i>Treatment of Customers</i>	Internal	Bi-annually	May
<i>Treatment of Staff</i>	Internal	Annually	May
<i>Ends</i>	Internal	Annually	June
<i>Communication and Support</i>	Direct Inspection	Annually	June
<i>Financial Planning/ Budgeting</i>	Internal	Quarterly	June - August
<i>Compensation and Benefits</i>	Internal External	Annually Bi-annually	June - August
<i>Asset Protection</i>	Internal	Annually	August
<i>Financial Condition and Activities</i>	Internal	Annually	August
	External	Annually	February

Date: February 14, 2013

Agenda Item No: REPORTS/ANNOUNCEMENTS - A.

I. Subject:

Presentation of Government Finance Officers Association (GFOA) Award of Financial Reporting Achievement to City of Kennedale Finance Department for year ending September 30, 2011 and Sakura Moten-Dedrick, Director of Finance & Information Technology.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:

At this time, the GFOA award will be presented to the City and to our Finance Director, Sakura Moten-Dedrick.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

Plaque provided.

VIII. Attachments:

Date: February 14, 2013

Agenda Item No: REPORTS/ANNOUNCEMENTS - B.

I. Subject:

Proclamation regarding the Celebration Rally for Texas public schools.

II. Originated by:

Amethyst G. Cirimo, City Secretary and Communications Coordinator

III. Summary:

At this time the Mayor will issue a proclamation regarding the Public Education Rally.

The rally will be held on:
Thursday, February 21, 2013
7:30 – 9:30 p.m. at the MISD Center for the Performing Arts
1110 West Debbie Lane, Mansfield, TX 76063

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

1.	Proclamation	Proclamation - Rally for Public Schools.doc
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**Office of the Mayor
Proclamation
Kennedale, Texas**



Celebration Rally for Texas Public Schools Proclamation

Whereas, the students of Texas public schools hold the promise of a successful future in their capable hands; and

Whereas, the independent school districts provide the foundation that is so vital toward children's futures through a quality education; and

Whereas, the dedicated efforts of parents, educators, business representatives, civic leaders and the community as a whole will provide the support and strength to our schools; and

Whereas, students are attaining a higher level of achievement, because of our schools' commitment to excellence and focus on continued improvement; and

Whereas, the observance and support of a Celebration Rally for Texas Public Schools, will demonstrate the significant impact of education on our future and our communities; then

NOW, THEREFORE, I, JOHN CLARK, MAYOR OF THE CITY OF KENNEDALE, TARRANT COUNTY, TEXAS, do hereby proclaim February 21, 2013 as

~Celebrate Texas Public Schools Day ~

and urge all citizens to reaffirm their commitment to our schools, taking time attend local public schools or to find ways to contribute their time to make a difference in the futures of our young people.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kennedale, Texas to be affixed this 14TH day of February 2013.

John Clark, Mayor

Attest:

Amethyst G. Cirimo, City Secretary

Date: February 14, 2013

Agenda Item No: REPORTS/ANNOUNCEMENTS - C.

I. Subject:

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

II. Originated by:

City Council, City Council

III. Summary:

At this time the Mayor and/or councilmember may give any updates or information.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Date: February 14, 2013

Agenda Item No: REPORTS/ANNOUNCEMENTS - D.

I. Subject:

Updates and information from the City Manager, if any.

II. Originated by:

Bob Hart, City Manager

III. Summary:

The city has several events in the near future:

Feb 22 - Art in the Park Silent Auction at Reds Roadhouse

March 2 - Texas Independence Day Parade from 11AM-5PM

March 30 - Recycling event with KKB in TownCenter

April 5, 6, 7 - Art in the Park

May 18 - Bark in the Park/Kidfish/National Kids to Parks day in Sonora Park

Recently attended event: Chamber Legislative Day in Austin 2/12

The 2013 Citizen Survey is now available online and will remain open until March 11. Three \$100 discounts on utility bills will be awarded.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Date: February 14, 2013

Agenda Item No: CONSENT ITEMS - A.

I. Subject:

Consider approval of meeting minutes from January 10, 2013 regular meeting and January 31, 2013 governance workshop.

II. Originated by:

Amethyst G. Cirimo, City Secretary and Communications Coordinator

III. Summary:

Please see the attached minutes for approval.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Jan minutes	01.10.2013 CC Minutes.doc
2.	Jan gov minutes	01.31.2013 CC Minutes - Governance Workshop.doc

**KENNEDALE CITY COUNCIL
MINUTES
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

Mayor Clark called the work session to order at 5:30 pm.

II. WORK SESSION

A. Governance workshop.

Bob Hart presented information to the Council on board and council policies related to executive limitations and governance. Council discussed holding governance workshops on January 31, February 25, and March 28, 2013.

The council recessed into executive session at 5:52 PM.

III. REGULAR SESSION

Mayor Clark called the regular session to order at 7:05 PM.

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

Three individuals signed up to address the council:

1. Carolyn Coker-Williamson of 5306 Kennedale-Sublet Road asked that the Council discuss potential development options for her property (at this address) as she would like to pursue development options that will contribute to positive growth for Kennedale.
2. Mike Frazer, representing the Kennedale Chamber of Commerce, invited the Council to attend the legislative trip to Austin on February 12th, 2013.
3. Jeremiah Wunneberger of 630 Overlook Court in Arlington TX, Executive Director of the

Kennedale Chamber of Commerce, invited the council to the next chamber luncheon which will feature a presentation from Constable Clint Burgess.

IX. REPORTS/ANNOUNCEMENTS

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

Bob Hart noted that the Art in the Park Sient Auction fundraiser will be held on Friday, February 22 at Reds Roadhouse from 7:00PM – 9:00PM. Art in the Park will be held on April 5,6, and 7.

X. CONSENT ITEMS

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.

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

Staff liaison Amethyst Cirmo presented information to the council, noting that an establishing ordinance had not been adopted in the past. This ordinance allows for 15 council-appointed members between the ages of 15 and 19, one year terms, and membership requirements that allow any youth from the KISD boundaries, city boundaries, or who attends school within the city boundaries to be qualified. This ordinance will allow for the Youth Advisory Council to function under the same public posting laws and regulations as all other city boards and commission.

Motion To approve the consent agenda as presented. **Action** Approve, **Moved By** Kelly Turner,
Seconded By Charles Overstreet
Motion Passed Unanimously

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

Rachel Roberts approached the council, noting that the plat in question meets all city regulations and should be approved based on council policy.

2. Public Hearing

Mayor Clark opened the public hearing. No one signed up to speak and the hearing was closed.

3. Staff Response and Summary
No response was necessary.
4. Action by the City Council

Motion To approve CASE # PZ 12-07 as presented. **Action** Approve, **Moved By** Brian Johnson, **Seconded By** Kelly Turner
Motion Passed Unanimously

The council recessed into executive session at 7:19 PM.

XII. EXECUTIVE SESSION

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

The council reconvened into open session at 7:50 PM.

No action pursuant to executive session was necessary.

XIV. ADJOURNMENT

Motion To adjourn. **Action** adjourn, **Moved By** Brian Johnson, **Seconded By** Frank Fernandez
Motion Passed Unanimously

APPROVED: _____
Mayor John Clark

ATTEST: _____
City Secretary, Amethyst G. Cirimo

**KENNEDALE CITY COUNCIL
MINUTES
GOVERNANCE WORKSHOP
January 31, 2013
CITY HALL JURY ROOM, 405 MUNICIPAL DRIVE**

I. CALL TO ORDER

Mayor Clark called the workshop to order at 5:30 PM.

II. ROLL CALL

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

Absent: none

Also present, City Manager Bob Hart.

III. WORK SESSION

A. Governance workshop with the City Manager.

City Manager Bob Hart worked with the Council on general governance training, including executive limitations and general governance policies and objectives.

IV. ADJOURNMENT

Motion To adjourn. **Action** adjourn, **Moved By** Brian Johnson, **Seconded By** Kelly Turner
Motion Passed Unanimously

The meeting was adjourned at 8:43 PM

APPROVED: _____
Mayor John Clark

ATTEST: _____
City Secretary, Amethyst G. Cirimo

Date: February 14, 2013

Agenda Item No: CONSENT ITEMS - B.

I. Subject:

Discuss and consider authorizing temporary permission to Art in the Park to sell alcohol in TownCenter Park during the Art in the Park event from April 5, 2013 through April 7, 2013.

II. Originated by:

Bob Hart, City Manager

III. Summary:

Art in the Park is again requesting that the City Council grant permission to sell alcohol during the Art in the Park event.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Permit Application	Alcohol Sells.pdf
2.	site plan	2012.pdf

CITY OF KENNEDALE
Permits & Planning Department

APPLICATION TO SELL ALCOHOL IN CITY PARKS

Applicant Art in the Park, Kennedale TX COMMITTEE

NAME OF ORGANIZATION: Art in the Park, Kennedale TX
HEAD OF ORGANIZATION: Bob Hart
Organization Mailing Address: 405 Municipal Dr.
Kennedale, TX 76060
Organization Phone: 817-985-2102
SPECIAL EVENT CHAIRMAN (NAME AND ADDRESS): Bob Hart, Kelly Cooper (THIS PERSON WILL BE RESPONSIBLE FOR CONDUCT AT THE SPECIAL EVENT.)
Special Event Chairman Phone: 817-985-2102

Special Event Information

NAME OF EVENT AND DESCRIPTION OF EVENT: The Kennedale Arts and Culture Board presents the 4th annual Art in the Park Festival . This FREE three-day event will be held in the beautiful Kennedale Town Center . Art in the Park celebrates a variety of unique visual, musical and performing art talent and feature artists and vendors from the surrounding area. As one of Kennedale's anticipated annual events, Art in the Park will focus on the artists and their work, while offering delectable food in the food court, live music performances and unique creative activities in the Children's Area.	
Dates to be held: April 5, 2013- April 7, 2013	Hours of event: Fri 5-9, Sat. 10-10, Sun 12-6
Estimated number of persons to attend:	6000 Cumulative
Event address: 405 Municipal Dr.	

CITY OF KENNEDALE
Permits & Planning Department

Additional Information

No permit shall be issued until satisfactory proof has been provided that liability insurance has been obtained in compliance with the Texas Alcoholic Beverage Code and rules issued by the appropriate state agency.

Has the organization obtained liability insurance in compliance with the Texas Alcoholic Beverage Code and rules issued by the appropriate state agency?

☒ Yes

☐ No

Please submit with your application a copy of the certificate of insurance.

Has the applicant received all necessary authority to sell alcohol from the Texas Alcoholic Beverage Commission?

☐ Yes

☒ No

If no, has the applicant applied for all necessary authority to sell alcohol from the Texas Alcoholic Beverage Commission?

☐ Yes

☒ No

We will apply after we receive permit from City

Date application was submitted to TABC:

Please submit the following information with your application:

☐ Site layout information, including all exits and locations where alcohol sales are proposed **ATTACHED**

☐ Security information **Overnight and walk through during the day.**

CITY OF KENNEDALE
Permits & Planning Department

☐ Storage and containment information, if established at time of application Locked in secure truck and or building.
☐ Food vendor information (for vendors who will sell alcohol) Just Art in the Park. We hire TABC certified servers
☐ A copy of the current, valid 501(c) determination letter (or other proof as required by the City)

GRANTING PERMITS FOR ALCOHOL SALES IN PARKS.

The City Council shall issue a permit for the proposed special event within sixty (60) days of receipt of an application, unless the Council finds that:

- (1) The conduct of the special event will require the diversion of so great a number of police officers of the City to properly police the special event and the contiguous areas, so that adequate police protection cannot be provided the remainder of the City;
- (2) The conduct of the special event will require the diversion of so great a number of ambulances, so that adequate ambulance service to portions of the City not occupied by the special event and contiguous areas will be prevented;
- (3) The conduct of the special event is reasonably likely to result in violence to persons or property causing serious harm to the public;
- (4) The special event is to be held for the primary purpose of advertising a product, or goods, and is designed to be held primarily for private profit and no public purpose is served;
- (5) The special event will interfere with the movement of firefighting equipment to such an extent that adequate fire protection cannot be provided to the City; or
- (6) The special event will conflict in time and location with another special event, a permit for which has been granted.

The City may establish appropriate fees for issuance of such permit by resolution of the City Council.

CITY OF KENNEDALE
Permits & Planning Department

FOR STAFF USE ONLY

DATE PERMIT APPLICATION RECEIVED:

In issuing such permit the City Council may designate an area within the city park or facility for the serving, possession and consumption of alcoholic beverages under such permit, and shall establish such hours that the beverages may be dispensed, consumed, or possessed under the permit. The city manager or his designee is further authorized to adopt and enforce such other appropriate health, safety and welfare measures to ensure safe use of the premises and general welfare of the areas adjacent thereto.

List staff recommendations, if any, for hours in which alcoholic beverages may be dispensed, consumed, or possessed under the permit:

List staff recommendations, if any, for area(s) within the city park or facility for the serving, possession, and consumption of alcoholic beverages under the permit:

Additional Comments:

Recommendation: ☒ Approval ☐ Denial

Signature of director of development services/permits official:

Signature of parks superintendent:

Signature of fire chief or authorized fire department representative:

Signature of police chief or authorized police representative:

Kennedale, Texas, Code of Ordinances >> - KENNEDALE CITY CODE >> Chapter 16 - PARKS, RECREATION AND CULTURAL ACTIVITIES >> ARTICLE I. - IN GENERAL >>

ARTICLE I. - IN GENERAL

Sec. 16-1. - Penalty.

Sec. 16-2. - Definitions.

Sec. 16-3. - Publicly owned properties—Glass food and beverage containers prohibited.

Sec. 16-4. - Alcoholic beverages prohibited.

Sec. 16-5. - Parks, recreation and open space master plan adopted.

Sec. 16-6. - Permit required for alcohol sales, consumption or possession in city parks.

Secs. 16-7—16-9. - Reserved.

Sec. 16-1. - Penalty.

Except as otherwise stated, violations of this chapter are punishable as provided in section 1-6.

(Ord. No. 48, § 1, 2-10-94)

Sec. 16-2. - Definitions.

- (a) The word "park" or "parks" when used in this chapter shall mean and include all that land that may be selected, obtained, or acquired by the city for use as parks, parkways, esplanades, median strips or grounds.
- (b) The word "playground" or "playgrounds" when used in this chapter shall mean and include those areas of land that may from time to time be placed under the control of and used by the city park and recreation department for children's activities through the courtesy and in cooperation with the Kennedale Independent School District or any other agency, corporation, or individual.

(Ord. No. 48, § 1, 2-10-94)

Sec. 16-3. - Publicly owned properties—Glass food and beverage containers prohibited.

- (a) It shall be unlawful for any person, firm or corporation to possess glass food or beverage containers on any publicly owned property designated and dedicated for park and recreational purposes at any time of the day or night.
- (b) The terms of this section shall not apply to food or beverage containers utilized for storage in a related concession stand or other city owned or franchised concession operation, provided that the containers are not available or distributed to the public.

(Ord. No. 48, § 1, 2-10-94)

Sec. 16-4. - Alcoholic beverages prohibited.

It shall be unlawful for any person, firm or corporation to sell, consume, possess, transport or store alcoholic beverages of any nature or kind, including beer, whiskey or wine, upon, over, across or on any publicly owned property designated and dedicated for park and recreational purposes at any time of the day or night.

(Ord. No. 48, § 1, 2-10-94; Ord. No. 468, § 1, 11-11-10)

Editor's note—

Ord. No. 468, § 1, adopted Nov. 11, 2010, amended § 16-4 title read as herein set out. Former § 16-4 title pertained to the same subject matter.

Sec. 16-5. - Parks, recreation and open space master plan adopted.

The parks, recreation and open space master plan for Kennedale, Texas, attached to Ordinance No. 298 as Exhibit "A," is hereby adopted. Exhibit "A" is on file in the city secretary's office.

(Ord. No. 135, § 1, 6-12-97; Ord. No. 298, §§ 1, 2, 5-12-05)

Sec. 16-6. - Permit required for alcohol sales, consumption or possession in city parks.

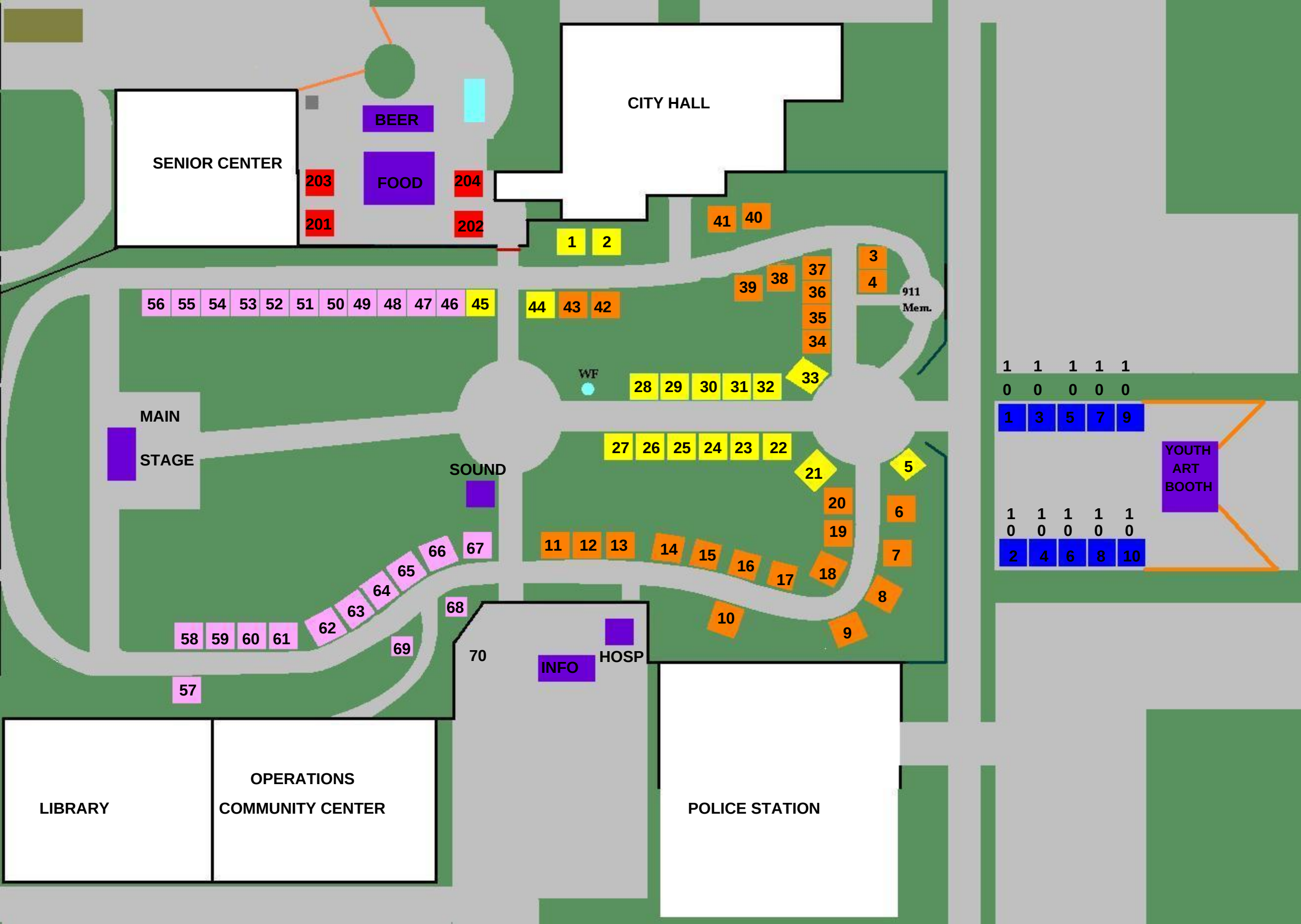
- (a) The city council is authorized to allow nonprofit groups and nonprofit organizations to obtain temporary written permission from the city for the sale and consumption of alcohol in parks during special events for a period not to exceed seventy-two (72) consecutive hours. A nonprofit group or nonprofit organization may apply for a special event permit to allow the sale, consumption, or possession of alcoholic beverages in a city park during a special event. If the permit is granted by the city council, the sale, consumption or possession of alcoholic beverages shall be allowed at the locations and during the times specified in the permit, notwithstanding section 16-4. Any permission to sell alcohol granted by this section is contingent on the seller obtaining all necessary authority to sell alcohol from the Texas Alcoholic Beverage Commission. All consumption or possession of alcohol allowed in parks during special events is limited to the consumption or possession of alcohol purchased at the event from a retailer possessing an appropriate state law license or permit to sell alcoholic beverages at the event.
- (b) In this section, *special event* shall mean a temporary group event or temporary group gathering including, but not limited to a show, contest, athletic event, performance, ceremony, meeting, assembly, or exhibit of a predominantly entertainment, cultural, recreational, or sporting nature and sponsored by a nonprofit group or nonprofit organization, which is proposed to be held in a park or public facility.
- (c) A nonprofit group or nonprofit organization seeking the issuance of a special event permit shall file an application with the permit and planning department. A form of the application shall be made available to each applicant by the permit and planning department.
- (d) An application for a special event permit shall be filed with the permit and planning department not less than sixty (60) days prior to the date on which it is proposed to conduct the special event. The application shall be signed by the applicant.
- (e) The application for a special event permit shall set forth the following information:
 - (1) The name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization. A copy of the current, valid 501(c) determination letter (or other proof as required by the city) shall be required to accompany the application.
 - (2) The name, address and telephone number of the person who will be the special event chairman and who will be responsible for its conduct.
 - (3) The dates when the special event is to be conducted.
 - (4) The estimated number of persons who will constitute the special event.
 - (5) The hours when the special event will start and terminate.
 - (6) If the special event is designed to be held by, and on behalf of or for any person other than the applicant for such permit, the applicant shall file with the permit and planning

department a communication in writing from the person proposing to hold the special event authorizing the applicant to apply for the permit on his behalf.

- (7) Any other information as requested by the city within the special event permit application. Such information may include, but not be limited to: food vendor information, site layout information, security information, storage and containment information, etc.
 - (8) Any application which complies with the requirements of this section shall be submitted for city council consideration at the earliest possible council meeting following the receipt of the application.
 - (9) *Late applications.* The permit and planning department, where good cause is shown therefore, shall have the authority to submit any application to the city council hereunder which is filed less than sixty (60) days before the date such special event is proposed to be conducted.
- (f) In issuing such permit the city council may designate an area within the city park or facility for the serving, possession and consumption of alcoholic beverages under such permit, and shall establish such hours that the beverages may be dispensed, consumed, or possessed under the permit. The city manager or his designee is further authorized to adopt and enforce such other appropriate health, safety and welfare measures to ensure safe use of the premises and general welfare of the areas adjacent thereto.
- (g) No permit shall be issued until satisfactory proof has been provided that liability insurance has been obtained in compliance with the Texas Alcoholic Beverage Code and rules issued by the appropriate state agency.
- (h) The city council shall issue a permit for the proposed special event within sixty (60) days of receipt of an application, unless the council finds that:
- (1) The conduct of the special event will require the diversion of so great a number of police officers of the city to properly police the special event and the contiguous areas, so that adequate police protection cannot be provided the remainder of the city;
 - (2) The conduct of the special event will require the diversion of so great a number of ambulances, so that adequate ambulance service to portions of the city not occupied by the special event and contiguous areas will be prevented;
 - (3) The conduct of the special event is reasonably likely to result in violence to persons or property causing serious harm to the public;
 - (4) The special event is to be held for the primary purpose of advertising a product, or goods, and is designed to be held primarily for private profit and no public purpose is served;
 - (5) The special event will interfere with the movement of firefighting equipment to such an extent that adequate fire protection cannot be provided to the city; or
 - (6) The special event will conflict in time and location with another special event, a permit for which has been granted.
- (i) The city may establish appropriate fees for issuance of such permit by resolution of the city council.

(Ord. No. 468, § 2, 11-11-10)

Secs. 16-7—16-9. - Reserved.



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1	3	5	7	9
1	1	1	1	1
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2	4	6	8	10

Date: February 14, 2013

Agenda Item No: CONSENT ITEMS - C.

I. Subject:

Consider accepting the 2012 Racial Profiling Report.

II. Originated by:

Tommy Williams, Police Chief

III. Summary:

Consider and accept the racial profiling report for 2012.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Racial Profiling Report Memo 2012	racial profiling report 2012.doc
2.	Racial Profiling Data Sheet 2012	Racial Profiling Data Sheet 2012.xls

February 14, 2013

To: City Manager, Mayor, and Council Members
From: Tommy Williams, Police Chief
Re: Racial Profiling Report

Statistical Data

As required by S.B. 1074, attached is a spreadsheet outlining the data from our citations and stops during calendar year 2012. As I reported for 2011, due to a change in the Census Bureau reporting format and data sets I dropped the Fair Roads Standard in favor of at-large population figures from the 2010 census. This allows us to collect data not only against licensed drivers, but also against those drivers who regularly operate a vehicle without benefit of a license. Because such a large majority of our citations continue to be issued to persons outside of the city, the baseline includes the combined populations of our neighboring cities of Arlington, Forest Hill, Fort Worth, and Mansfield, as well as Kennedale. Motorists come from or through these cities in order to get to or through Kennedale. Our stops and searches are within tolerances for the percentile groups.

There were two new data bases that were required for the 2011 reporting year. The first was recording the Middle Eastern population as a group. I have not found any information as to how we can measure this group for profiling purposes and no chief that I have contacted has an answer for this issue. Since we only stopped three individuals this year who claimed Middle East status, it is a non-issue at this point.

The second was the requirement to record if the officer knew the driver's race before making the stop. Out of 2,001 recorded stops, officers were aware of the driver's ethnicity in 18 of those. This is also a non-measurable statistic because the data collected does not indicate if the 18 stops were on a specific group or groups, only if the driver's race was known before the stop. Since we continue to be in tolerance on our stop groups, I am confident that we are in tolerance on this issue as well.

I will electronically file a copy of this report and spreadsheet for posting on the TCLEOSE web site.

Complaints

We had no racial profiling complaints filed during the reporting period of 2012.

Public Education

The process for filing racial profiling complaints against employees is posted in three places. The first is on our police department website, the second in the police building lobby, and the third is in the city hall lobby. A copy of the entire racial profiling policy is available to the public on request.

Employee Training

Numerous discussions occurred throughout the year during briefing and staff meetings about racial profiling issues to be aware of. In addition, supervisors are required to review random video tapes of stops each quarter to identify any problems that have not been reported. No issues were identified.

Kennedale Police Department
Racial Profiling Data
01-01-2012 through 12-31-2012

<i>Race</i>	<i>Citations From Traffic Stops</i>	<i>Arrests From Traffic Stops</i>	<i>Total Searches Conducted</i>	<i>Consent Searches Conducted</i>	<i>Representative Population - Kennedale Area</i>	<i>Representative Population - Tarrant County</i>
White	1308	18	71	35	57.00%	57.00%
Percent of Group Total	68.80%	75.00%	78.00%	87.50%		
Black	305	2	14	3	16.00%	13.00%
Percent of Group Total	16.00%	8.30%	15.40%	7.50%		
Hispanic	247	4	5	2	26.00%	24.00%
Percent of Group Total	13.00%	16.70%	5.50%	5.00%		
Asian	24	0	1	0	4.00%	4.00%
Percent of Group Total	1.20%		1.10%			
Native American	6	0	0	0	0.06%	0.01%
Percent of Group Total	0.03%					
Middle Eastern	3	0	0	0		
Percentage of Group Total	0.02%					
Other/Unknown	7	0	0	0	0.01	0.002
Percent of Group Total	0.04%					
Total	1900	24	91	40		

Race/Ethnicity Known
Before Stop? Yes - 282 (15%) No - 1618 (85%)

Date: February 14, 2013

Agenda Item No: CONSENT ITEMS - D.

I. Subject:

Consider authorizing the City Manager to execute a contract in the amount of \$69,600.00 with Corrosion Eliminators, Inc. for emergency repairs to the the T-2 750,000 gallon standpipe.

II. Originated by:

III. Summary:

The T-2 well site, 750,000 Gallon Stand Pipe was damaged during the Spring 2012 Tornado. TML Insurance approved funds for emergency repairs to the top of the stand pipe in the summer of 2012, and repairs were done at that time. Additional Emergency funds, in the amount of (\$65,533.29) for damage to the sides and re-painting of the entire exterior of the tank were received from TML Insurance in January of 2013.

The standpipe was heavily damaged near the top 40% of the Stand Pipe and continues to deteriorate due to the lack of a protective coating. Metal failure, structural integrity and corrosion of the structure will continue and may require additional funding if repairs are delayed.

Corrosion Eliminators, Inc. has agreed to repair the corrosion and structural elements, and paint the exterior of the tank in the amount of \$69,600.00. The difference between the actual cost and the insurance reimbursement of approximately \$5,000.00 would be taken from the water system maintenance account budget.

Staff requests that the standpipe be repaired as an emergency measure in order to protect the integrity of the structure. The conventional repair methods proposed will take approximately two months.

Staff recommends Council approving the City Manager to execute a contract in the amount of \$69,600.00 with Corrosion Eliminators, Inc. for emergency repairs to the T-2 750,000 gallon standpipe.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Corrosion Eliminators, Inc.	Copy of 20130205083620050.tif
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Date: February 14, 2013

Agenda Item No: CONSENT ITEMS - E.

I. Subject:

Final acceptance of and payment on the Little School Road Improvement project with Conatser Construction.

II. Originated by:

Larry Hoover, Streets and Parks Supervisor

III. Summary:

Conatser Construction has completed the construction of the Little School Road improvements and has submitted for acceptance of the improvements and a final payment of \$55,662.70. the engineering firm of Teague, Nall and Perkins has submitted a final acceptance letter and has recommended acceptance and a retainage of \$19,000.00. The letter outlines the items that have not met the specifications set forth in the plans and sets a timeline to achieve the necessary requirements. if the recommendation is approved the final payment would be \$36,662.70 with the withheld amount paid upon verification and acceptance of the remaining items.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

Staff agrees with the recommendation of the Engineers to hold \$19,000.00 until the grass is established and the tree species are verified.

VIII. Attachments:

1.	Little School Road Acceptance Letter	final acceptance letter Little road.pdf
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February 8, 2013

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

RE: Little School Road Improvements

Dear Mr. Hart,

On August 28, 2012 a Final Inspection of the 'substantially complete' project was held for the above referenced project. In attendance were Jeremiah Patton, Conatser Construction (the Contractor), Larry Hoover, City of Kennedale (the Owner), and Andrew Luce, Teague Nall and Perkins (the Engineer). Landscape and irrigation inspections have been held for the above referenced project on August 31, 2012, November 7, 2012, December 3, 2012, February 5, 2013, and February 8, 2013. In attendance were Conatser Construction (the Contractor), Superscapes (the Sub-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 EXCEPT:

1. Establishment of Bermuda grass in the medians and parkway has not been achieved.
2. Documents provided by the Contractor show Natchez species crape myrtles have been planted in the Sublett East roundabout. Definitive identification cannot be made until the trees begin flowering in the spring.

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, and if the trees in the Sublett East roundabout are identified as the incorrect species in the Spring, they be replaced with the correct species. Commencement of the two-year bonded maintenance period should start on the date Final Acceptance is made. It is recommended \$19,000.00 is retained until grass is established or re-seeded and definitive tree identification is made in Spring 2013.

Below is a list of key dates and contract information for the project:

Notice to Proceed Date: July 25, 2011

Contract days to Complete the Project: 270 Calendar Days

Completion Date per the Notice to Proceed: April 20, 2012

Total Days (as of the date of this letter): 564 Calendar Days

Original Contract Amount: \$4,116,618.30

Total Change Order/Quantity Change Amount: \$206,082.50

Current Contract Amount: \$4,322,700.80

Amount Paid to Date: \$4,267,038.10

Current Retainage Amount (1.29% of Current Contract Amount): \$55,662.70



Please also note that franchise utilities companies were relocating utilities within the Little School Rd. right of way at the time Conatser began work, slowing their progress. Also, an additional 375 square yards of concrete pavement and 1,030 linear feet of storm drain and permanent concrete repair was added to the project after construction began without extending the contract time.

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

Date: February 14, 2013

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

Public hearing and consideration of an Ordinance regarding case # PZ 12-08, a request by Bowerman Oil & Gas for a zoning change from "R-3" Single Family Residential district to "AG" Agricultural district for a portion of Lot 1R, Block A, Bowerman Addition, being approximately 2.610 acres at 205 N Joplin (formerly 1309 Swiney Hiatt).

1. Staff presentation
2. Applicant presentation
3. Public hearing
4. Applicant response
5. Staff response
6. Action by the City Council

II. Originated by:

III. Summary:

Background.

This property (2.61 acres) located behind 1309 Swiney Hiatt was recently platted into the approximately 45-acre lot (205 N Joplin) owned by Bowerman Oil & Gas. It was originally part of the adjacent property at 1309 Swiney Hiatt, which Bowerman Oil & Gas purchased in December 2010. Bill Bowerman (owner, Bowerman Oil & Gas) kept two horses in a barn on the site in question until he was notified by city staff that the property was zoned R-3 Residential and would therefore need a special exception for keeping livestock. Mr. Bowerman for applied a special exception and was granted an exception for one year, but the Board of Adjustment encouraged Mr. Bowerman to seek a rezoning of the property to Agricultural.

The larger property into which the subject site was recently platted is zoned Agricultural, and Mr. Bowerman would like to rezone the smaller portion (2.61 acres) so that it may continue to be used for keeping horses.

Staff Review.

The rezoning would eliminate the current split zoning on the property (AG and R-3). Split zoning is permitted in the city code, and there are times when split zoning can be beneficial, but it is usually preferable for all parts of a single lot to share the same zoning classification. In this case, staff sees no benefit in retaining the split zoning and recommends that the property have a common zoning district classification.

Compliance with Comprehensive Land Use Plan.

The property in question falls within an area designated as Conservation Overlay in the future land use plan. The Conservation Overlay district is "intended to preserve the rural and cultural landscape of Kennedale and serve as a buffer into Kennedale and help the city retain a geographic identity distinct from surrounding areas" (Ch. 5, page 5--8 of the comprehensive plan). Sample development types are

conservation subdivision, agriculture, and open space preservation.

Agriculture has been a part of the Kennedale community since the city's founding. Permitting the use to continue in appropriate sections of the city, such as Conservation Overlay areas, is part of respecting and promoting Kennedale's heritage, one of the goals of the comprehensive plan, and city staff have not seen any nuisance effects from rural uses in this area.

The requested rezoning is in compliance with the comprehensive land use plan.

Planning & Zoning Commission consideration.

The Planning & Zoning Commission considered this item on its January 2013 agenda and voted to recommend approval.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	PZ 12-08 application	PZ 12-08 application.pdf
2.	PZ 12-08 rezoning adopting ordinance	PZ 12-08 Bowerman Addn rezoning ordinance.pdf

**PETITION FOR
CHANGE OF ZONING CLASSIFICATION**

ZONING CASE # PZ 12-08
(assigned by city staff)

DATE: November 30, 2012

City Council
City of Kennedale
Kennedale, Texas 76060

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

You are hereby respectfully requested to approve the following request for a change of zoning classification.

To change the zoning classification of the property described on Exhibit "A" attached, from its current zoning classification of "R-3" (Single Family Residential) to that of "AG" (Agricultural) in its entirety as shown on Exhibit "B" attached. The property totals some 2.610 acres.

Legal Description is Being a portion of Lot 1R, Block "A" Bowerman Addition, recorded by minor plat in instrument No. D212279531, P.R.T.C.T

Present use of the property is Farm Land/Horses

Address of the property is 205 N. Joplin, Kennedale, TX 76060

Property Owner's Name: Bowerman Oil & Gas, Inc.

Address: P.O. Box 171199

Arlington, TX 76003

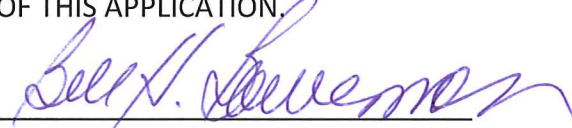
Telephone Number: (817) 478-8200

Applicant's Name: Bill Bowerman

Address: Same as above

Telephone Number: _____

THIS IS TO CERTIFY THAT Bill Bowerman – Bowerman Oil & Gas, Inc. IS THE SOLE OWNER(S) OF THE PROPERTY DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B", ON THE DATE OF THIS APPLICATION.


Owner Signature

Owner Signature

STATE OF TEXAS {}

COUNTY OF TARRANT {}

THAT, WHEREAS, Bill Bowerman is the owner of a tract of land in the B. Jopling Survey, Abstract No. 866, Tarrant County, Texas, and being a portion of Lot 1R, Block "A" Bowerman Addition, an addition to the City of Kennedale, Tarrant County, Texas, according to plat recorded in instrument No. D212279531, Plat Records, Tarrant County, Texas (P.R.T.C.T.), and being described by metes as follows:

BEGINNING at a 1/2 inch iron rod found with cap stamped "WIER & ASSOC INC" in the south line of said Lot 1R and being the northeast corner of Lot 5R of C.C. Swiney's Addition, an addition to the city of Kennedale, Tarrant County, Texas, recorded by minor plat in instrument No. D212279531, P.R.T.C.T.;

THENCE N 89°23'57" W, along a south line of said Lot 1R and the north line of said Lot 5R, a distance of 199.67 feet to a 1/2" iron rod found with a cap stamped " WIER & ASSOC INC" being an ell corner of said Lot 1R and the northwest corner of said Lot 5R;

THENCE N 00°36'58" E, a distance of 563.36 feet to a 3/8" iron rod found;

THENCE N 86°59'00" E, a distance of 199.92 feet to a 5/8" iron rod found;

THENCE S 00°36'03" W, at a distance of 402.23 feet, passing a 1/2" iron rod found being an ell corner of said Lot 1R, and continuing in all a total distance of 575.98 feet to the PLACE OF BEGINNING and containing 2.610 acres (113,702 square feet) of land, more or less.

NOW, THEREFORE, know all men by these presents:



CITY OF KENNEDALE

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF A CERTAIN PROPERTY WITHIN THE CITY OF KENNEDALE FROM “R-3” SINGLE FAMILY RESIDENTIAL TO “AG” AGRICULTURAL, BEING APPROXIMATELY 2.61 ACRES ENCOMPASSING A PORTION OF LOT 1R, BLOCK A, BOWERMAN ADDITION; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, Bowerman Oil & Gas, a person or entity having a proprietary interest in a certain property being an approximately 2.61 acre tract located in the B. Jopling Survey, Abstract No. 866, and the J R Hawkins Survey, Abstract No. 792, Tarrant County, Texas, also known as a portion of Lot 1R, Block A, Bowerman Addition, being that same tract conveyed to Bowerman Oil & Gas according to the deed recorded in County Clerk's Instrument Number D210322334, Deed Records, Tarrant County, Texas, has filed an application to rezone the property from its

present classification of “R-3” Single Family Residential District to “AG” Agricultural District;
and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 17th day of January 2013 and by the City Council of the City of Kennedale on the 14th day of February 2013 with respect to the zoning changes described herein;
and

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

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

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

SECTION 1.

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

An approximately 2.61 acre tract in the B. Jopling Survey, Abstract No. 866, and the J R Hawkins Survey, Abstract No. 792, Tarrant County, Texas, being that same tract conveyed to Bowerman Oil & Gas according to the deed recorded in County Clerk's Instrument Number D210322334, Deed Records, Tarrant County, Texas, and more particularly described as a portion of Lot 1R, Block A, Bowerman Addition, Kennedale, Tarrant County, as shown and described in Exhibit “A” attached hereto and incorporated herein, from “R-3” Single Family Residential District to “AG” Agricultural District.

SECTION 2.

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

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

SECTION 5.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Kennedale, Texas (1991), as amended, including but not limited to all Ordinances of the City of Kennedale affecting zoning and land use, and shall not repeal any of

the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 6.

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 7.

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

SECTION 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 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 9.

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

SECTION 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.

PASSED AND APPROVED ON THIS 14th DAY OF FEBRUARY, 2013.

MAYOR

ATTEST:

CITY SECRETARY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

Exhibit "A"
Metes and bounds description
And
Copy of minor plat

STATE OF TEXAS {}

COUNTY OF TARRANT {}

THAT, WHEREAS, Bill Bowerman is the owner of a tract of land in the B. Jopling Survey, Abstract No. 866, Tarrant County, Texas, and being a portion of Lot 1R, Block "A" Bowerman Addition, an addition to the City of Kennedale, Tarrant County, Texas, according to plat recorded in instrument No. D212279531, Plat Records, Tarrant County, Texas (P.R.T.C.T.), and being described by metes as follows:

BEGINNING at a 1/2 inch iron rod found with cap stamped "WIER & ASSOC INC" in the south line of said Lot 1R and being the northeast corner of Lot 5R of C.C. Swiney's Addition, an addition to the city of Kennedale, Tarrant County, Texas, recorded by minor plat in instrument No. D212279531, P.R.T.C.T.;

THENCE N 89°23'57" W, along a south line of said Lot 1R and the north line of said Lot 5R, a distance of 199.67 feet to a 1/2" iron rod found with a cap stamped " WIER & ASSOC INC" being an ell corner of said Lot 1R and the northwest corner of said Lot 5R;

THENCE N 00°36'58" E, a distance of 563.36 feet to a 3/8" iron rod found;

THENCE N 86°59'00" E, a distance of 199.92 feet to a 5/8" iron rod found;

THENCE S 00°36'03" W, at a distance of 402.23 feet, passing a 1/2" iron rod found being an ell corner of said Lot 1R, and continuing in all a total distance of 575.98 feet to the PLACE OF BEGINNING and containing 2.610 acres (113,702 square feet) of land, more or less.

NOW, THEREFORE, know all men by these presents:



Date: February 14, 2013

Agenda Item No: REGULAR ITEMS - B.

I. Subject:

Public Hearing to approve and pledge City funding for the 39th Year Community Development Block Grant project to replace sanitary sewer lines and manholes on Caylebait Drive.

1. Staff presentation
2. Public hearing
3. Staff response
4. Action by the City Council

II. Originated by:

III. Summary:

The City has an Annual Public Works project that is funded by the Community Development Block Grant Program (CDBG) administered by Tarrant County. As part of the process, the County requires the City authorize the project and pledge any funds that the City may use in participation of the project.

This years recommended project is the replacement of the sanitary sewer lines and manholes in Caylebait Drive. The scope of the project includes 1050 LF of new sewer pipe and 4 manholes.

The estimated construction cost of the project is \$145,095.00 and the City's participation would be estimated at \$33,043.00 which would be budgeted in next years Water and Sewer Budget.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

Date: February 14, 2013

Agenda Item No: REGULAR ITEMS - C.

I. Subject:

Consider approval of a Resolution authorizing the city to pledge funding in the amount of \$33,043.00 toward the 39th year Community Development Block Grant project with Tarrant County to replace sanitary sewer lines and manholes on Caylebait Drive in Kennedale.

II. Originated by:

III. Summary:

This Resolution completes 39th year CDBG financing authorization.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	resolution	RXXX - 39th Year CDBG.docx
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RESOLUTION NO. XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS AUTHORIZING FUNDING PARTICIPATION WITH TARRANT COUNTY COMMUNITY DEVELOPMENT AND HOUSING FOR THE 39th YEAR COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT FOR SANITARY SEWER IMPROVEMENTS WITHIN THE CITY OF KENNEDALE, TEXAS AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in the City Council Meeting of February 14, 2013, the City Council of the City of Kennedale approved the 39th Year Community Development Block Grant Project (CDBG) to replace 1,050 linear feet of sanitary sewer lines and 4 manholes on Caylebait Drive in the City of Kennedale, Texas; and

WHEREAS, the budget for the project approved on February 14, 2013 reflected an estimated construction cost in an amount of \$145,095.00 with the City of Kennedale is pledging funds in an amount of \$33,043.00; and

WHEREAS, the City funds will be budgeted in the 2013/2014 fiscal year budget and will be utilized for project costs in excess of the CDBG funds available for the project.

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

Section 1.

That all matters stated in the preamble of this resolution are true and correct and are incorporated herein as if copied in their entirety.

Section 2.

That this resolution shall be effective upon its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS ON this, the 14th day of February, 2013.

APPROVED: _____
Mayor John Clark

ATTEST: _____
Amethyst G. Cirimo, City Secretary

Date: February 14, 2013

Agenda Item No: REGULAR ITEMS - D.

I. Subject:

Consider approval of an Ordinance providing for the appointment of prescribed magistrates Sakura Moten Dedrick and Tiffany Panhallegon-Oakes for the Kennedale Municipal Court.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:

The magistrate program was introduced to the City of Kennedale in 2005 after special legislation was written during the 79th legislature to allow civilian volunteers to act as city magistrates under section 15.17 of the Code of Criminal Procedure.

“Art. 15.17. DUTIES OF ARRESTING OFFICER AND MAGISTRATE.
(a) In each case enumerated in this Code, the person making the arrest or the person having custody of the person arrested shall without unnecessary delay, but not later than 48 hours after the person is arrested, take the person arrested or have him taken before some magistrate of the county where the accused was arrested or, to provide more expeditiously to the person arrested the warnings described by this article, before a magistrate in any other county of this state. The arrested person may be taken before the magistrate in person or the image of the arrested person may be presented to the magistrate by means of an electronic broadcast system. The magistrate shall inform in clear language the person arrested, either in person or through the electronic broadcast system, of the accusation against him and of any affidavit filed therewith, of his right to retain counsel, of his right to remain silent, of his right to have an attorney present during any interview with peace officers or attorneys representing the state, of his right to terminate the interview at any time, and of his right to have an examining trial. The magistrate shall also inform the person arrested of the person's right to request the appointment of counsel if the person cannot afford counsel. The magistrate shall inform the person arrested of the procedures for requesting appointment of counsel...”

In an effort to reduce expenses and allow for consistent, daily arraignments, Presiding Judge Bill Lane endorsed the Court Administrator (Jennifer Bozorgnia) and the Finance Director (Sakura Moten-Dedrick) to serve as the city's magistrates. Council approved this action on Sep 9, 2010. Each appointment was effective for a two year term beginning October 1, 2010, and at the expiration of said term, each magistrate would continue to serve until a successor is appointed.

As of December 2012, Jennifer Bozorgnia is no longer with the City of Kennedale as the Court Administrator. Due to the recent filling of this vacant position, this ordinance appoints Tiffany Panhallegon-Oakes (Court Administrator) as her successor magistrate. It also re-appoints Sakura Moten-Dedrick (Finance Director), who was previously approved. Tiffany comes to us from the cities of Copperas Cove and Lampasas, where she served as the Court Administrator for a combined total of approximately ten years.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

Staff recommends that Council enact the proposed ordinance and appoint prescribed officials as city magistrates.

VIII. Attachments:

1.	Magistrate Ordinance	Ordinance To Amend Appointment of Magistrates.doc
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS AMENDING CHAPTER 14, "MUNICIPAL COURT", OF THE KENNEDALE CITY CODE, AS AMENDED, PROVIDING FOR THE APPOINTMENT OF PRESCRIBED MAGISTRATES FOR THE MUNICIPAL COURT OF RECORD IN THE CITY OF KENNEDALE; PROVIDING THAT THIS ORDINANCE BE CUMALATIVE OF ALL ORDINANCES; 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 Council has determined that it is of great benefit to the City of Kennedale to have civilian magistrates perform various administrative and other duties within the municipal court in addition to the municipal court judge.

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

SECTION 1.

Chapter 14, "Municipal Court" of the Kennedale City Code is hereby amended by adding Section 14-7 "Magistrates" to read as follows:

Sec. 14-7 Magistrates.

In addition to the mayor, city council may appoint one or more magistrates who need not possess all the qualifications necessary to be a municipal court judge of the court of record. The magistrates may conduct an arraignment, hold an indigence hearing, accept a plea, sign a judgment, set the amount of bond and perform other functions under Article 15.17 of the Code of Criminal Procedure. A magistrate may not preside over the court or hear contested cases.

SECTION 2.

Tiffany Panhallegon-Oakes is hereby appointed as the primary city magistrate in the City of Kennedale, Texas for a two year term beginning February 14, 2013. At the expiration of said term, in accordance with Article 16, Section 17 of the Texas Constitution, Jennifer Bozorgnia shall continue to serve until her successor shall be duly qualified.

SECTION 3.

Sakura Moten-Dedrick is hereby appointed as an additional city magistrate to serve in the event the primary city magistrate is temporarily absent or unable to serve. The appointment shall last for a two year term beginning February 14, 2013. At the expiration of said term, in accordance with Article 16, Section 17 of the Texas Constitution, Sakura Moten-Dedrick shall continue to serve until her successor shall be duly qualified.

SECTION 4.

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 5.

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

SECTION 6.

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

PASSED, ADOPTED AND APPROVED by the City Council of the City of Kennedale, Texas, this the 14th day of February 2013.

APPROVED:

Mayor, John Clark

ATTEST:

City Secretary, Amethyst Cirimo

OFFICIAL SEAL

Date: February 14, 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 the preparation of developer's agreements.

II. Originated by:

City Council, City Council

III. Summary:

City Council will enter executive session at this time.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments: