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AGENDA
KENNEDALE CITY COUNCIL
REGULAR MEETING - May 12, 2011
CITY CHAMBERS
WORK SESSION - 5:30 PM
REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. WORK SESSION - 5:30 PM

***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. Youth Advisory Council report.
- B. Presentation of 2011 Citizen Survey results by UTA class.
- C. UTA studies
- D. General discussion of Economic Development initiatives.
- E. Discuss other agenda items as needed.

IV. INVOCATION

V. UNITED STATES PLEDGE

VI. TEXAS PLEDGE

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

VII. 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.

VIII. 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. Mayor - Presentation of Citizen Recognition award to Carl Richardson.
- B. Mayor - Presentation of the Kathy Turner Memorial Scholarship
- C. Councilmembers - Updates and information, if any.

IX. 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: Regular meeting dated April 14th, 2011
- B. Consider approval of meeting minutes: Special meeting dated April 28th, 2011.
- C. Discuss approval to ratify contract with Tarrant County Tax Office for the assessment and collection of ad valorem taxes levied by the city of Kennedale for the 2011 tax year.

X. REGULAR ITEMS

- A. AN ORDINANCE ADDING SECTION 2-21 TO ARTICLE II (CITY COUNCIL) OF CHAPTER 2 (ADMINISTRATION), AMENDING SECTIONS 4-248 AND 4-251 OF ARTICLE IX (BUILDING BOARD OF APPEALS) OF CHAPTER 4 (BUILDINGS AND BUILDING REGULATIONS), AMENDING SECTION 16-12 OF ARTICLE II (PARKS AND RECREATION BOARD) OF CHAPTER 16 (PARKS, RECREATION AND CULTURAL ACTIVITIES), AMENDING SECTION 16-99 OF ARTICLE VII (KEEP KENNEDALE BEAUTIFUL COMMISSION) OF CHAPTER 16 (PARKS, RECREATION AND CULTURAL ACTIVITIES), AMENDING SECTION 16-102 OF ARTICLE VIII (ARTS AND CULTURE ADVISORY BOARD) OF CHAPTER 16 (PARKS, RECREATION AND CULTURAL ACTIVITIES), AND AMENDING SECTION 17-430 OF ARTICLE VI (ZONING) OF CHAPTER 17 (PLANNING AND LAND DEVELOPMENT), ALL OF THE KENNEDALE CITY CODE (1991), AS AMENDED; PROVIDING FOR COMPENSATION TO BE PAID TO THE MEMBERS OF THE CITY COUNCIL, THE BUILDING BOARD OF APPEALS, THE PARKS AND RECREATION BOARD, THE KEEP KENNEDALE BEAUTIFUL COMMISSION, THE ARTS AND CULTURE ADVISORY BOARD AND THE ZONING BOARD OF ADJUSTMENT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.
- B. Consider a Resolution regarding City of Kennedale participation in Tarrant County's Community Development Block Grant Program for the three program year period, fiscal year 2012 through fiscal year 2014.
- C. Discuss and consider approval of special council meeting dates for FY 2011/2012 Budget meetings.
- D. Recognize councilmember Jerry Miller for his years of service on the Kennedale City Council.

XI. EXECUTIVE SESSION

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

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

XIII. 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 May 12, 2011, 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 on the following date and time: by 5:00 p.m., at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.

Amethyst G. Cirmo, City Secretary

Date Agenda Removed from Bulletin Board

Staff Report to the Honorable Mayor and City Council



Date: May 12, 2011

Agenda Item No: WORK SESSION - 5:30 PM - B.

Subject: Presentation of 2011 Citizen Survey results by UTA class.

Originated by:

Kelly Cooper, Director of Human Resources

Summary: UTA class will present 2011 survey results.

Fiscal Impact Summary:

Legal Impact:

Recommendation:

Alternative Actions:

Attachments:

Staff Report to the Honorable Mayor and City Council



Date: May 12, 2011

Agenda Item No: WORK SESSION - 5:30 PM - C.

Subject: UTA studies

Originated by:

Bob Hart, City Manager

Summary: City manager will present information regarding recent UTA studies completed for the city.

Studies include:

- Historical District
- Citizen Engagement initiatives
- Shift schedule studies
- etc.

Fiscal Impact Summary:

Legal Impact:

Recommendation:

Alternative Actions:

Attachments:

Staff Report to the Honorable Mayor and City Council



Date: May 12, 2011

Agenda Item No: WORK SESSION - 5:30 PM - D.

Subject: General discussion of Economic Development initiatives.

Originated by:

Bob Hart, City Manager

Summary: City Manager will present information on current economic development incentives and initiatives.

Fiscal Impact Summary:

Legal Impact:

Recommendation:

Alternative Actions:

Attachments:

Staff Report to the Honorable Mayor and City Council



Date: May 12, 2011

Agenda Item No: REPORTS/ANNOUNCEMENTS - B.

Subject: Mayor - Presentation of the Kathy Turner Memorial Scholarship

Originated by:

Kelly Cooper, Director of Human Resources

Summary: Presentation of the Kathy Turner Memorial Scholarship to Madison Sikes.

Fiscal Impact Summary:

Legal Impact:

Recommendation:

Alternative Actions:

Attachments:

1.	Scholarship letter	Miss Madison Sikes.docx
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Miss Madison Sikes
1255 Wendy Court
Kennedale, TX 76060

Miss Sikes,

Thank you for your application to the Kathy Turner Memorial Scholarship. This scholarship is offered in recognition and memory of Kathy Turner's 25-years of service as City Secretary for the City of Kennedale. Your application has been reviewed and we are happy to announce that you have been selected to receive the \$500 scholarship.

The final criteria for receipt of the scholarship includes submitting a copy of your acceptance letter from Texas A&M or another university of your choice and also submission of your enrollment documents verifying that you are actually a student of that university. Acceptable documents to verify enrollment could be either of the following, your class schedule or letter from the registrar verifying your class enrollment and number of hours you are taking.

Once the City receives this information we will submit a check on your behalf to the school's financial aid office for release to you.

We are excited that you have been selected and hope that you and your family will attend the City Council meeting Thursday May 12, 2011 at 7:00 p.m. to be acknowledged by City Council and the community of this achievement.

Please contact City Secretary Amethyst Cirimo with your RSVP for the May 12, 2011 City Council meeting.

Congratulations,

Mayor Bryan Lankhorst

Cc: Bob Hart, City Manager
Amethyst Cirimo, City Secretary

Staff Report to the Honorable Mayor and City Council



Date: May 12, 2011

Agenda Item No: CONSENT ITEMS - A.

Subject: Consider approval of meeting minutes: Regular meeting dated April 14th, 2011

Originated by:

Amethyst G. Cirimo, City Secretary and Communications Coordinator

Summary: Please see attached April 14th meeting minutes.

Fiscal Impact Summary:

Legal Impact: Please see attached minutes.

Recommendation: Approve

Alternative Actions:

Attachments:

1.	April 14th minutes	4.14.2011_MINUTES_Regular Meeting.docx
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**MINUTES
KENNEDALE CITY COUNCIL
REGULAR MEETING –APRIL 14, 2011
COUNCIL CHAMBERS**

I. CALL TO ORDER

II. ROLL CALL

	PRESENT	ABSENT
MAYOR, BRYAN LANKHORST	x	
MAYOR PRO TEM JOHN CLARK	x	
COUNCILMEMBER BRIAN JOHNSON	x	
COUNCILMEMBER JERRY MILLER	x	
COUNCILMEMBER KELLY TURNER	x	
COUNCILMEMBER LIZ CARRINGTON	x	

	PRESENT	ABSENT
CITY STAFF		
CITY MANAGER BOB HART	x	
CITY SECRETARY AMETHYST CIRMO	x	
CITY ATTORNEY WAYNE K. OLSON	x	
JAMES COWEY BUILDING OFFICIAL	x	
POLICE CHIEF TOMMY WILLIAMS	x	
FIRE CHIEF MIKE MCMURRAY	x	
DIR. OF FINANCE SAKURA MOTEN-DEDRICK		x
DIR. PUBLIC WORKS LARRY LEDBETTER	x	
PLANNER RACHEL ROBERTS	x	
HUMAN RESOURCE DIR KELLY COOPER	x	

III. WORK SESSION

Mayor Lankhorst called the work session to order at 5:40pm.

A. Discuss and review any item on the agenda, if needed

1. Presentation from Texas Municipal Retirement System (TMRS)

Anthony Mills from presented background information and details on the city's current retirement plan with TMRS. There are currently 842 Texas cities participating in the program. The city currently has a cash balance/hybrid

plan/pay as you go plan, not a defined contribution plan. The most recent annual percent was 12.26%, which is determined actuarially. Mr. Mills explained Kennedale's history with TMRS and fielded questions from council. The City Manager made a statement comparing TMRS to other systems, explaining the benefits of Kennedale's current situation.

2. Discuss compensation of elected and appointed officials

City Manager Bob Hart discussed the reasoning behind the need for expanded compensation of board and committee members, citing the increased legal immunity is gained from such a plan.

3. Discuss Tree City USA application

Kelly Cooper presented information to council pertaining to the new Tree City USA initiative, explaining that participation in the program present more opportunities for grant funding, education, and a sense of community pride. The Planning and Zoning commission is currently designated as the tree board, but Ms. Cooper explained that it may be beneficial to allow the Keep Kennedale Beautiful Committee to also serve as the tree board, and the council agreed.

4. Discuss Quiet Zone and notice

Bob Hart gave an update on the upcoming quiet zone, stating that road improvements on Averett Road are complete and the other areas will soon follow. Wastewater lines on New Hope Road have to be improved prior to road updates and ballard construction. When all construction is completed, the city will give the railroad a notice of completion and wait 21 days for train training to be completed. Train whistles will likely cease sometime in June of 2011.

5. National League of Cities Service Line Warranty Program

Bob Hart presented information on the service line warranty program, explaining that it stemmed from a partnership between the National League of Cities and the North Central Texas Council of Governments. The program is an insurance program that, for a small monthly fee, protects homeowners in case of a break in water and wastewater service lines, which are not covered under homeowners insurance. Service is voluntary and will cost between \$4 and \$5 a month, and there is not minimum participation required. This charge would be added to the water bill. Council agreed that the program should be implemented.

6. Discuss other items on the agenda

No other items were discussed.

Mayor Lankhorst closed the work session at 6:52pm.

***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.**

REGULAR SESSION - 7:00 PM

IV. INVOCATION

V. UNITED STATES PLEDGE OF ALLEGIANCE

The pledge was led by a boy scout from Troop 35.

VI. TEXAS PLEDGE OF ALLEGIANCE

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

The Texas pledge was also led by a boy scout from Troop 35.

VII. 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.

One person signed up to speak during the forum:

1. Greg Hudson, Executive Director of the Kennedale Chamber of Commerce, approached the council with two announcements:
 - a. A Chamber fundraiser will be held on May 26th from 6-8pm at Alley Cats bowling in Arlington. Tickets are \$20.00.
 - b. The monthly chamber of commerce luncheon will be held on Wednesday, April 20th at Life Fellowship Church.

VIII. 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. Mayor

1. Random drawing for \$100 water bill credit due to one 2011 citizen survey participant

Kelly Cooper announced that the survey results will be presented to council in May 2011.

Mayor Lankhorst asked a boy scout from Troop 35 to draw a name for the prize. Bob Willbanks' name was selected from the bowl; he will receive the \$100 credit on his water bill.

B. City Council

Councilmember Brian Johnson expressed thanks to Art in the Park.

Councilmember Liz Carrington also expressed gratitude, noting that the festival lowered their budget and awarded 2 scholarships to deserving students. Next year's festival will be a Friday and Saturday only, with the food vendor area being moved closer to the stage.

C. City Manager

1. Warrant Round Up 2011 Results and presentation of Certificates of Achievement for participation in the program

Certificates of Achievement were awarded to Tara Culpepper, Clarence Bullocks, and Nathan Dancer.

2. Presentation of 'Organization of the Year' award from the Tejas District Council of the Boy Scouts of America, Troop 35, to the City of Kennedale Fire Department

The award was presented to the Kennedale Fire Department by Chris Fountain from Boy Scout Troop 35.

3. Keep Kennedale Beautiful (KKB) affiliation with state

Bob Hart announced that the Keep Kennedale Beautiful Committee is now an official affiliate of Keep Texas Beautiful.

4. Street name change process

Bob Hart announced that Valley Lane and Corry A. Edwards signs have been installed, and that only one intersection is left to be labeled.

Mr. Hart also announced that the rededication for Sonora Park will be held on April 30th from 10am to 2pm.

D. Youth Advisory Council

1. Annual Report

Due to a scheduling conflict, the YAC report will be moved to the May 2011 meeting.

IX. CONSENT AGENDA

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: Regular meeting dated March 10th, 2011
- B. Review and consider action regarding a notice from the Public Utility Commission (PUC) of Texas for a Consumer Price Index (CPI) adjustment to municipal telecommunications right-of-way access lines rates.
- C. Consider approval of Resolution 358, listing the City Manager as the authorized official for the Justice Assistance Grant application.
- D. Consider authorizing City Manager to execute an Interlocal Agreement with Tarrant County for services pertaining to the reconstruction of Mistletoe Drive.
- E. Consider authorizing City Manager to execute an Interlocal Agreement with Tarrant County for services pertaining to the reconstruction of Bolen Road.

A motion to pass the consent agenda as presented was made by Brian Johnson, second by Jerry Miller. Motion passed 5-0.

X. REGULAR ITEMS

- F. Review and consider action to accept certification of unopposed candidates, and approve Ordinance 475, canceling the May 14th, 2011 election.

A brief discussion on the swearing in of new members was held. A special meeting will be held on May 19th at 5:30pm at which all new and re-elected members will be issued the oath of office and officially sworn in.

Motion to accept certification of unopposed candidates and approve Ordinance 475 was made by Brian Johnson, second by Jerry Miller. Motion passed 5-0.

- G. Conduct a public hearing, discuss and consider approval of Ordinance No. 476 regarding CASE # PZ 11-02 to receive comments and consider a request by Anarkali Enterprises, Inc. for a zone change of approximately 1 acre at Triangle Business Park Addn Blk 1 Lot 8R1 (739 W Kennedale Pkwy) from "I" Industrial to "C1" Restricted Commercial.

City planner Rachel Roberts presented information to the council, stating that the area in question is currently a small retail store, and that rezoning from industrial to restricted commercial is in compliance with the current comprehensive plan, however several members of the Planning and Zoning board were worried about spot zoning. City attorney Wayne Olsen stated that according to the Supreme

Court, if rezoning goes along with your comprehensive plan, then it is not considered to be spot zoning.

No one signed up to speak during the public hearing.

A motion to approve Ordinance 476 as presented was made by Brian Johnson, second by Liz Carrington. Motion passed 5-0.

- H. Conduct a public hearing, discuss and consider approval of Ordinance No. 477 regarding CASE # PZ 11-03 to review, receive comments, and consider action on a request for a change in zoning from "C-1" Restricted Commercial to "C-2" General Commercial" for approximately 2.5 acres located at 716 E Kennedale Pkwy, Kennedale, Tarrant County, Texas, more particularly described as C.A. Boaz Subdivision of J B Renfro Survey, Blk Lot 14R4. The rezoning is requested by See Eang Eng.

City Planner Rachel Roberts presented background information on the area in question, noting that the current C1 status had been granted in May of 2007 when a lighting store intended to move onto the property. This deal did not go through. Rezoning was applied for and denied by the Planning and Zoning Commission and a special exception have been applied for. The requested rezone complies with the Comprehensive Plan, the landscaping plan for the property is good, and the building façade has been designed according to city regulations. The resident that borders the back of the property has expressed concerns. City staff believes that these concerns have been adequately dealt with through building design and landscaping.

The applicants, PU Tech Industry, made a presentation describing the landscaping and other details of their proposed design. The business will employ 8 to 10 people and will be open 8am to 5pm. Due to its nature as a distribution business, Kennedale will see ad valorem tax and not sales tax revenue. PU Tech industry is currently renting a building in downtown Fort Worth, and would like to relocate to a permanent building in Kennedale.

No one requested to speak at the public hearing.

Councilmember John Clark expressed concern regarding fencing and screen requirements.

Councilmember Jerry Miller declared that the change to C2 zoning would be positive, as it would correct for previous spot zoning.

A motion to approve Ordinance 477 allowing the requested rezoning was made by Jerry Miller, second by Kelly Turner. The motion passed 5-0.

- I. Conduct a public hearing, discuss and consider approval of Ordinance No. 478 regarding CASE # PZ 11-04 to review, receive comments, and consider action on a proposed ordinance vacating and abandoning a portion of Gilman Road in the City of Kennedale, Tarrant County, Texas, and declaring that such property is unnecessary for use as a public right-of-way; and reserving a public utility

easement. Roadway to be vacated and abandoned is more particularly described as a 0.255 acre strip of land in the David Strickland Survey, A-1376, being a portion of a tract of land conveyed to the City of Kennedale by deed recorded in Volume 10552, Page 1622, Deed Records of Tarrant County, Texas, said strip of land being used as right-of-way for Gilman Road. The land is adjacent to property with physical address 1384 Gilman Road.

City planner Rachel Roberts presented information to council, stating that Gilman road may be extended and become a through street in the future. Councilmember John Clark questioned the fate of the abandoned property, to which Ms. Roberts noted that the City would like to convey to property back to CMC rebar.

No one requested to speak at the public hearing.

A motion to accept Ordinance 478 as presented was made by Kelly Turner, second by Jerry Miller. Motion passed 5-0.

Mayor Lankhorst closed the regular session and entered executive session at 8:25pm.

XI. EXECUTIVE SESSION

- A. The City Council will meet in closed session pursuant to Section 551.071 of the Texas Government Code for consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion on any item posted on the agenda.
- B. The City Council will meet in closed session pursuant to Section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.
 - 1. Continuation of City Manager's annual performance evaluation.
- C. 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. 400 Little School Road - Condemnation
 - 2. Right of way status
 - 1101 Bowman Springs Road
 - 1201 Bowman Springs Road
 - 605 Little School Road
 - 621 Little School Road
 - 400 Dick Price Road
 - 913/917 Little School Road
 - 838 Woodland Court

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

Mayor Lankhorst reconvened open session at 9:54pm.

- J. Consider approval of Resolution 358, AUTHORIZING THE CITY ATTORNEY TO BRING A CONDEMNATION PROCEEDING FOR THE PURPOSE OF OBTAINING FEE SIMPLE TITLE, DRAINAGE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT ON A PORTION OF LAND SITUATED WITHIN THE J.M. LILLY SURVEY, ABSTRACT NO. 980, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED TO W. EDDIE PATTERSON AND WIFE, TAMMY K. PATTERSON BY DEED RECORDED IN VOLUME 9268, PAGE 1477, DEED RECORDS OF TARRANT COUNTY, TEXAS, FOR A PUBLIC ROADWAY AND/OR OTHER PURPOSES PERMITTED BY LAW

A motion to approve Resolution 359 as presented was made by John Clark, second by Liz Carrington. Motion passed 5-0.

A motion to reform the City Manager's contract to provide for a term of 4 years with performance reviews annually, and extensions on the 4 year contract as approved on annual review plus a revision on the severance to provide for a one year payment in the event of termination without cause was made by John Clark, second by Kelly Turner. Motion passed 5-0.

A motion to adjourn the meeting was made by Brian Johnson, second by Jerry Miller. Motion passed 5-0.

The meeting was adjourned at 9:58pm.

XIII. ADJOURNMENT

APPROVED:

Mayor, Bryan Lankhorst

ATTEST:

Amethyst G. Cirimo, City Secretary

Staff Report to the Honorable Mayor and City Council



Date: May 12, 2011

Agenda Item No: CONSENT ITEMS - B.

Subject: Consider approval of meeting minutes: Special meeting dated April 28th, 2011.

Originated by:

Amethyst G. Cirimo, City Secretary and Communications Coordinator

Summary: Please see attached minutes from the Special Meeting on April 28th, 2011

Fiscal Impact Summary:

Legal Impact:

Recommendation: Approve

Alternative Actions:

Attachments:

1.	April 28th 2011 Special Meeting Minutes	4.28.2011_MINUTES_Special Meeting.docx
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MINUTES
KENNEDALE CITY COUNCIL
SPECIAL MEETING –APRIL 28th, 2011
PRE-COUNCIL CHAMBERS - 5:30 PM

I. CALL TO ORDER

Mayor Bryan Lankhorst called the meeting to order at 5:34pm.

II. ROLL CALL

COUNCILMEMBERS	PRESENT	ABSENT
MAYOR, BRYAN LANKHORST	x	
MAYOR PRO TEM JOHN CLARK	x	
COUNCILMEMBER BRIAN JOHNSON		x
COUNCILMEMBER JERRY MILLER	x	
COUNCILMEMBER KELLY TURNER	x	
COUNCILMEMBER LIZ CARRINGTON		x
CITY STAFF	PRESENT	ABSENT
CITY MANAGER BOB HART	x	
CITY SECRETARY AMETHYST CIRMO	x	
FINANCE DIRECTOR SAKURA MOTEN-DEDRICK	x	

III. INVOCATION

IX. AGENDA

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. Discuss and consider Resolution 360, authorizing notice of intention to issue certificates of obligation.

Ryan Cunningham from Southwest Securities presented the council with information regarding the pending certificates of obligation. Bob Hart recommended that the city council authorize approval for the city to advertise for certificates of obligating, noting that the amount advertised is a not-to-exceed number. Bob Hart explained the necessary amount was reached by considering several ongoing and upcoming projects, and that in order for council to issue the debt during the June regular

meeting, the notice of intent to issue certificates would need to be advertised as soon as possible.

A motion to approve Resolution 360, authorizing notice of intention to issues certificates of obligation in the amount of \$3,800,000.00 was made by John Clark, second by Jerry Miller. The motion passed 3-0.

X. ADJOURNMENT

A motion to adjourn was made by John Clark, second by Jerry Miller. The motion passed 3-0.

The meeting was adjourned at 6:12 pm.



Date: May 12, 2011

Agenda Item No: CONSENT ITEMS - C.

Subject: Discuss approval to ratify contract with Tarrant County Tax Office for the assessment and collection of ad valorem taxes levied by the city of Kennedale for the 2011 tax year.

Originated by:

Sakura Moten-Dedrick, Director of Finance and IT

Summary:

This is an annual agreement under which Tarrant County serves as the tax assessor and collector for the City of Kennedale, Texas. This agreement is substantially the same in form as it has been for several years. The main factor which generally changes from year to year is the cost that we are charged by Tarrant County to mail out tax statements. For the 2011 Tax Year (FY2010-2011), the fee will be \$.65 cents per parcel. The prior year fee was \$.65.

The City of Kennedale will be invoiced for all accounts based on the October billing roll certified to the Tarrant County Tax Assessor/Collector by January 15 and payment must be received by February 15.

Fiscal Impact Summary:

Legal Impact:

Recommendation: Approve

Alternative Actions:

Attachments:

1.	Consent - Tax Agreement	tax office.pdf
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TARRANT COUNTY TAX OFFICE

100 E. Weatherford, Room 105 • Fort Worth, Texas 76196-0301 • 817-884-1850
taxoffice@tarrantcounty.com

BETSY PRICE
Tax Assessor-Collector

April 8, 2011

Ms Sakura Moten-Dedrick
Finance Director
City of Kennedale
405 Municipal Dr
Kennedale TX 76060

Dear Ms Moten-Dedrick,

Once again it is time to contract for your tax collections. As the economy has slowed, Tarrant County has been fortunate that our collections have remained very good. We will continue to do all that we can to keep your collections at an excellent level. Again this year our collection rate is **65 cents per parcel**.

I appreciate your compliance with the requirement to receive funds via ACH. It is going very well and is a cost and labor savings for us which allows us to keep your cost down. In the event your ACH banking information changes, please contact my office.

I need your immediate attention to the annual obligation to renew our collection contract. Enclosed are two original renewal contracts for the assessment and collection of your ad valorem taxes by Tarrant County for the tax year 2011. After the contracts have been signed, please return **BOTH** copies to my office to the attention of Sheila Moore, Entity Liaison. I will mail a fully executed contract to you after the Commissioner's Court has made formal approval of the contract. This will be at the end of September, so the contract will be returned in October. If you require more than one original, please make a copy of the contract and mail all three back to my office. In order to have your contract in place prior to the upcoming tax season, I would ask that you have the properly executed contract returned to me no later than **July 15, 2011**.

In addition to your 2011 contract, I am enclosing an attorney confirmation form. Please fill out the requested information, sign and return to my office **with the collection contract**.

You will be invoiced for your collection commission by January 13, 2012 with payment due no later than February 17, 2012.

The time for rate calculations is rapidly approaching and many of you are already in budget preparations. Please remember the importance of getting the rate and exemption information to us prior to the requested date. **Take note of our September 14th rate deadline.** My office will provide more information on this requirement in the near future.

If you have questions, please contact my Entity Liaison, Sheila Moore, at 817-884-1526. Please mark your calendar to have the executed contract to my office by **July 15, 2011**.

I am available for your questions and comments at 817-212-7212 or by e-mail bprice@tarrantcounty.com

Sincerely,

A handwritten signature in cursive script that reads "Betsy Price".

Betsy Price, RTA
Tax Assessor Collector

COUNTY OF TARRANT

§
§

Agreement For The Collection Of Taxes

Agreement made this 12 day of May, 2011, by and between the Tarrant County Tax Assessor/Collector, hereinafter referred to as **ASSESSOR/COLLECTOR**, and Tarrant County, hereinafter referred to as the **COUNTY**, both of whom are addressed at 100 E. Weatherford Street, Fort Worth, Texas 76196-0301, and the **City of Kennedale**, hereinafter referred to as **City**, whose address is 405 Municipal Dr, Kennedale, TX 76060.

PURPOSE OF AGREEMENT

The purpose of this Agreement is to state the terms and conditions under which the ASSESSOR/COLLECTOR will provide assessment and collection services of Ad Valorem taxes levied by the City.

NOW THEREFORE, in consideration of the mutual promises herein contained, the parties hereto agree as follows:

I.

SERVICES TO BE PERFORMED

The ASSESSOR/COLLECTOR agrees to bill and collect the taxes due and owing on taxable property upon which the City has imposed said taxes. The ASSESSOR/COLLECTOR shall perform the said services in the same manner and fashion as Tarrant County collects its own taxes due and owing on taxable property. The services performed are as follows: receiving the Certified Appraisal Roll from the appropriate Appraisal District and monthly changes thereto; providing mortgage companies, property owners and tax representatives, tax roll and payment data; providing all necessary assessments of taxes and Truth in Taxation calculations as required; the transmittal of tax statements via the U.S. Mail or electronic transfer of data; and payment processing. All City disbursements, made by check or by electronic transfer (ACH), for collected tax accounts will be made to the City on the day the COUNTY Depository Bank indicates the mandatory assigned "float" period has elapsed and the funds are posted to the collected balance. If any daily collection total is less than one hundred dollars (\$100.00), the disbursement may be withheld until the cumulative total of taxes collected for the City equals at least one hundred dollars (\$100.00), or at the close of the month.

II.

REPORTS

The ASSESSOR/COLLECTOR will provide the City the following reports, if requested:

Daily:	General Ledger Distribution Report
Weekly:	Detail Collection Report (Summary)
Monthly:	Tax Roll Summary (Totals Only)
	Year-to-Date Summary Report
	Detail Collection Report (Summary)
	Distribution Report (Summary)
	Delinquent Tax Attorney Tape
Annual:	Paid Tax Roll
	Delinquent Tax Roll
	Current Tax Roll

A selection of the above listed Reports will only be available by internet access. The ASSESSOR/COLLECTOR will provide the City the General Ledger Revenue & Expense Report monthly as required by Sec. 31.10 of the Texas Property Tax Code.

III.

COMPENSATION

In consideration of the services to be performed by the ASSESSOR/COLLECTOR, compensation for the services rendered is a rate of sixty five cents (\$.65) per account. The number of accounts will be based on the October billing roll certified to the ASSESSOR/COLLECTOR by the Appraisal District. New accounts added by the appropriate Appraisal District will be billed to the entity. The ASSESSOR/COLLECTOR will invoice for all these accounts by **January 13, 2012** with payment to be received from the City by **February 17, 2012**.

The scope of services identified in this contract does not include the administration of a rollback election. In the event of a successful rollback election, these costs incurred by the Tarrant County Tax Office will be separately identified, billed, and paid

by the entity.

**IV.
AUDITS**

The ASSESSOR/COLLECTOR will provide to the City auditor necessary explanations of all reports and access to ASSESSOR/COLLECTOR in-house tax system computer terminals to assist the City auditor in verifying audit samples of the financial data previously provided by the ASSESSOR/COLLECTOR during the past audit period.

**V.
TAX RATE REQUIREMENT**

The City will provide the ASSESSOR/COLLECTOR, in writing, the City's newly adopted tax rate and exemption schedule to be applied for assessing purposes by Wednesday, September 14, 2011. Under authority of Section 31.01 (h) of the Property Tax Code, any additional cost of printing and mailing tax statements because of late reporting of the tax rate or the exemption schedule will be charged to and must be paid by the City. If the City wishes its collection reports to be itemized as to maintenance and operation fund and interest and sinking fund, then the notice advising of the new tax rate must set out the separate rates, as well as the total rate.

The tax rate and the exemption schedule for each of the last five (5) years in which an ad valorem tax was levied, or all prior years where there remains delinquent tax, must be furnished in writing to the ASSESSOR/COLLECTOR at the time of the initial contract.

**VI.
COMPLIANCE WITH APPLICABLE
STATUTES, ORDINANCES, AND REGULATIONS**

In performing the services required under this Agreement, the ASSESSOR/COLLECTOR shall comply with all applicable federal and state statutes, final Court orders and Comptroller regulations. If such compliance is impossible for reasons beyond its control, the ASSESSOR/COLLECTOR shall immediately notify the City of that fact and the reasons therefore.

**VII.
DEPOSIT OF FUNDS**

All funds collected by the ASSESSOR/COLLECTOR in the performance of the services stated herein for the City shall be promptly transferred to the account of the City at the City's depository bank. All payments to entities will be made electronically by the automated clearing house (ACH). The ASSESSOR/COLLECTOR has no liability for the funds after initiation of the ACH transfer of the City's funds from the COUNTY Depository to the City's designated depository.

**VIII.
INVESTMENT OF FUNDS**

The City hereby agrees that the COUNTY, acting through the COUNTY Auditor, may invest collected ad valorem tax funds of the City during the period between collection and payment. The COUNTY agrees that it will invest such funds in compliance with the Public Funds Investment Act. The COUNTY further agrees that it will pay to the City all interest or other earnings attributable to taxes owed to the City. All parties agree that this Agreement will not be construed to lengthen the time period during which the COUNTY or the ASSESSOR/COLLECTOR may hold such funds before payment to the City.

**IX.
REFUNDS**

Refunds will be made by the ASSESSOR/COLLECTOR except as set forth herein. The ASSESSOR/COLLECTOR will advise the City of changes in the tax roll which were mandated by the appropriate Appraisal District.

The ASSESSOR/COLLECTOR will not make refunds on prior year paid accounts unless the prior year paid accounts for the past five (5) years are provided to the ASSESSOR/COLLECTOR.

All refunds of overpayments or erroneous payments due, but not requested, and as described in Section 31.11 of the Texas Property Tax Code, will after three years from the date of payment, be proportionately disbursed to those entities contracting with the ASSESSOR/COLLECTOR. The contract must have been in force, actual assessment and collection functions begun and the tax account was at the time of the over or erroneous payment within the City's jurisdiction. The proportional share is based upon the City's percent of the tax account's total levy assessed at the time of receipt of the over or erroneous payment.

In the event any lawsuit regarding the collection of taxes provided for in this agreement to which the City is a party, is settled or a final judgment rendered, and which final judgment is not appealed, and the terms of such settlement agreement or final judgment require that a refund be issued by the City to the taxpayer, such refund shall be made by ASSESSOR/COLLECTOR by debiting funds collected by ASSESSOR/COLLECTOR on behalf of the City and remitting such refund to the taxpayer in conformity with the terms of the settlement agreement or final judgment.

X.

DELINQUENT COLLECTIONS

The ASSESSOR/COLLECTOR will assess and collect the collection fee pursuant to Sections, 33.07, 33.08, 33.11 (changed order) and 33.48 of the Property Tax Code, when allowed. The ASSESSOR/COLLECTOR will collect attorney fees that are specified by the City through written agreement with a delinquent collection Attorney. The ASSESSOR/COLLECTOR will disburse the amount directly to the City for compensation to a Firm under contract to the City.

If the delinquent collection Attorney contracted by the City requires attendance of ASSESSOR/COLLECTOR personnel at a court other than the District Courts in downtown Fort Worth, and the COUNTY is not a party, the employee's expenses and proportionate salary will be the responsibility of the City and will be added to the collection expenses and charged to the City.

The ASSESSOR/COLLECTOR will not be responsible for the collection of prior year delinquent accounts unless all delinquent accounts information is provided to the ASSESSOR/COLLECTOR.

XI.

TERM OF AGREEMENT

This Agreement shall become effective as of the date hereinabove set out, and shall continue in effect during the 2011 tax year, unless sooner terminated by providing sixty (60) day written notice, as outlined in paragraph XII.

XII.

NOTICES

Any notices to be given hereunder by either party to the other may be effected, in writing, either by personal delivery or by mail, registered or certified, postage prepaid with return receipt requested. Mailed notices shall be addressed to the address of the parties as they appear in the introductory paragraph of this Agreement, but each party may change this address by written notice in accordance with this paragraph.

XIII.

MISCELLANEOUS PROVISIONS

This instrument hereto contains the entire Agreement between the parties relating to the rights herein granted and obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force or effect.

This Agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Tarrant County, Texas.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective legal representatives and successors.

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or enforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provisions had never been contained.

This Agreement and the attachments hereto constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting the within subject matter.

Executed on the day and year first above written, Tarrant County, Texas.

BY: _____

**BETSY PRICE, RTA
TAX ASSESSOR/COLLECTOR
TARRANT COUNTY**

DATE

FOR THE CITY OF KENNEDALE:

BY: _____

TITLE: City Manager

05/12/11
DATE

FOR TARRANT COUNTY:

BY: _____

**B. GLEN WHITLEY
TARRANT COUNTY JUDGE**

DATE

APPROVED AS TO FORM * AND CONTENT

BY: _____

DISTRICT ATTORNEY'S OFFICE

DATE

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).



**DELINQUENT ATTORNEY CONFIRMATION
2011 TAX YEAR**

**Please complete the form below, have notarized and return with your entity
contract**

The Delinquent Attorney Firm for City of Kennedale is
Name of Taxing Entity

Linebarger Goggan Blair & Sampson LLP.
Name of Firm

Collection penalty % by ordinance, resolution or amendment authorizing attorney collection fees in
accordance to Sections 33.07 and 33.08 Texas Property Tax Code is

15%
Percent

Collection penalty % by ordinance, resolution or amendment authorizing early turn over of this unit's
business personal property in accordance to Section 33.11 Texas Property Tax Code is

15%
Percent

The effective date of the ordinance, resolution or amendment authorizing early turn over of this unit's
business personal property in accordance to Section 33.11 Texas Property Tax Code is

December 8 , 2005
Month Day Year

If you change law firms you must notify Tarrant County Tax Office in writing

By signature below, the information contained in this form is deemed true and correct.

Authorized Signature	<u>05/12/11</u>
<u>Bob Hart</u>	Date
Printed Name	<u>City Manager</u>
	Title

Sworn and Subscribed to before me on this the 12 day of May, 2011,
to certify which witness my hand and seal of office.

Notary Public in and for the
State of Texas
My commission Expires: _____

6000 WESTERN PLACE, SUITE 200
I-30 AT BRYANT-IRVIN ROAD
FORT WORTH, TEXAS 76107-4654
EMAIL: TOASE@TOASE.COM



TELEPHONE: (817) 332-2580
TOLL FREE: (800) 318-3400
FACSIMILE: (817) 332-4740
WEBSITE: WWW.TOASE.COM

Fredrick "Fritz" Quast
fquast@toase.com

February 25, 2011

Bob Hart
City of Kennedale
405 Municipal Drive
Kennedale, Texas 76060

Re: Recent Supreme Court Decision; Abrogation of Individual Capacity Tort Claims
Against Government Employees Acting Within the Scope of Employment

Dear Bob:

This letter is to inform you about a recent Texas Supreme Court decision that expands the individual immunity of government employees, including city employees, from tort claims under Texas law. I also want to warn you about how this immunity only covers "employees" as that term is defined in the relevant law. I would also like to suggest simple actions your city might take to make sure its appointed and elected officials are protected.

In *Franka v. Velasquez*, a doctor and a resident that worked at a public hospital were sued for medical malpractice.¹ The doctor and resident were sued for a fractured clavicle and other injuries an infant sustained during delivery. The injuries happened while the defendants were trying to free the baby's shoulder with their hands. This means there was no "use of tangible personal . . . property" such that there was a waiver of sovereign immunity under the Texas Tort Claims Act (the Act).² Likely for this reason, the plaintiffs did not sue the public hospital.³ The plaintiffs only sued the individuals.

The defendants moved to dismiss the case under Section 101.106(f) of the Act. Section 101.106(f) provides that:

(f) If a suit is filed against an employee of a governmental unit based on conduct within the general scope of that employee's employment and if it *could have been brought under this chapter* against the governmental unit, the suit is considered to be against the employee in the employee's official capacity only. On the employee's motion, the suit against the employee shall be dismissed unless the plaintiff files

¹ *Franka v. Velasquez*, No. 07-0131, 2011 WL 182198, at *1 (Tex. Jan. 21, 2011).

² *Franka*, 2011 WL 182198, at *1. Tex. Civ. Prac. & Rem. Code Ann. § 101.021(2) (Vernon 2008).

³ The hospital was University Hospital, a teaching hospital in San Antonio, which is owned by the Bexar County Hospital District. The hospital was staffed by faculty and staff employed by the University of Texas Health Science Center. Clearly, all these entities are governmental in nature.

amended pleadings dismissing the employee and naming the governmental unit as defendant on or before the 30th day after the date the motion is filed.⁴

The *Franka* case turned on the language I italicized in subsection (f). The plaintiffs argued subsection (f) did not apply because the defendants did not show the case fell within a waiver of immunity in the Act and thus, their claim “could [not] have been brought under this chapter against the governmental unit.”⁵ But the phrase “claim under this chapter” had already been interpreted to include *any* tort claim, even if it did not fall within a waiver of immunity under the Act.⁶

Consistent with these holdings, the supreme court held that subsection (f) applies in any case where a tort claim is brought against a government employee acting within the general scope of his or her employment.⁷ **As the Texas Supreme Court recognized, this holding bars “suit against a governmental employee in his individual capacity if he is acting within the scope of his employment.”**⁸ As a result, section 101.106 effectively shields government employees from personal liability for common law tort claims under Texas law committed in the scope of employment. Note this does not protect employees from state law statutory claims or claims under federal law (e.g., federal Civil Rights Act claims).

But who are “employees”?⁹ Under the Act, an employee is defined as “a person, *including an officer or agent*, who is in the *paid service* of the governmental unit.”¹⁰ While section 101.106 immunity now clearly applies to regular, paid employees of a city, it probably does not apply to appointed or elected officials of a city when they are not in the “paid service” of the city (i.e., they receive no money in exchange for their service). There is a case where a city council member was held to be an “employee,” but there, it was undisputed the council member was in the “paid service”

⁴ Tex. Civ. Prac. & Rem. Code Ann. § 101.106 (Vernon 2008) (emphasis added).

⁵ *Franka*, 2011 WL 182198, at *2.

⁶ This was how the phrase was interpreted in an older version of section 101.106 before it was amended in 2003, *Dallas Co. Mental Health & Mental Retardation v. Bossley*, 968 S.W.2d 339, 343-44 (Tex. 1998) (applying former section 101.106 where facts did not “fit” within waivers of immunity found in tort claims act); *Newman v. Obersteller*, 960 S.W.2d 621, 622-23 (Tex. 1997) (applying the former version of section 101.106 to defeat intentional tort claims that do not fall within tort claims act wavier), and more recently in the current subsection (e). *Mission Consolidated Indep. Sch. Dist. v. Garcia*, 253 S.W.3d 653 (Tex. 2008). Section 101.106 was substantially revised in 2003 as part of a comprehensive tort reform bill commonly referred to as House Bill 4. *Villasan v. O'Rourke*, 166 S.W.3d 752, 758 (Tex. App.—Beaumont 2005, pet. denied).

⁷ *Franka*, 2011 WL 182198, at *9.

⁸ *Id.* And if a government employee is sued in their official capacity, it is the same thing as suing the government entity and thus, governmental immunity would apply.

⁹ In *Franka*, the supreme court did not dismiss the suit against the resident because it was not clear she was an “employee” of the public hospital. *Franka*, 2011 WL 182198, at *3-4.

¹⁰ Tex. Civ. Prac. & Rem. Code Ann. § 101.001(2) (Vernon 2008) (emphasis added).

of the city.¹¹

Many cities do allow or require, either by charter or ordinance, payment of a small amount or stipend to city council or board members, usually on a per meeting basis.¹² One purpose of this letter is to suggest that we examine these various offices to determine whether they are in the "paid service" of the City such that they are immune under *Franka* from personal liability for tort claims arising from the official's service on the council or a board. If they are not, I would suggest the city consider paying them to help insulate them from personal tort liability. I do not believe the "paid service" bar is very high, and even a small payment per meeting is probably enough to extend section 101.106 immunity to elected and appointed city officials. I understand council members voting themselves a "salary," however small, might be politically tricky given the fiscal challenges most local governments are currently facing. But again, I think the amount can be very small (e.g., \$5.00 per meeting), and I am aware of cities where the officials customarily donate that amount back to the city.

Please do not hesitate to give me a call if you have any questions or concerns about this matter.

Sincerely,



Fredrick "Fritz" Quast

FWQ: as

cc: Amethyst Cirimo
City of Kennedale
405 Municipal Drive
Kennedale, Texas 76060

¹¹ *Texas Bay Cherry Hill, L.P. v. City of Fort Worth*, 257 S.W.3d 379, 398 (Tex. App.—Fort Worth, no pet.).

¹² Note however, that there are some state statutes that prohibit compensation to certain types of board members. See, e.g., Tex. Loc. Gov't Code Ann. § 363.104 (Vernon 2008) (stating board members of a crime control and prevention district board must serve without compensation).

ORDINANCE NO. ____

AN ORDINANCE ADDING SECTION 2-21 TO ARTICLE II (CITY COUNCIL) OF CHAPTER 2 (ADMINISTRATION), AMENDING SECTIONS 4-248 AND 4-251 OF ARTICLE IX (BUILDING BOARD OF APPEALS) OF CHAPTER 4 (BUILDINGS AND BUILDING REGULATIONS), AMENDING SECTION 16-12 OF ARTICLE II (PARKS AND RECREATION BOARD) OF CHAPTER 16 (PARKS, RECREATION AND CULTURAL ACTIVITIES), AMENDING SECTION 16-99 OF ARTICLE VII (KEEP KENNEDALE BEAUTIFUL COMMISSION) OF CHAPTER 16 (PARKS, RECREATION AND CULTURAL ACTIVITIES), AMENDING SECTION 16-102 OF ARTICLE VIII (ARTS AND CULTURE ADVISORY BOARD) OF CHAPTER 16 (PARKS, RECREATION AND CULTURAL ACTIVITIES), AND AMENDING SECTION 17-430 OF ARTICLE VI (ZONING) OF CHAPTER 17 (PLANNING AND LAND DEVELOPMENT), ALL OF THE KENNEDALE CITY CODE (1991), AS AMENDED; PROVIDING FOR COMPENSATION TO BE PAID TO THE MEMBERS OF THE CITY COUNCIL, THE BUILDING BOARD OF APPEALS, THE PARKS AND RECREATION BOARD, THE KEEP KENNEDALE BEAUTIFUL COMMISSION, THE ARTS AND CULTURE ADVISORY BOARD AND THE ZONING BOARD OF ADJUSTMENT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Texas Supreme Court has recently interpreted Section 101.106 of the Texas Tort Claims Act to essentially bar suits for common law tort claims against government employees sued in their individual capacity for acts committed within the scope of employment; and

WHEREAS, for the purposes of the Texas Tort Claims Act, an employee of a government is defined as a person, including an officer or agent, who is in the paid service of the governmental unit; and

WHEREAS, the City of Kennedale desires to expressly provide for compensation to members of the city council and certain other boards and commissions of the city for their service such that the members of those bodies will be immune from individual liability for common law torts under state law by section 101.106.

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

SECTION 1.

The Kennedale City Code is hereby amended by adding Section 2-21, "Compensation," to Article II, "City Council," Chapter 2, "Administration," which shall read as follows:

Sec. 2-21. Compensation and Reimbursement.

The members of the city council shall regularly attend meetings of the council and shall receive five dollars (\$5.00) for each scheduled city council meeting duly attended as compensation for performance of their duties. The city council shall also receive five dollars (\$5.00) for each scheduled city council meeting duly attended as reimbursement for expenses incurred in the performance of their duties.

SECTION 2.

Section 4-248, "Qualifications of members," and Section 4-251, "Meetings and quorums," of Article IX, "Building Board of Appeals," of Chapter 4, "Buildings and Building Regulations," of the Kennedale City Code is hereby amended to read as follows:

Sec. 4-248. Qualifications of members.

It is the intent of the city council that the board members shall, by reason of diversity of their individual areas of expertise, constitute a board which is broadly representative of various fields of building construction and building standards. In making appointments to the board, the city council will give consideration to persons who are qualified by experience and training to pass on matters pertaining to building construction, mechanical design, plumbing systems or electrical systems, or who have practical experience in matters relating to building construction or value such as a mortgage banker or licensed real estate agent. A member, except for the building official, may not be a regular part-time, regular full-time or temporary employee of the city.

* * * *

Sec. 4-251. Meetings and quorums.

A quorum for the conduct of business shall consist of four (4) members of the board. Each member is entitled to one (1) vote and action of the board shall require a majority of those members present. The members of the board shall regularly attend meetings and shall receive five dollars (\$5.00) for each meeting attended as compensation for the performance of their duties. In addition, members may receive reimbursement of authorized expenses attendant to the performance of their duties.

The members shall comply with all time limits and public notice requirements and all meetings of the board shall be held in compliance with the Texas Open Meetings Act.

SECTION 3.

Section 16-12, "Organization, operation, meetings and quorums," of Article II, "Parks and Recreation Board," of Chapter 16, "Parks, Recreation and Cultural Activities," of the Kennedale City Code is hereby amended to add a subsection (c) to read as follows:

Sec. 16-12. Organization, operation, meetings and quorums.

* * * *

(c) The members of the board shall regularly attend meetings and shall receive five dollars (\$5.00) for each regular meeting attended as compensation for the performance of their duties, but no compensation shall be paid for special meetings. In addition, members may receive reimbursement of authorized expenses attendant to the performance of their duties.

SECTION 4.

Subsection (f) of Section 16-99, "Meetings, officers, procedures, and quorums," of Article VII, "Keep Kennedale Beautiful Commission," of Chapter 16, "Parks, Recreation and Cultural Activities," of the Kennedale City Code is hereby amended to read as follows:

Sec. 16-99. Meetings, officers, procedures, and quorums.

* * * *

(f) Members of the Commission shall regularly attend meetings and shall receive five dollars (\$5.00) for each regular meeting attended as compensation for the performance of their duties, but no compensation shall be paid for special meetings. In addition, members may receive reimbursement of authorized expenses attendant to the performance of their duties.

* * * *

SECTION 5.

Section 16-102, "Organization, operation, meetings and quorums," of Article VIII, "Arts and Culture Advisory Board," of Chapter 16, "Parks, Recreation and Cultural Activities," of the Kennedale City Code is hereby amended to add a subsection (d) to read as follows:

Sec. 16-102. Organization, operation, meetings and quorums.

* * * *

(d) Members of the board shall regularly attend meetings and shall receive five dollars (\$5.00) for each regular meeting attended as compensation for the performance of their duties, but no compensation shall be paid for special meetings. In addition, members may receive reimbursement of authorized expenses attendant to the performance of their duties.

SECTION 6.

Subsection (a) of Section 17-430, "Board of Adjustment," of Article VI, "Zoning," of Chapter 17, "Planning and Land Development," of the Kennedale City Code is hereby amended to add a subsection (a)(4) to read as follows:

Sec. 17-430. Board of adjustment.

(a) Organization of board of adjustment.

* * * *

(4) Members of the board shall receive five dollars (\$5.00) for each meeting attended as compensation for the performance of their duties. In addition, members may receive reimbursement of authorized expenses attendant to the performance of their duties.

SECTION 7. CUMULATIVE

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

SECTION 8. SEVERABLE

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, sentence, paragraph or section.

**SECTION 9.
EFFECTIVE DATE**

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

PASSED AND APPROVED ON THIS ____ DAY OF _____, 2011.

MAYOR, BRYAN LANKHORST

ATTEST:

AMETHYST CIRMO, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

WAYNE K. OLSON, CITY ATTORNEY

Staff Report to the Honorable Mayor and City Council



Date: May 12, 2011

Agenda Item No: REGULAR ITEMS - B.

Subject: Consider a Resolution regarding City of Kennedale participation in Tarrant County's Community Development Block Grant Program for the three program year period, fiscal year 2012 through fiscal year 2014.

Originated by:

Bob Hart, City Manager

Summary: CDGB Resolution.

Fiscal Impact Summary:

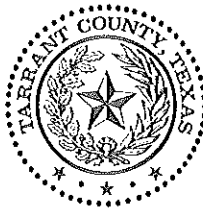
Legal Impact:

Recommendation: Approve

Alternative Actions:

Attachments:

1.	CDBG -Tarrant County Letter	cdbg1.pdf
2.	CDBG - Resolution	cdbg2.pdf



TARRANT COUNTY

COMMISSIONERS COURT

ADMINISTRATOR'S OFFICE
COMMUNITY DEVELOPMENT DIVISION
Patricia Ward, Director

April 29, 2011

Mayor Bryan Lankhorst
405 Municipal Dr.
Kennedale, TX 76060

RE: Urban County Re-qualification for CDBG and HOME programs 2012-2014.

Dear Mayor:

In order to continue to receive Community Development Block Grant (CDBG) Entitlement funding through 2014, Tarrant County must once again qualify as an Urban County under the CDBG and HOME programs. As you are probably aware, entitlement counties must re-qualify every three years for funding. Tarrant County is eligible to receive entitlement grant funds by having a combined population of 200,000 or more from unincorporated areas and participating municipalities.

Tarrant County must notify split cities (Azle, Burleson, Grapevine, Haslet, Mansfield and Southlake) of their options for exclusions from, or participation in the Urban County by **May 5, 2011**. The qualification process for urban counties has provision for the inclusion of local units of government split between more than one county to join completely with an urban county or remain split. Once a split city has signed the Cooperation Agreement, the city's entire jurisdiction is covered by Tarrant County's entitlement. The only split cities eligible for inclusion in the consortium are Haslet, Southlake (Denton County), Grapevine (Dallas County), Azle (Parker County), Burleson (Johnson County), and Mansfield (Ellis County and Johnson County).

By **May 5, 2011**, Tarrant County must notify units of general local government (participating municipalities) in which the County is authorized to undertake essential community development and housing assistance activities without the consent of the governing authority, the option to be excluded from the urban county. Any included unit of general local government that elects to be excluded from the Tarrant County urban county consortium must notify the county and HUD in writing, that it elects to be excluded by **May 30, 2011**. Participating municipalities are also notified that they are not eligible to apply for grants under the State CDBG program while they are part of the

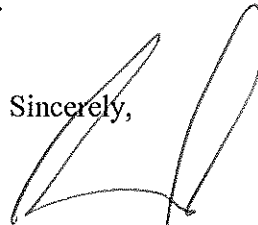
urban county, and that, in becoming a part of the urban county; they automatically participate in the HOME program if the urban county receives HOME funding. This does not preclude the urban county or a unit of government within the urban county from applying to the state for HOME funds, if the State allows.

Any metropolitan city (Euless, Grapevine and North Richland Hills) that had deferred its status previously or had accepted its status and entered into a joint agreement with the urban county, and wishes to maintain the same relationship with the county for this next qualification period, must notify the county and the HUD Field Office in writing by **May 30, 2011**. A current metropolitan city that chooses not to maintain a joint agreement with the urban county, must also notify the urban county and the HUD Field Office by the same date.

By **May 30, 2011**, any unit of general local government that is not currently participating in an urban county and chooses to participate for the remaining third year of Tarrant County's qualification period must notify the county and the HUD Field Office in writing that it elects to be included.

We appreciate the continued collaboration with each city. If you have further questions or concerns regarding this notice, please contact Patricia Ward, Director of Community Development, at 817-850-7940.

Sincerely,

A handwritten signature in black ink, appearing to be 'Patricia Ward', written over a horizontal line.

Patricia Ward
Director

RESOLUTION # _____

**RESOLUTION REGARDING CITY OF KENNEDALE PARTICIPATION IN
TARRANT COUNTY'S COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM FOR THE THREE PROGRAM YEAR PERIOD, FISCAL YEAR
2012 THROUGH FISCAL YEAR 2014.**

WHEREAS, Title I of the Housing and Community Act of 1974, as amended through the Housing and Community Act of 1992, establishes a program of community development block grants for the specific purpose of developing viable communities by providing decent housing and suitable living environment and expanding economic opportunities principally for persons of low and moderate income, and

WHEREAS, Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, establishes the HOME Investment Partnership Act to expand the supply of decent, safe, sanitary and affordable housing for very low-income and low-income Americans, and

WHEREAS, Tarrant County has been designated an "Urban County" by the Department of Housing and Urban Development entitled to a formula share of Community Development Block Grant and HOME program funds provided said County has a combined population of 200,000 persons in its unincorporated areas and units of general local government with which it has entered into cooperative agreements, and

WHEREAS, Article III, Section 64 of the Texas Constitution authorizes Texas counties to enter into cooperative agreements with local governments for essential Community Development and Housing Assistance activities, and

WHEREAS, the City of Kennedale shall not apply for grants under the State CDBG Program from appropriations for fiscal years during the period in which it is participating in Tarrant County's CDBG program, and

WHEREAS, the City of Kennedale shall not participate in a HOME consortium except through Tarrant County, regardless of whether or not Tarrant County receives a HOME formula allocation, and

WHEREAS, through cooperative agreements Tarrant County has authority to carry out activities funded from annual Community Development Block Grant (CDBG) and HOME Program Allocation from Federal Fiscal Years 2012, 2013, and 2014 appropriations and from any program income generated from the expenditure of such funds, and

WHEREAS, Tarrant County and the City of Kennedale agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, and

WHEREAS, Tarrant County will not fund activities in support of any cooperating unit of general government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with its fair housing certification, and

WHEREAS, the City of Kennedale has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations and

WHEREAS, the City of Kennedale has adopted and is enforcing a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions, and

WHEREAS, Tarrant County and the City of Kennedale shall take all actions necessary to assure compliance with the Urban County's certification required by section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968, section 109 of Title I of the Housing Community Development Act of 1974, and other applicable laws, and

WHEREAS, prior to disbursing any CDBG or HOME Program funds to a subrecipient, Tarrant County shall sign a written agreement with such subrecipient, and

WHEREAS, the City of Kennedale agrees to inform the county of any income generated by the expenditure of CDBG funds received and that any such program income must be paid to the county to be used for eligible activities in accordance with all Community Development Block Grant and HOME Program requirements, and

WHEREAS, in accordance with 24 CFR 570.501(b), Tarrant County is responsible for ensuring that CDBG funds are used in accordance with all program requirements, including monitoring and reporting to U.S. Department of Housing and Urban Development on the use of program income and that in the event of close-out or change in status of the City of Kennedale, any program income that is on hand or received subsequent to the close-out of change in status shall be paid to the county, and

WHEREAS, in accordance with 24 CFR 570.501(b), Tarrant County, as the recipient is responsible for ensuring that CDBG funds are used in accordance with all program requirements. The use of designated public agencies, subrecipients, or contracts does not relieve Tarrant County of this responsibility. Tarrant County is also responsible for determining the adequacy of performance under subrecipient agreements and procurement contracts, and for taking appropriate action when performance problems arise, such as the actions described in §570.910. Where a city is participating with, or as part of Tarrant County Urban County, as a participating unit, or as part of a metropolitan city, the County is responsible for applying to the unit of general local government the

same requirements as are applicable to subrecipients, except that the five-year period identified under §570.503 (b) (8) (i) shall begin with the date that the unit of general local government is no longer considered by HUD to be a part of the metropolitan city or urban county, as applicable, instead of the date the subrecipient agreement expires.

WHEREAS, the City of Kennedale agrees to notify Tarrant County of any modification or change in the use of the real property from that planned at the time of acquisition or improvement, including disposition, and further agrees to reimburse the County in an amount equal to the current fair market value (less any portion thereof attributable to expenditure of non-CDBG funds) of property acquired or improved with CDBG funds that is sold or transferred for a use which does not qualify under the CDBG regulations, and

WHEREAS, any money generated from disposition or transfer of property will be treated as program income and returned to the county prior to or subsequent to the close-out, change of status or termination of the cooperation agreement between county and the City of Kennedale;

NOW, THEREFORE, BE IT RESOLVED, by the City of Kennedale, that the City Council of Kennedale, Texas supports the application of Tarrant County for funding from Housing and Community Development Act of 1974, as amended, and Cranston-Gonzalez National Affordable Housing Act, as amended, and asks that its population be included for three successive years with that of Tarrant County, Texas to carry out Community Development Program Activities Eligible for Assistance under Public Law 93-383, and Affordable Housing activities under Public Law 101-625, and authorizes the Mayor of Kennedale, Texas to sign such additional forms as requested by the Department of Housing and Urban Development pursuant to the purposes of the Resolution, and further that the City of Kennedale, Texas understands that Tarrant County will have final responsibility for selecting projects and filing annual grant requests.

BE IT FURTHER RESOLVED, this agreement will automatically be renewed for participation in successive three-year qualification periods, unless Tarrant County or the City of Kennedale provides written notice it elects not to participate in a new qualification period. Tarrant County will notify the City of Kennedale in writing of its right to make to such election on the date specified by the U.S. Department of Housing and Urban Development in HUD's urban county qualification notice for the next qualification period. Any amendments or changes contained within the Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period must be adopted by Tarrant County and the City of Kennedale, and submitted to HUD. Failure by either party to adopt such an amendment to the agreement will void the automatic renewal of this agreement.

This agreement remains in effect until CDBG, HOME funds, and income received to the fiscal 2012, 2013, 2014 programs, and to any successive qualification periods provided through the renewal of this agreement, are expended and the funded activities completed,

neither Tarrant County nor the City of Kennedale may terminate or withdraw from the agreement while the agreement remains in effect.

Official notice of amendments or changes applicable for a subsequent three-year urban county agreement shall be in writing and be mailed by certified mail to the City Secretary of the City of Kennedale. Any notice of changes or amendments to this agreement by the City of Kennedale to Tarrant County shall be in writing to the Tarrant County Community Development Division Director.

PASSED AND APPROVED THIS _____ day of _____, 2011

ATTEST:

APPROVED:

CITY SECRETARY

MAYOR

Commissioners Court Clerk

County Judge

Approval Form for District Attorney

Approved as to Form*

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

Date: May 12, 2011

Agenda Item No: REGULAR ITEMS - C.

Subject: Discuss and consider approval of special council meeting dates for FY 2011/2012 Budget meetings.

Originated by:

Sakura Moten-Dedrick, Director of Finance and IT

Summary: The Property Tax Code and Local Government Code provides for specific legal requirements in which a taxing unit must comply in order to adopt their tax rate. In an effort to comply with the aforementioned codes, the City has set the budget/tax schedules as outlined below:

06/09/11	Work Session: Discuss Strategic Planning & Review Budget Process
08/05/11	Publish Notice of Effective Tax Rate
08/11/11	Work Session: Certified Appraisal Roll, Rate Calculations
08/13/11	<i>Work Session: Annual Budget Workshop</i>
08/25/11	<i>Special Session: Vote to Place Proposal on Future Agenda</i>
08/26/11	Publish Notice of Public Hearing on Budget & 1st Public Hearing on Tax
Increase	
09/02/11	Publish 2nd Notice of Public Hearing on Tax Increase
09/08/11	Regular Session: Public Hearing on Budget & 1st Public Hearing on Tax
Increase	
09/09/11	Publish Notice of Tax Revenue Increase
09/15/11	<i>Special Session: 2nd Public Hearing on Tax Increase</i>
09/22/11	<i>Special Session: Adopt Budget, Adopt Tax Rate, Ratify Tax Increase</i>
	<i>Reflected In Budget</i>

*Bold Italics are directly related to City Council.

Fiscal Impact Summary:

Legal Impact:

Recommendation: Approve

Alternative Actions:

Attachments:

1.	Proposed Budget Calendar - 2011	07 Budget Calendar - Proposed.pdf
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**CITY OF KENNEDALE, TEXAS
ANNUAL PROGRAM OF SERVICES**

BUDGET CALENDAR

01/01	Tarrant Appraisal District	Beginning of appraisal year.
04/15	Tarrant Appraisal District	Last day for businesses to file property tax renditions.
05/01	Finance	Review Budget Calendar.
05/06	City Secretary	Publish Open Meeting Notice (72 Hours).
05/12	City Council	Regular Session: Approve tax collection contract & approve special sessions (08/25, 09/15, 09/22).
05/13	Tarrant Appraisal District	Notification of preliminary values to all taxing jurisdictions.
05/25	Staff	Budget Kick-Off.
05/31	Tarrant Appraisal District	Property owner has 30 days from the date of the notice or until May 31, whichever is later, to file a protest.
06/03	City Secretary	Publish Open Meeting Notice (72 Hours).
06/09	City Council	Work Session: Discuss Strategic Planning, review budget calendar.
06/10	Tarrant Appraisal District	Notification of preliminary values to all taxing jurisdictions.
06/14	EDC4B	Provide Notice of Projects & Public Hearing to newspaper. Newspaper deadline is noon Tuesday.
06/17	City Secretary	Publish Open Meeting Notice (72 Hours).
	Staff	Submit FY10/11 Estimates, FY11/12 Proposed budget requests, and Extended Service Programs (ESPs) to Finance.
	Newspaper	Publish Notice of Projects & Public Hearing. Must allow for period of 60 days from date of publication to close before recommending to Council. Must also publish 15 days prior to public hearing.
06/20 - 07/01	Finance	Meet with Staff to review submittals.
06/21	EDC4B	Public Hearing given Notice of Projects.
07/05	Finance	Submit budget requests and ESPs to City Manager.
07/06 - 07/15	City Manager	Meet with Finance and Staff to review submittals.
07/15	City Secretary	Publish Open Meeting Notice (72 Hours).
07/18	City Manager/Finance	Prepare Budget Message.
07/19	EDC4B	Review budget.
	Finance	Provide Notice of Filed Budget to newspaper. Newspaper deadline is noon Tuesday.
07/22	Tarrant Appraisal District	Notification of certified values to all taxing jurisdictions.
	Newspaper	Publish Notice of Filed Budget.
07/29	Finance	File proposed budget with City Secretary, place online and email to Council. Must file proposed budget with City Secretary for public inspection 30 days prior to tax rate adoption, which is generally by the last working day in July.

**CITY OF KENNEDALE, TEXAS
ANNUAL PROGRAM OF SERVICES**

BUDGET CALENDAR

08/02	Finance	Provide Notice of Effective and Rollback Tax Rates, statement and schedules to newspaper. Newspaper deadline is noon Tuesday. Publish by Aug 7 or soon thereafter. Must be quarter pages, at least 8 point font and can be in classifieds. May publish at same time as Notice of Public Hearing On Tax Increase. Place on website, cable channel (60 seconds, 5 times daily, 7 days, from 7AM-9PM) and run through end of 2ND Public Hearing.
08/05	City Secretary	Publish Open Meeting Notice (72 Hours).
	Newspaper	Publish Notice of Effective Tax Rate.
08/09	Finance	Provide Notice of Key Budget/Tax Dates Schedule to newspaper.
08/11	City Council	Work Session: Submit certified appraisal roll, and effective and rollback rate calculations.
08/12	Newspaper	Publish Notice of Key Budget/Tax Dates Schedule.
08/13	City Council	Workshop: Review budget given certified values.
08/16	EDC4B	Approve projects and budget.
08/23	Finance	Provide Notice of Public Hearing On Budget to newspaper. Newspaper deadline is noon Tuesday. Must publish notice of location, date, and time. Must be published not earlier than the 30TH or later than the 10TH day before the date of the hearing. Optional: Place on website, cable channel (60 seconds, 5 times daily, 7 days, from 7AM-9PM) and run through end of budget hearing. Provide Notice of 1 ST Public Hearing On Tax Increase to newspaper. Newspaper deadline is noon Tuesday. Must be quarter page, at least 24 point type title or larger, not in classifieds, and 7 days prior to 1ST Public Hearing. Place on website, cable channel (60 seconds, 5 times daily, 7 days, from 7AM-9PM) and run through end of 2ND Public Hearing.
08/25	City Council	Special Session: Discuss tax rate. If proposed rate will exceed the lower of the effective or rollback rate, vote to place proposal for tax increase on future agenda and schedule public hearings. Must be record vote and although may be left blank going into meeting, must specify desired rate at time of resolution adoption.
08/26	Newspaper	Publish Notice of Public Hearing On Budget. Publish 1 ST Notice of Public Hearing On Tax Increase.

**CITY OF KENNEDALE, TEXAS
ANNUAL PROGRAM OF SERVICES**

BUDGET CALENDAR

08/30	Finance	Provide Notice of 2 ND Public Hearing On Tax Increase to newspaper. Newspaper deadline is noon Tuesday. Must be quarter page, at least 24 point type title or larger, not in classifieds, and 7 days prior to 2ND Public Hearing. Place on website, cable channel (60 seconds, 5 times daily, 7 days, from 7AM-9PM) and run through end of 2ND Public Hearing.
09/01	Tarrant Appraisal District	Notification of last certified roll to tax jurisdictions for billing and collection.
09/02	City Secretary	Publish Open Meeting Notice (72 Hours).
	Newspaper	Publish 2 ND Notice of Public Hearing On Tax Increase.
09/06	Finance	Provide Notice of Tax Revenue Increase to newspaper. Newspaper deadline is noon Tuesday. Must be quarter page, at least 24 point type title or larger, not in classifieds, and 7 days prior to vote, if possible. Place on website, cable channel (60 seconds, 5 times daily, 7 days, from 7AM-9PM) and run through end of vote on tax rate.
09/08	City Council	Regular Session: Public Hearing On Budget. Must be set for date occurring after 15th day after proposed budget filed with City Secretary but before tax rate adoption. Public holiday or weekend not permitted and quorum is required. Regular Session: 1 ST Public Hearing On Tax Increase. Announce vote on tax rate, time and location. Must have 2 hearings in addition to Vote On Tax Rate. Public holiday or weekend not permitted and quorum is required.
09/09	City Secretary	Publish Open Meeting Notice (72 Hours).
	Newspaper	Publish Notice of Tax Revenue Increase.
09/15	City Council	Special Session: 2 ND Public Hearing On Tax Increase. Announce vote on tax rate, time and location. Must have 2 hearings in addition to Vote On Tax Rate. Public holiday or weekend not permitted and quorum is required. Not earlier than 7TH day after the 1ST Public Hearing.
09/16	City Secretary	Publish Open Meeting Notice (72 Hours).

**CITY OF KENNEDALE, TEXAS
ANNUAL PROGRAM OF SERVICES**

BUDGET CALENDAR

09/22	City Council	Special Session: Approve budget (ordinance), vote on tax rate (ordinance) and ratify budget. <i>Vote must take place no less than 3 days and no more than 14 days after the 2ND Public Hearing since website and cable channel required for tax rate. Motion for tax rate requires special language and ordinance requires special language in larger type. Must be record vote on tax rate. Publish special language on website and cover page of budget book after adoption. Must adopt tax rate 60 days after certified roll is received or by Sep 30.</i>
09/23	Finance	Provide adopted tax rates to Tarrant County Tax Office.
09/30	City Council	Last day to adopt budget.
10/01	Tarrant County Tax Office	Tax statements and assessments mailed.
10/21	MMD Board	Approve tax assessment and levy.
03/22	EDC4B	Provide Notice of Projects to newspaper. Public Hearing not required. <i>Newspaper deadline is noon Tuesday.</i>
03/25	Newspaper	Publish Notice of Projects.

Staff Report to the Honorable Mayor and City Council



Date: May 12, 2011

Agenda Item No: REGULAR ITEMS - D.

Subject: Recognize councilmember Jerry Miller for his years of service on the Kennedale City Council.

Originated by:

Bob Hart, City Manager

Summary: Bob Hart will present a plaque to Jerry Miller and publicly recognize his years of service as a councilmember.

Fiscal Impact Summary:

Legal Impact:

Recommendation:

Alternative Actions:

Attachments: