

**KENNEDALE CITY COUNCIL
AGENDA
SPECIAL MEETING
October 10, 2013
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE**

REGULAR SESSION - 5:30 PM

I. CALL TO ORDER

II. REGULAR SESSION

III. ROLL CALL

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. Proclamation - Arbor Day 2013.

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 Resolution 416, adopting an amended City of Kennedale Unclaimed Property Policy.

X. REGULAR ITEMS

A. Consider making the following appointments to the Board of Adjustment/Building Board of Appeals:

- Reappoint Brian Cassady to Place 1
- Reappoint Patrick Vader to Place 3
- Appoint Martin Young to Place 4
- Reappoint Jeff Madrid to Place 5
- Appoint Jeff Nevarez to Place 6
- Appoint Linda Elam to Place 7
- Appoint Lana Sather to Place 9

B. Consider making the following appointments to the Keep Kennedale Beautiful Commission

- Appoint Pamela Breault to Place 1
- Reappoint Wilda Turner to Place 5
- Reappoint Vivkie Chandler to Place 7
- Reappoint Fred Winters to Place 9

C. Consider making the following appointments to the Kennedale Economic Development Corporation.

- Appoint Mike Johnson to Place 1
- Appoint Ronald Whitley to Place 3
- Appoint Adrienne Kay to Place 5
- Reappoint Rebecca Mowell to Place 7

D. Consider making the following appointments to the Parks and Recreation Board.

- Reappoint David Deaver to Place 1
- Reappoint Michael Chandler to Place 3
- Appoint LaCresha Sanders to Place 5
- Reappoint Jill Turner to Place 7

E. Consider making the following appointments to the Planning and Zoning Commission.

- Appoint Mike Walker to Place 1
- Appoint Stephen Brim to Place 3
- Reappoint Katherine McFadden to Place 5
- Appoint Donald Rawe to Place 7
- Appoint Carolyn Williamson to Place 8

F. Consider making the following appointments to the Library Advisory Board.

- Reappoint Shirley Jackson to Place 1
- Reappoint Elaine Brower to Place 3
- Reappoint Donald Rawe to Place 5

G. Consider approval of Ordinance 535, abolishing the Arts and Culture Board.

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

CERTIFICATION

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



Amethyst G. Cirno, City Secretary

Date: October 10, 2013

Agenda Item No: REPORTS/ANNOUNCEMENTS - A.

I. Subject:

Proclamation - Arbor Day 2013.

II. Originated by:

City Council, City Council

III. Summary:

Arbor Day Proclamation Text:

WHEREAS, in the state of Texas, February 1889 was the first Arbor Day celebration; and

WHEREAS, in 1989 the legislature passed a resolution moving Texas Arbor Day to the last Friday in April to align with the traditionally observed national Arbor Day; and

WHEREAS, trees play an important role in the ecosystem in which we live by reducing the erosion of our precious topsoil by wind and water, cleaning the air we breathe and the water we drink, producing oxygen, providing habitat for birds and wildlife, and reducing heating and cooling costs by moderating temperature; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, trees, wherever they are planted are a source of joy and urban and community forestry is an essential component of a healthy future for the City of Kennedale; and

WHEREAS, the city of Kennedale is also planting trees within the medians of Little School Road and Sublet Road in support of the Arbor Day Foundation and Tree City USA programs; and

WHEREAS, the Keep Kennedale Beautiful Commission is also planting trees within the Bird & Butterfly Demonstration Garden in support of the Arbor Day Foundation and Tree City USA programs.

NOW, THEREFORE, I, JOHN CLARK, MAYOR OF THE CITY OF KENNEDALE, TARRANT COUNTY, TEXAS, do hereby proclaim October 19, 2013 as **Arbor Day** in Kennedale, Texas, and I call upon all residents to support efforts to protect our trees and to plant and care for trees to promote the well-being of this and future generations.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

Date: October 10, 2013

Agenda Item No: CONSENT ITEMS - A.

I. Subject:

Consider Resolution 416, adopting an amended City of Kennedale Unclaimed Property Policy.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:

All financial institutions, businesses, government entities, and organizations that are holding abandoned property belonging to Texas residents should file a report with the Texas Comptroller's office. Title 6 of the Texas Property Code governs the State of Texas Unclaimed Property Program. Chapters 72 through 75 apply to the reporting, delivery and claims process for abandoned property. Chapter 76 applies specifically to unclaimed property held and reported by Texas counties, municipalities, independent school districts and junior colleges.

The aim of the Unclaimed Property Policy is to guide the City of Kennedale in the required annual review of its records and reporting of all tangible and intangible property presumed abandoned that is held or is owed in the ordinary course of Kennedale's business and remained unclaimed by the owner for more than a specified period of time after it became payable or distributable.

It is our intent to bring forth this policy to Council for review at least annually. In order to demonstrate that review, it will be custom practice for the governing board of a municipality to adopt a resolution to make the review an official public record.

There are several recommended changes at this time, mainly due to an updated schedule of submission due dates recently changed by the state.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution To Amend Unclaimed Property Policy	Resolution To Amend Unclaimed Property Policy.doc
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2.	Unclaimed Property Policy	20131110 Unclaimed Property Policy.docx
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RESOLUTION NO. _____

**A RESOLUTION ADOPTING AN AMENDED CITY OF KENNEDALE
UNCLAIMED PROPERTY POLICY**

WHEREAS, on November 17, 2011, City Council adopted the document entitled, “Unclaimed Property Policy,” a framework to guide the City of Kennedale in the required annual review of its records and reporting of all tangible and intangible property presumed abandoned that is held or is owed in the ordinary course of Kennedale’s business and remained unclaimed by the owner for more than a specified period of time after it became payable or distributable; and

WHEREAS, the City of Kennedale recognizes its responsibility to make a good faith effort to determine the whereabouts of the owner of property, and also recognizes that there are limits to what can be done to locate the rightful owner of property; and

WHEREAS, the City Council has reviewed the City’s Unclaimed Property Policy.

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

The City Council of the City of Kennedale, Texas hereby approves the amended Unclaimed Property Policy dated October 1, 2013, attached hereto as “Exhibit A.”

PASSED, ADOPTED AND APPROVED by the City Council of the City of Kennedale, Texas, this the 1st day of October, 2013.

APPROVED:

Mayor, John Clark

ATTEST:

City Secretary, Amethyst Cirno

OFFICIAL SEAL

CITY OF KENNEDALE



UNCLAIMED PROPERTY POLICY

ORIGINALLY ADOPTED BY CITY COUNCIL: NOVEMBER 17, 2011

PREFACE

The aim of the Unclaimed Property Policy is to guide the City of Kennedale in the required annual review of its records and reporting of all tangible and intangible property presumed abandoned that is held or is owed in the ordinary course of Kennedale's business and remained unclaimed by the owner for more than a specified period of time after it became payable or distributable.

It is our intent to bring forth this policy to Council for review at least annually. In order to demonstrate that review, it will be custom practice for the governing board of a municipality to adopt a resolution to make the review an official public record.

SUBSEQUENT REVIEW & ADOPTION

OCTOBER 3, 2012

OCTOBER 1, 2013

I. BACKGROUND

All financial institutions, businesses, government entities, and organizations that are holding abandoned property belonging to Texas residents should file a report with the Texas Comptroller's office. Title 6 of the Texas Property Code governs the State of Texas Unclaimed Property Program. Chapters 72 through 75 apply to the reporting, delivery and claims process for abandoned property. Chapter 76 applies specifically to unclaimed property held and reported by Texas counties, municipalities, independent school districts and junior colleges.

Unclaimed property can be any financial asset that appears to have been abandoned by the owner, such as the following:

- Uncashed dividends, payroll, cashier's checks;
- Stocks, bonds, mutual fund accounts;
- Utility deposits and other refunds;
- Bank accounts and safe deposit box contents;
- Insurance proceeds;
- Mineral interest or royalty payments; and/or
- Court deposits, trust funds, escrow accounts.

The abandonment period is the number of years that an entity holds the property before sending it to the state Comptroller's office. The property type determines the length of the abandonment period.

The City of Kennedale recognizes its responsibility to make a good faith effort to determine the whereabouts of the owner of property, and also recognizes that there are limits to what can be done to locate the rightful owner of property.

II. POLICY

On an annual basis, the City of Kennedale is required to review its records and determine whether it is holding any funds, securities or other property that has been unclaimed for the required dormancy period, and to report and remit these unclaimed funds to the State of Texas.

III. LEGAL REQUIREMENTS

A. Property is classified as unclaimed if it has reached the required abandonment period as of March 1st each year. The City must hold property until the appropriate abandonment period has run, and if property is determined to be unclaimed after this date, it must be included in the next annual remittance to the State.

- 1) The abandonment period is determined by the property type. For more specific detail, refer directly to the Texas Comptroller of Public Accounts: Unclaimed

Property Reporting Instructions. Instructions are subject to change due to new or revised requirements, so annual review of this manual is required.

- B. Prior to remitting property to the Comptroller's Office as described below, the City must mail a written notice to the owner on property valued at **more than \$250.00** no later than May 1st of the year in which the property is classified as unclaimed per Section 74.1011 of the Texas Property Code. This notice requirement does not apply if a letter has already been mailed to the missing owner earlier in the abandonment period. For sample letter, refer directly to the Texas Comptroller of Public Accounts: Unclaimed Property Reporting Instructions. Instructions are subject to change due to new or revised requirements, so annual review of this manual is required.
- C. Property that is valued at **more than \$100.00** will be delivered, along with the required report form(s), to the State Comptroller's Office by July 1st **following** the date the property is classified as unclaimed. Should the City not have unclaimed property individually valued at more than \$100, there is no report required.
 - 1) Property that is due July 1st may be remitted any time after the annual cut-off date of March 1st and before July 1st.
- D. Per Title 6, Chapter 76 of the Texas Property Code, property that is valued at **less than \$100.00** will be retained by the City.
 - 1) The City shall publish a notice in its official newspaper (general circulation in the jurisdiction of the holder) on or before July 1st in the calendar year **immediately following** the year in which the property report is filed. For example: Notices for property classified as unclaimed on March 1, 2013 must be published by July 1, 2014.
 - 2) At a minimum, the owner's name and last known address must be listed.
 - 3) If at all possible, the City will also include this notice on its official website.
 - 4) While the City is required to publish a notice, it may elect to advertise only those properties with a value greater than a specified amount of its choosing (i.e., greater than \$50.00 but less than \$100.00). For the City's purposes, the Finance Department will include **all** property valued at less than \$100.00.

IV. CLAIMS PROCESS

- A. There is no statute of limitation on filing a claim.
- B. Claimants must fill out a claim form and present proof of ownership.

- C. Within **90 days** from the date of receiving the returned claim form, the Finance Department will determine in good faith if the claim is valid. If the claim is valid, the City will pay the full amount of the claim.
- D. If the claim is determined to be invalid, it will be rejected. The claimant may appeal this decision in accordance with Section 76.504 of the Texas Property Code.

V. ACCOUNTING

- A. For property, which is valued at **less than \$100.00** and retained by the City, the Finance Department will transfer funds from the City's operating funds to the Unclaimed Property Fund on or before March 1st for property classified as unclaimed.
 - 1) Finance Department must void account payable entries code to a liability account in Unclaimed Property Fund versus hitting an expense line item.
- B. The Finance Department will transfer all funds retained by the City on **an annual basis**. This transfer will be conducted from the Unclaimed Property Fund to the General Fund. The General Fund will then become responsible for paying a valid claim should a valid claim be submitted.
 - 1) This action will clear out the liability account in the Unclaimed Property Fund and provide revenue to the General Fund.
- C. All publication and postage expenditures will be charged to Finance Department within the General Fund. These items are budgeted annually.
- D. For the purpose of simplicity, the Unclaimed Property Fund is not allocated earned interest. The City is not obligated to pay interest to a claimant. Only the original amount of the unclaimed property will be paid to the claimant.

VI. ANNUAL REVIEW

The Director of Finance shall, at a minimum, submit proposed amendments of this policy to the City Council annually.

Date: October 10, 2013

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

Consider making the following appointments to the Board of Adjustment/Building Board of Appeals:

- Reappoint Brian Cassady to Place 1
- Reappoint Patrick Vader to Place 3
- Appoint Martin Young to Place 4
- Reappoint Jeff Madrid to Place 5
- Appoint Jeff Nevarez to Place 6
- Appoint Linda Elam to Place 7
- Appoint Lana Sather to Place 9

II. Originated by:

City Council, City Council

III. Summary:

The above individuals have applied/reapplied, interviewed with City Council, and have been recommended for appointment to this board.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

Date: October 10, 2013

Agenda Item No: REGULAR ITEMS - B.

I. Subject:

Consider making the following appointments to the Keep Kennedale Beautiful Commission

- Appoint Pamela Breault to Place 1
- Reappoint Wilda Turner to Place 5
- Reappoint Vivkie Chandler to Place 7
- Reappoint Fred Winters to Place 9

II. Originated by:

City Council, City Council

III. Summary:

The above individuals have applied/reapplied, interviewed with City Council, and have been recommended for appointment to this board.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

Date: October 10, 2013

Agenda Item No: REGULAR ITEMS - C.

I. Subject:

Consider making the following appointments to the Kennedale Economic Development Corporation.

- Appoint Mike Johnson to Place 1
- Appoint Ronald Whitley to Place 3
- Appoint Adrienne Kay to Place 5
- Reappoint Rebecca Mowell to Place 7

II. Originated by:

City Council, City Council

III. Summary:

The above individuals have applied/reapplied, interviewed with City Council, and have been recommended for appointment to this board.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

Date: October 10, 2013

Agenda Item No: REGULAR ITEMS - D.

I. Subject:

Consider making the following appointments to the Parks and Recreation Board.

- Reappoint David Deaver to Place 1
- Reappoint Michael Chandler to Place 3
- Appoint LaCresha Sanders to Place 5
- Reappoint Jill Turner to Place 7

II. Originated by:

City Council, City Council

III. Summary:

The above individuals have applied/reapplied, interviewed with City Council, and have been recommended for appointment to this board.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

Date: October 10, 2013

Agenda Item No: REGULAR ITEMS - E.

I. Subject:

Consider making the following appointments to the Planning and Zoning Commission.

- Appoint Mike Walker to Place 1
- Appoint Stephen Brim to Place 3
- Reappoint Katherine McFadden to Place 5
- Appoint Donald Rawe to Place 7
- Appoint Carolyn Williamson to Place 8

II. Originated by:

City Council, City Council

III. Summary:

The above individuals have applied/reapplied, interviewed with City Council, and have been recommended for appointment to this board.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

Date: October 10, 2013

Agenda Item No: REGULAR ITEMS - F.

I. Subject:

Consider making the following appointments to the Library Advisory Board.

- Reappoint Shirley Jackson to Place 1
- Reappoint Elaine Brower to Place 3
- Reappoint Donald Rawe to Place 5

II. Originated by:

City Council, City Council

III. Summary:

The above individuals have applied/reapplied, interviewed with City Council, and have been recommended for appointment to this board.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

Date: October 10, 2013

Agenda Item No: REGULAR ITEMS - G.

I. Subject:

Consider approval of Ordinance 535, abolishing the Arts and Culture Board.

II. Originated by:

City Council, City Council

III. Summary:

Please see the ordinance attached, abolishing the Arts and Culture Board as previously discussed.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	O535	O535 - Abolishing the Arts and culture Advisory Board.docx
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ORDINANCE NO. 535

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE VIII, ARTS AND CULTURE ADVISORY BOARD, OF THE CODE OF ORDINANCES OF THE CITY OF KENNEDALE, TEXAS, AS AMENDED, BY ABOLISHING THE ARTS AND CULTURE ADVISORY BOARD AND REPEALING ARTICLE VIII IN ITS ENTIRETY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY 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 City Council previously adopted an ordinance providing for the creation and appointment of the Arts and Culture Advisory Board; and

WHEREAS, the City Council now desires to abolish the Arts and Culture Advisory Board.

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

SECTION 1.

The Arts and Culture Advisory Board is hereby abolished.

SECTION 2.

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

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, 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 4.

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

PASSED AND APPROVED on this 10th day of October, 2013.

Mayor, John Clark

Attest:

Amethyst G. Cirno, City Secretary

Effective Date: _____

Approved As To Form And Legality:

Wayne Olson, City Attorney

Date: October 10, 2013

Agenda Item No: EXECUTIVE SESSION - A.

I. Subject:

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

II. Originated by:

Amethyst G. Cirimo, City Secretary and Communications Coordinator

III. Summary:

The City Council will meet in Executive Session at this time.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments: