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405 Municipal Drive, Kennedale, Texas 76060

AGENDA
KENNEDALE CITY COUNCIL
REGULAR MEETING - October 13, 2011
CITY COUNCIL CHAMBERS

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

I. CALL TO ORDER

II. WORK SESSION

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

A. Discuss current student-led research
- Bird Sanctuary Project
- Board and Commission Handbook Project
- Kennedale Parkway Code Enforcement Project
- Kennedale Parkway Economic Development Project

B. Discuss joint dispatch possibilities

C. Discuss 9-11 Memorial event

D. Discuss water and waste water agreements with the City of Arlington

III. REGULAR SESSION

IV. ROLL CALL

V. INVOCATION

VI. UNITED STATES PLEDGE

VII. TEXAS PLEDGE

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

VIII. VISITOR/CITIZENS FORUM

At this time, any person with business before the Council not scheduled on the agenda may speak to the

Council. No formal action can be taken on these items at this meeting.

IX. REPORTS/ANNOUNCEMENTS

A. Mayor updates and information, if any.
- Proclamation: Municipal Court Week November 7-11, 2011
- Proclamation: National Pancreatic Cancer Month

B. Council Member updates and information, if any.

C. City Manager updates and information, if any.

X. CONSENT ITEMS

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

A. Consider approval of meeting minutes from regular meeting held on September 8, 2011.

B. Consider authorizing the City Manager to renew the lease contract for the Kennedale Chamber of Commerce for their use of the city building located at 201 South New Hope Road.

C. Discuss and consider A RESOLUTION AUTHORIZING PARTICIPATION IN VARIOUS COOPERATIVE PURCHASING PROGRAMS.

D. Discuss and consider A RESOLUTION ADOPTING AN AMENDED CITY OF KENNEDALE FRAUD POLICY.

E. Discuss and consider A RESOLUTION ADOPTING AN AMENDED CITY OF KENNEDALE GRANT SUBMISSION & ACCEPTANCE POLICY.

F. Discuss and consider A RESOLUTION ADOPTING AN AMENDED CITY OF KENNEDALE IDENTITY THEFT PREVENTION PROGRAM POLICY.

XI. REGULAR ITEMS

A. Discuss and consider approval of a Resolution nominating candidates for the Tarrant Appraisal District Board of Directors.

B. Discuss and consider appointing Cheri Yori to Place 3 of the Arts and Cultural Advisory Board.

C. Discuss and consider authorizing the City Manager to execute an interlocal agreement with Tarrant County for construction related to the extension of Little School Road.

D. Discuss and consider authorizing the City Manager to execute an interlocal agreement with Tarrant County for the reconstruction of Timberline Street.

E. Discuss and consider authorizing the City Manager to execute an interlocal agreement with Tarrant County for the construction of Alma Lane.

F. Discuss and consider authorizing the City Manager to submit required documentation of eminent domain authority to the Texas State Comptroller of public accounts.

G. Discuss and consider A RESOLUTION ADOPTING THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM OF THE TEXAS DEPARTMENT OF TRANSPORTATION FOR USE ON PROJECTS THAT ARE PARTIALLY OR WHOLLY FUNDED THROUGH THE FEDERAL HIGHWAY ADMINISTRATION; AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE, TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO ADOPTION THE TXDOT DBE PROGRAM; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

XII. EXECUTIVE SESSION

A. The City Council will meet in closed session pursuant to Section 551.071 of the Texas Government Code for consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion on any item posted on the agenda and legal issues regarding litigation, settlement offers, and/or claims regarding the following matters:

1. 400 N Little School Rd
2. Stephen Avdeef

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

XIV. ADJOURNMENT

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

CERTIFICATION

I certify that a copy of the October 13, 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

Amethyst G. Cirmo, City Secretary

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Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: WORK SESSION - A.

I. Subject:

Discuss current student-led research
- Bird Sanctuary Project
- Board and Commission Handbook Project
- Kennedale Parkway Code Enforcement Project
- Kennedale Parkway Economic Development Project

II. Originated by:

Bob Hart, City Manager

III. Summary:

Bob Hart and other staff members will present updates on all current projects currently underway with various student groups.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: WORK SESSION - B.

I. Subject:

Discuss joint dispatch possibilities

II. Originated by:

Bob Hart, City Manager

III. Summary:

The City Manager and/or Police Chief Tommy Williams will give a brief update on the possibility of a joint dispatch center.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

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Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: WORK SESSION - C.

I. Subject:

Discuss 9-11 Memorial event

II. Originated by:

Bob Hart, City Manager

III. Summary:

Bob Hart will give an update on the 9-11 Memorial Dedication Ceremony, including the event schedule.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

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Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: WORK SESSION - D.

I. Subject:

Discuss water and waste water agreements with the City of Arlington

II. Originated by:

Bob Hart, City Manager

III. Summary:

Bob Hart will present information on water agreements with the City of Arlington, with a focus on future agreements and possibilities.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: REPORTS/ANNOUNCEMENTS - A.

I. Subject:

Mayor updates and information, if any.
- Proclamation: Municipal Court Week November 7-11, 2011
- Proclamation: National Pancreatic Cancer Month

II. Originated by:

Bryan Lankhorst, Mayor

III. Summary:

Mayor Lankhorst will present proclamations regarding National Pancreatic Cancer Month and Municipal Court Week.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

1.	Proclamations	Oct Proclamations All.pdf

PROCLAMATION

Municipal Court Week

November 7 - November 11, 2011

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Whereas, the Municipal Court of Kennedale, a time honored and vital part of local government, has existed since 1947,

Whereas, more people, citizens and non-citizens alike, come in personal contact with municipal courts than all other Texas courts combined, and

Whereas, public impression of the entire Texas judicial system is largely dependent upon the public's experience in municipal court,

Whereas, Municipal Judges and court support personnel have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and conform to the standards set by the Canons of Judicial Conduct,

Whereas, the Municipal Courts play a significant role in preserving the quality of life in Texas communities through the adjudication of traffic offenses, ensuring a high level of traffic safety for our citizens,

Whereas, the Municipal Courts serve as the local justice center for the enforcement of local ordinances and fine-only state offenses that protect the peace and dignity of our community,

Whereas, the Municipal Judges and Clerks continually strive to improve the administration of justice through participation in judicial education programs, seminars, workshops and the annual meetings of their state and local professional organizations.

Therefore, it is most appropriate that we recognize the accomplishments of the 916 Texas Municipal Courts, and salute their critical role in preserving public safety, protecting the quality of life in Texas communities, and deterring future criminal behavior,

Now, I Bryan Lankhorst, Mayor of the City of Kennedale, do recognize the week of November 7 - November 11, 2011, as

~ *Municipal Court Week* ~

and further extend appreciation to all Kennedale Municipal Judges and court support personnel for the vital services they perform and their exemplary dedication to our community. I call upon all residents of Kennedale to join with the City Council in recognizing the vital service they perform and their exemplary dedication to the communities they represent.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused the seal of the City of Kennedale, Texas to be affixed this 13th day of October, 2011.

SEAL

Bryan Lankhorst, Mayor

Attest:

Amethyst G. Cirmo, City Secretary

PROCLAMATION

"Pancreatic Cancer Awareness Month"

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WHEREAS, in 2011, an estimated 44,030 people will be diagnosed with pancreatic cancer in the United States and 37,660 will die from the disease;

WHEREAS, pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States;

WHEREAS when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

WHEREAS of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34 percent and 70 percent higher than the other groups;

WHEREAS approximately 2260 deaths will occur in Texas in 2011;

WHEREAS there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years;

WHEREAS the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only approximately 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Kennedale and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

WHEREAS the Pancreatic Cancer Action Network and its affiliates in Kennedale support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

WHEREAS the good health and well-being of the residents of Kennedale are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

Therefore be it RESOLVED that the Kennedale, Texas City Council designate the month of November 2011 as

~ *Pancreatic Cancer Awareness Month* ~

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused the seal of the City of Kennedale, Texas to be affixed this 13th day of October, 2011.

Bryan Lankhorst, Mayor

Attest:

Amethyst G. Cirmo, City Secretary

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Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: REPORTS/ANNOUNCEMENTS - B.

I. Subject:

Council Member updates and information, if any.

II. Originated by:

III. Summary:

Council members, please take this time to make any announcements or updates that you may have.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

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Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: REPORTS/ANNOUNCEMENTS - C.

I. Subject:

City Manager updates and information, if any.

II. Originated by:

Bob Hart, City Manager

III. Summary:

City Manager Bob Hart will give updates on city happenings.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

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Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: CONSENT ITEMS - A.

I. Subject:

Consider approval of meeting minutes from regular meeting held on September 8, 2011.

II. Originated by:

Amethyst G. Cirmo, City Secretary and Communications Coordinator

III. Summary:

Please see attached minutes from September.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	September Minutes	9.8.2011_MINUTES_City Council Regular Meeting.doc

405 Municipal Drive, Kennedale, Texas 76060

MINUTES
KENNEDALE CITY COUNCIL
REGULAR MEETING - September 8, 2011
CITY COUNCIL CHAMBERS

I. CALL TO ORDER – Mayor called the meeting to order at 5:34 p.m.

II. WORK SESSION

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

A. Discuss mandatory water usage restrictions issued by Tarrant Regional Water District.

Public Works Director Larry Ledbetter provided a staff update regarding mandatory water usage restrictions at stage I. August water reservoir reached a low of 75% causing Tarrant County to institute the stage I water restrictions. Notices have been sent via Connect CTY and Utility Billing. Staff will allow a few weeks for voluntary compliance prior to requesting PD to issue citations.

B. Discuss road construction schedule.

Streets Supervisor Larry Hoover provided an update regarding the road construction projects including detour, utility lines, AT&T delays, storm sewer placement and traffic issues along sublet, Little and Wildcat Way. Currently completing storm sewer placement will be complete within the next four weeks. Access to subdivision will be allowed and one side of the road will be open to traffic. Final completion date is estimated to be late spring 2012 due to six months delay by AT&T.

C. 9/11 Memorial dedication.

City Manager Bob Hart provided an update of the 9/11 Memorial dedication event. City Council reviewed the draft program and timeline and granite panel etchings. Dignitary invites was discussed with no confirmations at this time. The Fire Department will be in attendance and PD will provide the color guard.

D. Discuss the 'Today in America' program.

City Manager Bob Hart provided a brief update indicating after researching the program not sure this is a good idea. The broadcasters want to do a story on Kennedale providing a small town feel with Celebrity Terry Bradshaw. The show has had several celebrities throughout the years; staff is unable to find a broadcast of the actual TV show however a website was available. It appears to be a pitch to sell the broadcast back to the city.

E. Discuss November regular meeting date.

Bob Hart discussed with Council the option to move the City Council meeting to November 17th and move P&Z to November 10th due to the National League of Cities three day convention. Council was not opposed to moving the dates.

F. Discuss other items on the agenda.

No other items were discussed.

III. EXECUTIVE SESSION:

Executive session was entered at 6:15pm.

A. The City Council met 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 and legal issues regarding regulation or litigation of sexually oriented businesses.

Executive session was closed at 6:58pm.

IV. REGULAR SESSION

Mayor Bryan Lankhorst called the regular session to order at 6.59 p.m.

V. ROLL CALL

COUNCIL		***PRESENT***	***ABSENT***
Bryan Lankhorst	Mayor	x	
John Clark	Mayor Pro-Tem, Place 1	x	
Brian Johnson	Councilmember, Place 3	x	
Frank Fernandez	Councilmember, Place 5	x	
Kelly Turner	Councilmember, Place 4		x
Liz Carrington	Councilmember, Place 2	x	

CITY STAFF		***PRESENT***	***ABSENT***
Bob Hart	City Manager	x	
Amethyst Cirmo	City Secretary & Communications		x
Wayne K. Olson/ Jenny Gravley (for Wayne)	City Attorney	x	
James Cowey	Development Services Director		x
Tommy Williams	Police Chief	x	
Mike McMurray	Fire Chief	x	
Sakura Moten-Dedrick	Finance and IT Director	x	
Larry Ledbetter	Public Works Director	x	
Rachel Roberts	City Planner	x	
Kelly Cooper	Human Resources Director	x	

VI. INVOCATION – Keith from Life Fellowship Church gave the invocation.

VII. UNITED STATES PLEDGE - The pledges were led by Jenny Gravley, Attorney with TOASE.

VIII. TEXAS PLEDGE

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

IX. 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.

1. Roy Bain of 1020 Kennedale Sublett Rd. spoke against the road construction and detour along Sublet road.

2. Greg Hudson, Executive Director of the Kennedale Chamber of Commerce, spoke on behalf of the Chamber and announced various upcoming events including the Golf Tournament, Independence Day Parade, and Car Show.

X. 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: Updates and information, if any.

Mayor Lankhorst announced the Kennedale Classic marathon hosted by Red Barn had been moved to December due to the road construction.

B. Councilmembers: Updates and information, if any.

Brian Johnson announced the Kennedale ISD Friday night football game.

C. City Manager: Updates and information, if any.

City Manager was asked to address the road construction projects providing a brief update as to the time line, detour and current project phase.

XI. CONSENT ITEMS

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

A. Consider approval of meeting minutes from regular meeting held on August 11, 2011.

B. Consider authorizing the City Manager to sign an agreement renewing Interlocal Agreement Court Order no. 108115 with Tarrant County for cooperative funding of improvements to Sublett Road.

C. Consider authorizing the City Manager to sign an agreement renewing Interlocal Agreement Court Order no. 108359 with Tarrant County for cooperative funding of improvements to Little School Road.

D. Consider authorizing the City Manager to sign an agreement renewing Interlocal Agreement Court Order no. 107251 with Tarrant County for cooperative funding of improvements to Bowman Springs Road.

E. Discuss and consider authorizing the City Manager to make an emergency expenditure to replace the well pump and motor on well #4.

F. Resolution to accept an award from the Urban Birds Treaty Program through the United States Fish & Wildlife Service.

The Mayor asked that Item A be removed and corrected to state he was at the work session.

A motion to approve the consent agenda, removing item A and approving item B-F as presented was made by John Clark, second by Frank Fernandez. The motion passed unanimously.

Brian Johnson made a motion to approve consent agenda item A, correcting it to state that the Mayor was present at the work session at 5:40 p.m. this motion was seconded by John Clark, the motion passed unanimously.

XII. REGULAR ITEMS

A. Public hearing to receive input on the Fiscal Year 2011-2012 Proposed Budget.

1. Staff Presentation

2. Public Hearing
3. Staff Response and Summary

Sakura Moten-Dedrick provided a review of the key points of the budget as discussed in the previous budget retreat. Mayor opened the public hearing and closed the public hearing with no speakers.
Brian Johnson made a motion to postpone action to adopt until the September 22, 2011 meeting; seconded by Liz Carrington, the motion passed unanimously.

B. Public hearing to receive input on the Fiscal Year 2011-2012 Tax Revenue Increase.

1. Staff Presentation

    Sakura Moten-Dedrick provided a brief staff report reviewing the highlights of Tax Revenue indicating that the rate of $0.722500 which is the current rate will bring in an increase in revenue of 2.75%. The increase is due primarily to property value increases, the rate is the same rate as last year. Sakura also indicated the need for City Council to provide the Truth in Taxation announcement as required by Law.

2. Public Hearing

    Mayor Lankhorst opened the public hearing. No speakers elected to approach the council, therefore the public hearing was closed .

3. Staff Response and Summary

    Brian Johnson made the official Truth in Taxation announcement; no further action was needed or taken on this item.

C. Discuss and consider appointing Shirley Jackson to Place 1 and Donald Rawe to Place 5 of the Library Advisory Board.

A motion to appoint Shirley Jackson to Place 1 and Donald Rawe to Place 5 of the Library Advisory Board was made by Brian Johnson, second by Liz Carrington. The motion passed unanimously.

D. Discuss and consider approval of AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS AMENDING CHAPTER 14, "MUNICIPAL COURT", OF THE KENNEDALE CITY CODE, AS AMENDED, CREATING THE OFFICE OF CITY MARSHAL; PROVIDING THE DUTIES OF A CITY MARSHAL; PROVIDING THAT THE CITY MARSHAL SHALL BE A PEACE OFFICER; REQUIRING A CITY MARSHAL TO TAKE AN OATH OF OFFICE; PROVIDING THAT THIS ORDINANCE SHALL BE

CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Sakura Moten-Dedrick provided a brief update regarding this item and that the position has been posted. Approval would allow staff to move forward with the selection and filling of the position and this position is being funded out of the court security fund. The position will provide enough revenue to cover the expenses of the position and bring in additional revenue also.

A motion to approve an ordinance creating the office of City Marshall was made by Brian Johnson, second by Frank Fernandez. The motion passed unanimously.

E. Discuss and consider approval of AN ORDINANCE AMENDING SECTION 2-3 OF THE KENNEDALE CITY CODE (1991), AS AMENDED, BY AMENDING, REPEALING, OR PROVIDING FOR FEES FOR CERTAIN CITY SERVICES; PROVIDING FOR THE ADOPTION OF ADDITIONAL FEES BY ORDINANCE; PROVIDING FOR THE REPEAL OF FEES INCONSISTENT WITH THE FEES ESTABLISHED HEREIN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

Sakura Moten-Dedrick provided a brief update regarding the ordinance and why it is coming back for additional update. She then asked Rachel Roberts to provide an overview of the fees changes being requested. The fees being updated, as explained by Rachel, are related to the air quality monitoring fee schedule and include fees to monitor high impact and low impact wells as well as emergency situations when additional testing is needed. Rachel also reminded City Council that the City is not able to enforce air quality standards only monitor and notify TCEQ and the operator if there is a problem.

A motion to approve an ordinance amending the city's Administrative Fee Schedule as presented was made by Brian Johnson, second by Liz Carrington. The motion passed unanimously.

XIII. TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED

No action pursuant to executive session was necessary.

XIV. ADJOURNMENT

A motion to adjourn was made by Brian Johnson, second by Liz Carrington. The motion passed unanimously.

The meeting was adjourned at 7:53pm.

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Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: CONSENT ITEMS - B.

I. Subject:

Consider authorizing the City Manager to renew the lease contract for the Kennedale Chamber of Commerce for their use of the city building located at 201 South New Hope Road.

II. Originated by:

Bob Hart, City Manager

III. Summary:

The current contract is up for renewal.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: CONSENT ITEMS - C.

I. Subject:

Discuss and consider A RESOLUTION AUTHORIZING PARTICIPATION IN VARIOUS COOPERATIVE PURCHASING PROGRAMS.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:

In an effort to streamline purchasing efforts and remain in compliance with State law, it is our intent to bring forth this policy to Council for review at least annually. Any new programs or changes will be recommended at that time.

The Purchasing Policy recently adopted by the Council allows the City to utilize cooperative purchasing programs with the approval of City Council. Purchases made through an approved Cooperative Purchasing Program satisfy state law competitive bid requirements, as well any internal quote process.

Attached is a resolution approving participation in those programs specifically listed in the resolution. Council has previously approved the City's participation in several programs below, such as the Texas Building & Procurement Commission, City of Fort Worth and Tarrant County. However, below is a listing that incorporates all programs, as well as a brief description of each program for which staff seeks Council approval. <u>This list remains the same as last year's submission</u>.

FEDERAL

<u>US General Services Administration (GSA)</u>: GSA Advantage has been the most reliable and proven source for thousands of Federal purchasers worldwide. GSA Advantage offers the most comprehensive selection of approved products and services from GSA/VA Schedules, as well as all GSA Global Supply products. http://www.gsa.gov

STATE OF TEXAS

<u>Department of Information Resources (DIR)</u>: Primary responsibility is to negotiate volume purchase agreements for quality products and services available to all Texas state agencies. http://www.dir.state.tx.us

<u>Texas Building and Procurement Commission (TBPC)</u>: Primary responsibility is to provide goods, services and facilities to the State of Texas. One part of fulfilling this responsibility is to establish term

contracts available to all Texas state agencies. http://www.tbpc.state.tx.us

Texas Multiple Award Schedules (TXMAS): Established by TPASS. Adapts existing contracts that have been competitively awarded by the federal government or any other governmental entity of any state. The vast majority of TXMAS Contracts are adapted from GSA Federal Supply Service contracts. http://www.window.state.tx.us/procurement/prog/txmas/

Texas Procurement and Support Services (TPASS): Awards and manages hundreds of statewide contracts on behalf of more than 200 state agencies and 1,700 local government agencies. http://www.window.state.tx.us/procurement/

MUNICIPALITY & COUNTY & SCHOOL

City of Fort Worth, Texas. http://fortworthgov.org

Tarrant County, Texas. http://tarrantcounty.com

Parker County, Texas. http://www.co.parker.tx.us

Texas Interlocal Purchasing System (TIPS): Sponsored by the Region VIII Education Service Center (ESC) and is available for use by all public and private schools, colleges, universities, cities, counties, and other government entities in the State of Texas. TIPS has competitively bid their contracts and has followed the HUB guidelines of the State of Texas. http://www.tips-texas.com

OTHER PUBLIC & PRIVATE ENTITIES

Houston-Galveston Area Council (H-GAC): Region-wide voluntary association of local governments in the 13-county Gulf Coast Planning region of Texas. Includes 1,600+ local governments, state agencies and qualifying non-profit corporations that provide one or more governmental functions and services. The program was established pursuant to the Texas' "Interlocal Cooperation Act" that allows governmental and qualifying non-profit entities to use the Act to obtain commonly needed services, including purchasing. https://hgacbuy.com

Local Government Purchasing Cooperative (BuyBoard): Created to increase the purchasing power of government entities and to simplify their purchasing by using a customized electronic purchasing system, called the BuyBoard. The Cooperative is administered by the Texas Association of School Boards (TASB) and is endorsed by the Texas Municipal League (TML) and the Texas Association of Counties (TAC). http://buyboard.com

The Cooperative Purchasing Network (TCPN): Provides quality contracts and services that are compliant with bid laws, convenient to use, and always competitively priced. TCPN is available for use by all public and private schools, colleges, universities, cities, counties, and other government entities in the State of Texas. http://www.tcpn.org/

US Communities: Nonprofit instrumentality of government that assists public agencies in reducing the cost of purchased goods through pooling the purchasing power of public agencies nationwide. This is accomplished through competitively solicited contracts for quality products through lead public agencies. They focus on high use, high volume items. http://www.uscommunities.org

Western States Contracting Alliance: Alliance of 15 states joining forces to get the quality goods and services at cost effective prices. This program focuses on state governments. Although Texas is not one of the original states forming WSCA, we are eligible for WSCA pricing. http://www.aboutwsca.org

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution To Adopt Cooperative Purchasing Programs	Resolution To Adopt Cooperative Purchasing Programs.doc

RESOLUTION NO. _______________

A RESOLUTION OF THE CITY OF KENNEDALE, TEXAS, AUTHORIZING PARTICIPATION IN VARIOUS COOPERATIVE PURCHASING PROGRAMS

WHEREAS, Chapter 271 of the Texas Local Government Code authorizes a local government to participate in a cooperative purchasing program and provides that purchases made pursuant to an agreement with a local cooperative organization satisfy state laws requiring the local government to seek competitive bids for the purchase of the goods or services; and

WHEREAS, the Purchasing Policy of the City of Kennedale authorize purchases from a cooperative purchasing program or other approved state program provided that the City Council has approved participation; and

WHEREAS, City's participation in the cooperative purchasing programs and other approved state programs will improve efficiency in the purchasing process by allowing the City to meet competitive bid requirements, to identify and purchase goods and services from qualified vendors of commodities, to relieve the burdens of the governmental purchasing function, and to realize the various potential economies, including administrative cost savings that such programs provide; and

WHEREAS, upon consideration of the cooperative purchasing programs specified in this Resolution, and all matters attendant and related thereto, the City Council is of the opinion that the City's participation in these programs is beneficial and should be approved, that this Resolution be adopted, and that the City Manager or his designee is appointed as the Program Coordinator for the City's membership in such cooperative programs; and

WHEREAS, in the event that participation in any of the cooperative purchasing programs approved by this Resolution requires the execution of an Agreement and / or the payment of a fee, the City Manager or his designee is hereby authorized to execute any necessary Agreements for participation in such program(s) and the Program Coordinator is authorized to approve the payment of applicable fees provided that funds are budgeted and available for such participation.

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

Section 1. The foregoing premises, which are hereby found to be true and to be in the best interest of the City of Kennedale and its citizens, are hereby adopted.

Section 2. The City's participation in the following cooperative purchasing programs is hereby authorized and approved in accordance with the terms of this Resolution:

US General Services Administration (GSA)
Department of Information Resources (DIR)
Texas Building and Procurement Commission (TBPC)
Texas Multiple Award Schedules (TXMAS)
Texas Procurement and Support Services (TPASS)
City of Fort Worth Cooperative Purchasing Program
Parker County Cooperative Purchasing Program
Tarrant County Cooperative Purchasing Program
Texas Interlocal Purchasing System (TIPS)
Houston-Galveston Area Council (H-GAC)
Local Government Purchasing Cooperative (BuyBoard)
The Cooperative Purchasing Network (TCPN)
US Communities
Western States Contracting Alliance

PASSED, ADOPTED AND APPROVED by the City Council of the City of Kennedale, Texas, this the 13th day of October, 2011.

APPROVED:

____
Mayor, Bryan Lankhorst

ATTEST:

____
City Secretary, Amethyst Cirmo

OFFICIAL SEAL

Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: CONSENT ITEMS - D.

I. Subject:

Discuss and consider A RESOLUTION ADOPTING AN AMENDED CITY OF KENNEDALE FRAUD POLICY.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:

A fraud policy is established to facilitate the development of controls that will aid in the prevention, deterrence and detection of fraud against City of Kennedale.

It is the recommendation of our independent auditors that our main policies be reviewed by the Director of Finance for updates in relation to our internal control practices and submitted to Council at least annually. In order to demonstrate our review, it is custom practice for the governing board of a municipality to adopt a resolution to make the review an official public record.

There are no recommended changes at this time.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution To Amend Fraud Policy	Resolution To Amend Fraud Policy.doc
2.	Fraud Policy	20111013 Fraud Policy.pdf

RESOLUTION NO. ______________

A RESOLUTION ADOPTING AN AMENDED CITY OF KENNEDALE FRAUD POLICY

WHEREAS, on January 13, 2005, City Council adopted the document entitled, "Fraud Policy," a framework in which the aim is to safeguard the reputation and financial viability of the City of Kennedale through improved management of fraud risk; and

WHEREAS, a fraud policy is established to facilitate the development of controls that will aid in the prevention, deterrence and detection of fraud against City of Kennedale. It is the intent of City of Kennedale to promote consistent organizational behavior by providing guidelines and assigning responsibility of the development of controls and conduct of investigations; and

WHEREAS, the City Council has reviewed the City's Fraud 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 Fraud Policy dated October 13, 2011, attached hereto as "Exhibit A."

PASSED, ADOPTED AND APPROVED by the City Council of the City of Kennedale, Texas, this the 13th day of October 2011.

APPROVED:

____
Mayor, Bryan Lankhorst

ATTEST:

____
City Secretary, Amethyst Cirmo

OFFICIAL SEAL

CITY OF KENNEDALE

KENNEDALE
Finance Department

FRAUD POLICY

ORIGINALLY ADOPTED BY CITY COUNCIL: JANUARY 13, 2005

PREFACE

The aim of the Fraud Policy is to safeguard the reputation and financial viability of the City of Kennedale through improved management of fraud risk.

The fraud policy is established to facilitate the development of controls that will aid in the prevention, deterrence and detection of fraud against City of Kennedale. It is the intent of City of Kennedale to promote consistent organizational behavior by providing guidelines and assigning responsibility of the development of controls and conduct of investigations.

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

DECEMBER 11, 2008

NOVEMBER 5, 2009

OCTOBER 14, 2010

OCTOBER 13, 2011

I. BACKGROUND

The City of Kennedale fraud policy is established to facilitate the development of controls that will aid in the detection, deterrence and prevention of fraud against City of Kennedale. It is the intent of City of Kennedale to promote consistent organizational behavior by providing guidelines and assigning responsibility of the development of controls and conduct of investigations.

II. SCOPE OF POLICY

This policy applies to any irregularity, or suspected irregularity, involving employees as well as consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with City of Kennedale.

Any investigative activity required will be conducted with regard to the suspected wrongdoer's length of service, position/title, or relationship to the City of Kennedale.

III. POLICY

Management is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her inquiry. Each member of the management team will be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity.

Any irregularity that is detected or suspected must be confidentially reported immediately to the City Manager, who coordinates all investigations with the legal counsel and other affected areas both internal and external.

IV. ACTIONS CONSTITUTING FRAUD

The terms defalcation, misappropriation, and other fiscal irregularities refer to, but are not limited to:

A. Any dishonest or fraudulent act;

B. Misappropriation of funds, securities, supplies, or other assets;

C. Impropriety in the handling or reporting of money or financial transactions;

D. Profiteering as a result of insider knowledge of City activities;

E. Disclosing confidential and proprietary information to outside parties;

F. Disclosing to other persons activities engaged in contemplated by the City of Kennedale;

G. Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the City of Kennedale. Exception: Gifts less than $25 in value;

H. Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment; and /or

I. Any similar or related irregularity.

V. OTHER IRREGULARITIES

Irregularities concerning an employee's moral, ethical, or behavioral conduct should be resolved by departmental management and Human Resources.

If there is any question as to whether an action constitutes fraud, contact the appropriate department head for guidance.

VI. INVESTIGATION RESPONSIBLITIES

City Manager has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. Should an investigation substantiates that fraudulent activities have occurred, the City Manager will issue reports to appropriate designated personnel, and if appropriate, to the City Council.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel and senior management, as will final decisions on disposition of the case.

VII. CONFIDENTIALITY

All parties involved will treat all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify the City Manager Office immediately, and **should not attempt to personally conduct investigations or interview/interrogations** related to any suspected fraudulent act (see REPORTING PROCEDURE section below).

Investigation results **will not be disclosed or discussed** with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the City of Kennedale from potential civil liability.

VIII. AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD

All searches must be authorized in advance by the City Manager and conducted under the direction of the Department Head and/or City Manager. The City Manager or designee will have:

A. Free and unrestricted access to all City of Kennedale records and premises at any time, whether owned or rented; and

B. The authority to conduct unannounced searches or inspections of the worksite, including, but not limited to, City property used by employees such as lockers, file cabinets, desks, vehicles and offices, whether secured, unsecured or secured by a lock provided by the employee; and

C. If reasonable suspicion exists, the authority to conduct unannounced searches or inspection of the employee's personal property located on City premises, included purses, lunch boxes, brief cases and private vehicles or vehicles used to conduct City business located on City property; and

D. **Employees are not entitled to any expectation of privacy with respect to such or similar items. Employee refusal to cooperate with a search will likely be subject to disciplinary action, up to and including termination.**

IX. REPORTING PROCEDURES

Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

An employee who discovers or suspects fraudulent activity will **contact his or her department head immediately**. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the City Manager or his designee or the legal counsel. No information concerning the status of an investigation will be given out. The proper response to any inquiries is: **"I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation," "the crime," "the fraud," "the forgery," " the misappropriation" or any other specific reference.**

The reporting individual should be informed of the following:

A. Do not contact the suspected individual in an effort to determine facts or demand restitution.

B. Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the legal counsel or the investigating agency.

X. TERMINATION

If an investigation results in a recommendation to terminate an individual, the recommendation will be reviewed for approval by the designated representatives from Human Resources and the legal counsel before any such action is taken. Should the employee believe the management decision inappropriate for the facts presented, the facts will be presented to executive level management for a decision through the appropriate appeals process in personnel policy.

XI. ADMINSTRATION

City Management is responsible for the administration, revision, interpretation, and application of this policy.

XII. ANNUAL REVIEW

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

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Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: CONSENT ITEMS - E.

I. Subject:

Discuss and consider A RESOLUTION ADOPTING AN AMENDED CITY OF KENNEDALE GRANT SUBMISSION & ACCEPTANCE POLICY.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:

From time to time, various city departments have the opportunity to seek, apply for and receive grant funding for, but not limited to federal, state and local sources. In an effort to support and advance the mission, goals and objectives of the City of Kennedale, this newly created policy establishes standard practices and procedures to create uniformity, economy, efficiency and effectiveness in the proper management and accounting of such grants.

It is the recommendation of our independent auditors that our main policies be reviewed by the Director of Finance for updates in relation to our internal control practices and submitted to Council at least annually. In order to demonstrate our review, it is custom practice for the governing board of a municipality to adopt a resolution to make the review an official public record.

There are no recommended changes at this time.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution To Amend Grant Submission & Acceptance Policy	Resolution To Amend Grant Submission & Acceptance Policy.doc
2.	Grant Submission & Acceptance Policy	20111013 Grant Submission & Acceptance Policy.pdf

RESOLUTION NO. ________________

A RESOLUTION ADOPTING AN AMENDED CITY OF KENNEDALE GRANT SUBMISSION & ACCEPTANCE POLICY

WHEREAS, on March 11, 2010, City Council adopted the document entitled, "Grant Submission & Acceptance Policy," which establishes standard practices and procedures to create uniformity, economy, efficiency and effectiveness in the proper management and accounting of such grants, and

WHEREAS, the City Council has reviewed the City's Grant Submission & Acceptance 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 Grant Submission & Acceptance Policy dated October 13, 2011, attached hereto as "Exhibit A."

PASSED, ADOPTED AND APPROVED by the City Council of the City of Kennedale, Texas, this the 13th day of October 2011.

APPROVED:

____
Mayor, Bryan Lankhorst

ATTEST:

____
City Secretary, Amethyst Cirmo

OFFICIAL SEAL

CITY OF KENNEDALE

KENNEDALE
Finance Department

GRANT SUBMISSION & ACCEPTANCE POLICY

ORIGINALLY ADOPTED BY CITY COUNCIL: MARCH 11, 2010

PREFACE

From time to time, various city departments have the opportunity to seek, apply for and receive grant funding for, but not limited to federal, state and local sources. In an effort to support and advance the mission, goals and objectives of the City of Kennedale, this policy establishes standard practices and procedures to create uniformity, economy, efficiency and effectiveness in the proper management and accounting of such grants.

It is the recommendation of our independent auditors that our main policies be reviewed by the Director of Finance for updates in relation to our internal control practices and submitted to Council at least annually. In order to demonstrate our review, it is 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 14, 2010

OCTOBER 13, 2011

I. PURPOSE

To establish standard practices and procedures to create uniformity, economy, efficiency and effectiveness in the proper management and accounting of grants including, but not limited to federal, state and local sources.

II. POLICY

In an effort to support and advance the missions, goals and objectives of the City of Kennedale, city departments shall from time to time have the opportunity to seek, apply for and receive grant funding.

All solicitations for external funding, whether they require or make promise of matching funds from the City, must receive the appropriate Department Director, City Manager and/or City Council, and then Finance Department approval prior to application submission.

III. GRANT OFFICIALS

It is the policy of each Department Director to designate a Project Manager to maintain stringent control over all monies administered by their department and to ensure that all funds are used only for authorized purposes and managed in accordance with the city's budget and Finance Department. It is also the responsibility of the Project Manager within each department to maintain control over all documentation necessary to facilitate and manage the awarded grant. All grants are required to have three different grant officials.

A. Authorized Official

1) Only the City Manager, or an authorized designee, shall be authorized to sign all grant documents and be listed as the authorized official on behalf of the City of Kennedale.

B. Project Manager

1) The Project Manager shall be responsible for the day-to-day operations of the project. Each department within the city may have a different project manager per grant. The Project Manager must be a city employee and will have sole responsibility for program reporting.

C. Financial Officer

1) The Financial Officer is required to be the Chief Financial Officer (CFO) or Director of Finance for the City of Kennedale. This person shall be responsible for maintaining financial records, account for all grant funds, supplying required

financial reports as deemed necessary and providing all information during any and all grant funding audits.

III. GRANT SEARCH

A. Each department within the city is responsible for monitoring grant announcements to identify new grant opportunities and actively pursue specific grants for existing or potential projects and/or programs and disseminating that information throughout the department.

B. Each department shall be responsible in developing its project, program and research ideas.

C. Each department shall be responsible to review funding agencies, compare the types of proposals and the amount of funding awarded with the goals of your project.

IV. GRANT SUBMISSION

A. There may be several application processes each year depending on funding. When grant opportunities are discovered, each department shall be responsible for preparing a calendar for the grant application process. Special attention should be made to application deadlines.

B. Once grant opportunities are identified, project managers must obtain the appropriate Department Director, City Manager and/or City Council, and then Finance Department approval prior to application submission. In the event that the City Manager deems it necessary to seek City Council approval, each department is responsible for the preparation and submission of a Staff Memo and supporting resolution to Council for the consideration of funding.

C. The Finance Department aids Project Managers in the financial structure of the proposed projects. In order to successfully do such, the Project Manager must be knowledgeable of the financial and administrative requirements of the grantor agency, application instruction, and all other financial aspects of the proposed grant. Project managers and/or grant writers may submit applications to the Finance Department for review and analysis for accuracy and compliance with all applicable financial rules and regulations, including any applicable cash match requirement. The applications may be returned to the Project Manager as necessary for any revisions.

D. The Project Manager will obtain all appropriate signatures and submit the grant applications, as well as any supporting documentation to the grantor agency by the submission deadline. The Project Manager shall also coordinate with other city departments should their involvement be required upon grant award and acceptance.

V. GRANT ACCEPTANCE

A. Should funds be awarded, each grant must be scheduled for City Council acceptance and/or acknowledgement. In the event the City Manager deems acceptance necessary, the Project Manager shall prepare a packet and place the grant on the appropriate City Council agenda. The city shall officially accept each grant by completing all administrative requirements and obtaining appropriate signatures as specified in the Statement of Award. Each grant awarded outlines acceptance deadlines. Special care must be met to meet these deadlines.

B. In cases where a local or other match is required by the city, the City Manager and Finance Department must work closely together with the Project Manager in order to meet the financial requirements of the grant.

VI. ESTABLISHING & MAINTAINING BUDGETS

A. Once grants have been accepted and/or acknowledged by the City Council, the Finance Department shall set up the appropriate accounting/budget requirements, which will allow the city department to properly manage grant funds. Special care must be taken in that each grant has its own specific terms and conditions of expending funds.

B. Expenditure and revenue reports shall be monitored by the Project Manager and Finance Department on a monthly basis for problems or errors. Necessary adjustments to the accounting system should be made at that time by the appropriate personnel.

VII. PAYMENT AUTHORIZATIONS

A. All expensed funds, to include invoices, travel requests, purchase requests, etc., will be reviewed by the Project Manager to ensure that the appropriate line items are utilized according to grant application budget.

B. The Finance Department shall have exclusive authority to deposit all grant funding received into appropriate accounts designated by Finance Department personnel.

C. The Finance Department shall ensure that appropriate accounting measures are met to provide payments for each expense within the grant process and according to the city's Purchasing Policy.

D. The Finance Department will assign general ledger numbers to segregate revenues and expenses unique to each project and budget category.

E. As deemed necessary, the Finance Department shall produce monthly accounting reports in accordance with grant requirements.

F. The Finance Department will shall have exclusive authority to schedule, attend and monitor outside auditing of grant funds. All appropriate financial documents will be produced by finance department for audits.

VIII. GRANT REIMBURSEMENT

Grant funds cannot be obligated before the beginning or after the end of the grant period. Furthermore, each granting authority will provide specific requirements for the entity requesting reimbursement of funds. However, in an effort to ensure funds are reimbursed and received in a timely manner, please note the items below in reference to the following areas:

A. Travel Costs

1) Reimbursement is based on a cost for reasonable and allowable expenditures. Special attention should be made to the terms and conditions of your grant. Travel expenses to include mileage, per diem and lodging must comply with state and Internal Revenue Service (IRS) travel requirements, unless otherwise stated in your grant requirements.

2) Should travel be required for training, proof of attendance and/or training certificates must be maintained.

3) Records and supporting data must be documented for travel expenditures.

B. Salaries

1) Contact the Finance Department in order to calculate appropriate salary and/or benefits for the grant budget.

2) Maintain accurate record of timecards, including name of personnel, hours worked, assignments processed and signature of personnel and supervisor for each grant funding expended.

3) Maintain accurate records for volunteers, including name of volunteer, hours worked, assignments processed and signature of volunteer and supervisor for each grant project.

4) Maintain log of daily activities performed for all hours worked.

5) Clear distinction must be made for all personnel to accurately differentiate between time spent on grant activities and time spent on other activities.

6) Overtime compensation to any personnel must be budgeted and/or approved prior to payment.

C. Purchasing

1) While each grant may have specific guidelines, any and all purchases must also comply with the city's Purchasing Policy.

2) An inventory of all items purchased through external funding must be updated and maintained by the Finance Department, with particular attention paid to the categorization of fixed assets.

IX. GRANT REPORTING

A. Project Managers must report their progress in meeting goals, objectives and measures stated in their application. These progress reports are used to comply with local, state and federal requirements.

B. Each grant will outline the necessary reporting requirements. The Project Manager will take every precaution to meet these deadlines.

C. The Project Manager will prepare and provide the necessary reports to each department in order to obtain the appropriate information and signatures as required by the grant.

X. GRANT CLOSING

A. Closure is initiated by the Project Manager as outlined by the grant. The following steps shall be monitored by the Project Manager:

1) Ensure that all grant funds have been properly recorded and a final Financial Status Report submitted.

2) Ensure that all grant funds have been properly recorded and any other reports submitted as required.

3) Demonstrate that all budgeted expenditures have been captured and grant funds have been used appropriately.

4) Ensure that the grantor has accepted all required reports. This includes completion of final expenditure report and inventory reports for any equipment purchased with grant funds. The inventory total must equal the total equipment as reported on the final expenditure report. Any unused funds disbursed from the grantor agency must be returned with the final report.

5) All expenditure reports for the granting agency have been reconciled to the city's accounting system.

6) Request disposition of equipment purchased with grant funds, following grant requirements and city's disposition policy.

B. Once these items are complete, the Project Manager should notify the Finance Department that the grant should be closed within the city's accounting system. It is also the Finance Department's responsibility to closely monitor the overall status of all grants and work with each city department to ensure appropriate closure.

XI. RECORDKEEPING

A. Each department must maintain all grant records, supporting documents, statistical records, and all other records pertinent to your grant for at least three (3) years following the closure of the most recent audit report or submission of the final expenditure if the audit report requirement has been waived. Records should be retained in their original format.

B. While each department is responsible for maintaining the aforementioned items, the Finance Department will maintain any and all grant documents related to the reimbursement of funds, as well as other basic documentation for auditing purposes (e.g., copy of grant application, award letter, other supporting documentation, etc.).

C. If any litigation, claim, negotiation, audit, or other action involving grant records has been stared before the expiration of three years, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular three (3) year period, whichever is later.

D. Grantors may require retention periods in excess of three (3) years. Departments must ensure they comply with retention requirements specified by each grantor.

E. Retention requirements extend to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records.

XII. ANNUAL REVIEW

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

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Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: CONSENT ITEMS - F.

I. Subject:

Discuss and consider A RESOLUTION ADOPTING AN AMENDED CITY OF KENNEDALE IDENTITY THEFT PREVENTION PROGRAM POLICY.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:

The Federal Trade Commission (FTC) adopted rules on identity theft "red flags" (i.e., warning signs) pursuant to the Fair and Accurate Credit Transactions (FACT) Act of 2003. The new rules requires any business with a "covered account" to adopt and implement an identity theft program. Most cities that operate a municipal utility will be affected by these new rules. A covered account is one where an entity (such as a municipal utility) provides a service or good before the consumer pays for it. For example, most municipal water utilities provide water to the customer, then the utility bills the customer later based on consumption.

It is the recommendation of our independent auditors that our main policies be reviewed by the Director of Finance for updates in relation to our internal control practices and submitted to Council at least annually. In order to demonstrate our review, it is custom practice for the governing board of a municipality to adopt a resolution to make the review an official public record.

There are no recommended changes at this time.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution To Amend Identity Theft Prevention Program Policy	Resolution To Amend Identity Theft Prevention Program.doc
2.	Identity Theft Prevention Program Policy	20111013 Identity Theft Prevention Program Policy.pdf

RESOLUTION NO. _______________

A RESOLUTION ADOPTING AN AMENDED CITY OF KENNEDALE IDENTITY THEFT PREVENTION PROGRAM (ITPP) POLICY

WHEREAS, on November 13, 2008, City Council adopted the document entitled, “Identity Theft Prevention Program Policy,” the Fair and Accurate Credit Transactions Act of 2003, Pub. L. 108-159, ("Red Flags Rule") requires certain financial institutions and creditors with "covered accounts" to prepare, adopt, and implement an identity theft prevention program to identify, detect, respond to and mitigate patterns, practices or specific activities which could indicate identity theft; and

WHEREAS, the City of Kennedale maintains certain continuing accounts with utility service customers and for other purposes which involve multiple payments or transactions, and such accounts are "covered accounts" within the meaning of the Red Flags Rule; and

WHEREAS, the City Council has reviewed the City’s Identity Theft Prevention Program 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 Identity Theft Prevention Program Policy dated October 13, 2011, attached hereto as “Exhibit A.”

PASSED, ADOPTED AND APPROVED by the City Council of the City of Kennedale, Texas, this the 13th day of October 2011.

APPROVED:

____
Mayor, Bryan Lankhorst

ATTEST:

____
City Secretary, Amethyst Cirmo

OFFICIAL SEAL

CITY OF KENNEDALE

KENNEDALE
Finance Department

IDENTITY THEFT PREVENTION PROGRAM POLICY

ORIGINALLY ADOPTED BY CITY COUNCIL: NOVEMBER 13, 2008

PREFACE

The Federal Trade Commission (FTC) recently adopted rules on identity theft “red flags” (i.e., warning signs) pursuant to the Fair and Accurate Credit Transactions (FACT) Act of 2003. The new rules, which mandate action by November 1, 2008 (recently extended to May 1, 2009), require any business with a “covered account” to adopt and implement an identity theft program. Most cities that operate a municipal utility will be affected by these new rules.

A covered account is one where an entity (such as a municipal utility) provides a service or good before the consumer pays for it. For example, most municipal water utilities provide water to the customer, then the utility bills the customer later based on consumption.

A city with such accounts must adopt and implement a written program that: (1) identifies relevant identity theft “red flags” to the utility or other covered entity; (2) provides for detection of those red flags; (3) provides for appropriate responses to any red flags that are detected; and (4) ensures that the program is updated periodically to address changing risks.

Red flags may include unusual account activity, altered identity documents that are used to apply for an account, and a variety of other signs. Appropriate action in response to a red flag might include, among other actions, verification of personal information, contacting the customer, or other action that would prevent identity theft.

It is our intent to bring forth this ITPP 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

NOVEMBER 13, 2008

NOVEMBER 5, 2009

OCTOBER 14, 2010

OCTOBER 13, 2011

I. PROGRAM ADOPTION

The City of Kennedale ("City") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flags Rule (“Rule”), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. § 681.2. This Program was developed for the Utility Department of the City (“Utility”) with oversight and approval of the City Council. After consideration of the size and complexity of the Utility's operations and account systems, and the nature and scope of the Utility's activities, the City Council determined that this Program was appropriate for the City’s Utility, and therefore approved this Program on November 13, 2008.

II. PURPOSE AND DEFINITIONS

A. Establish an Identity Theft Prevention Program

To establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003

B. Establishing and Fulfilling Requirements of the Red Flags Rule

The Red Flags Rule (“Rule”) defines “Identity Theft” as “fraud committed using the identifying information of another person” and a “Red Flag” (“Red Flag”) as a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

Under the Rule, every financial institution and creditor is required to establish an “Identity Theft Prevention Program” tailored to its size, complexity and the nature of its operation. The Program must contain reasonable policies and procedures to:

1) Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2) Detect Red Flags that have been incorporated into the Program;
3) Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4) Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

C. Red Flags Rule Definitions Used In This Program

1) City: The City of Kennedale, Texas.
2) Covered Account: Under the Rule, a “covered account” is:

a) Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; or

b) Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

3) Creditors: The Rule defines creditors "to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors."

4) Identifying Information is defined under the Rule as "any name or number that may be used, alone or in conjunction with any other information, to identify a specific person," including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

5) Program: The Identity Theft Prevention Program for the City.

6) Program Administrator: The Director of Finance is the Program Administrator for the Program.

7) Utility: The Utility is the Utility Department for the City.

III. IDENTIFICATION OF RED FLAGS

In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings From Consumer Credit Reporting Agencies

1) Red Flags

a) Report of fraud accompanying a consumer credit report;

b) Notice or report from a consumer credit agency of a credit freeze on a customer or applicant;

c) Notice or report from a consumer credit agency of an active duty alert for an applicant; and

d) Indication from a consumer credit report of activity that is inconsistent with a customer's usual pattern or activity, including but not limited to:

- Recent and significant increase in volume of inquiries
- Unusual number of recent credit applications
- A material change in use of credit
- Accounts closed for cause or abuse

B. Suspicious Documents

1) Red Flags

a) Identification document or card that appears to be forged, altered or inauthentic;
b) Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
c) Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
d) Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

1) Red Flags

a) Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates, lack of correlation between Social Security number range and date of birth);
b) Identifying information presented that is inconsistent with other sources of information (for instance, Social Security number or an address not matching an address on a credit report);
c) Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
d) Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
e) Social Security number presented that is the same as one given by another customer;
f) An address or phone number presented that is the same as that of another person;
g) A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required) or an applicant cannot provide information requested beyond what could commonly be found in a purse or wallet; and
h) A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

1) Red Flags

a) Change of address for an account followed by a request to change the account holder's name;
b) Payments stop on an otherwise consistently up-to-date account;
c) Account used in a way that is not consistent with prior use (example: very high activity);
d) Mail sent to the account holder is repeatedly returned as undeliverable;
e) Notice to the Utility that a customer is not receiving mail sent by the Utility;
f) Notice to the Utility that an account has unauthorized activity;
g) Breach in the Utility's computer system security; and
h) Unauthorized access to or use of customer account information.

E. Alerts from Others

1) Red Flag

a) Notice to the Utility from a customer, identity theft victim, fraud detection service, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

IV. DETECTING RED FLAGS

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a new account, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

1) Detect

a) Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
b) Verify the customer's identity (for instance, review a driver's license or other identification card);
c) Review documentation showing the existence of a business entity;
d) Request additional documentation to establish identity; and
e) Independently contact the customer or business.

B. Existing Accounts

In order to detect any of the Red Flags identified above for an existing account, Utility personnel will take the following steps to monitor transactions with an account:

2) Detect

a) Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
b) Verify the validity of requests to close accounts or change billing addresses; and
c) Verify changes in banking information given for billing and payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

A. Prevent and Mitigate

1) Continue to monitor an account for evidence of Identity Theft;
2) Contact the customer, sometimes through multiple methods;
3) Change any passwords or other security devices that permit access to accounts;
4) Not open a new account;
5) Close an existing account;
6) Do not close the account, but monitor or contact authorities;
7) Reopen an account with a new number;
8) Notify the Program Administrator for determination of the appropriate step(s) to take;
9) Notify law enforcement; or
10) Determine that no response is warranted under the particular circumstances.

B. Protect Customer Identifying Information

In order to further prevent the likelihood of identity theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1) Ensure that its website is secure or provide clear notice that the website is not secure;
2) Where and when allowed, ensure complete and secure destruction of paper documents and computer files containing customer information;
3) Ensure that office computers are password protected and that computer screens lock after a set period of time;
4) Change passwords on office computers on a regular basis;

5) Ensure all computers are backed up properly and any backup information is secured;
6) Keep offices clear of papers containing customer information;
7) Request only the last 4 digits of social security numbers (if any);
8) Ensure computer virus protection is up to date; and
9) Require and keep only the kinds of customer information that are necessary for utility purposes.

VI. PROGRAM UPDATES

This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. At least annually, the Program Administrator will consider the Utility's experiences with Identity Theft situation, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the Utility maintains and changes in the Utility's business arrangements with other entities, consult with law enforcement authorities, and consult with other City personnel. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the City Council with his or her recommended changes and the City Council will make a determination of whether to accept, modify or reject those changes to the Program.

VII. PROGRAM ADMINISTRATION

A. Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by a Program Administrator who may be the head of the Utility or his or her appointee. Two or more other individuals appointed by the head of the Utility or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

Initially, all Utility staff shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. Thereafter, all Utility staff shall undergo update training not less than annually. Additionally, all new Utility employees shall undergo training.

All Utility staff shall submit reports as needed concerning the Utility's compliance with the program, the training that has been given and the effectiveness of the policies and procedures in addressing the risk of Identity Theft, including recommendations for changes to the Program. While incidents of Identity Theft are to be reported immediately to the Program Administrator, the reports shall contain a recap of the incident and include the steps taken to assist with resolution of the incident.

C. Service Provider Arrangements

In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, including but not limited to franchise utility providers, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1) Require, by contract or contract amendment, that service providers have such policies and procedures in place; and
2) Require, by contract or contract amendment, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

D. Specific Program Elements and Confidentiality

For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the Utility's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices is to be limited to the Identity Theft Committee and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation and prevention practices are listed in this document.

VIII. ANNUAL REVIEW

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

Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

Discuss and consider approval of a Resolution nominating candidates for the Tarrant Appraisal District Board of Directors.

II. Originated by:

Bob Hart, City Manager

III. Summary:

Please see the attached information. This resolution must be sent to TAD tomorrow, October 14th in order to be considered.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	TAD Info	TAD Info.pdf

Tarrant Appraisal District

REC'D SEP 19 2011

Jeff Law
Executive Director
Chief Appraiser

September 15, 2011

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

Dear Mr. Hart:

The terms of service for our five members of the Board of Directors will expire on December 31, 2011 and it is time to begin the process of conducting an election.

Based on the amount of the 2010 adjusted tax levy imposed by each eligible taxing unit, we have calculated the number of votes for your entity. The enclosed list will provide you with that information.

The first step in the procedure is the nomination of candidates. Each voting unit may nominate one candidate for each of the five positions to be filled. You are not required to make any nomination or you may nominate any number up to five. The County Tax Assessor/Collector is a member of the Board of Directors by law.

In order to be eligible to serve as directors, the 2011 nominees must have resided in the Tarrant Appraisal District for at least two years prior to January 1, 2012. They may serve on the governing body of a taxing unit in the Tarrant Appraisal District and still be eligible to serve as a Director. However, an employee of a taxing unit is prohibited from serving as a Director unless that employee is also an elected official of the governing body. A Director may not be related to a person who is in the business of appraising property for property tax purposes or represents property owners in proceedings in the appraisal district or who is employed by the appraisal district. A person is ineligible to serve as a director if he, or a business in which he has a substantial interest, enters into a contract with the appraisal district or enters into a contract with a taxing unit in the district, if that contract relates to the performance of an activity governed by Title I of the Texas Property Tax Code (for example, appraising property for tax purposes or determining eligibility for exemptions). A substantial interest exists where the person and spouse have a combined ownership of at least 10% of the voting stock or shares of a business, or either of them is a partner, limited partner or an officer. If you have questions concerning the qualifications of nominees for a Board position, please call the undersigned.

The nominations for Directors, which must be made in an open meeting of your taxing unit, should be submitted by the presiding officer to the Chief Appraiser in the form of a resolution adopted by the governing body by October 14, 2011, giving the names and addresses of the nominees. A current resume or vita is also helpful.

The appointment calendar is as follows:

By October 14, 2011	Nominations by resolution
By October 29, 2011	Ballots listing nominees delivered to Presiding Officer
By December 14, 2011	Entity submits votes by resolution to Chief Appraiser
By December 31, 2011	Five (5) nominees receiving largest cumulative vote totals are elected
January 1, 2012	Board takes office for two year term

The duties of the Board are outlined in Chapter 6, Texas Property Tax Code. If you have any questions, do not hesitate to call the undersigned.

Sincerely,

Jeff Law
Executive Director
Chief Appraiser

JL:mm
Encl.

Board of Directors
Tarrant Appraisal District
2010- 2011

Joe Potthoff, Chairman
John Molyneaux, Secretary
Tommy Brown, Member
John Fegan, Member
Michael Glaspie, Member
Ron Wright, Non-Voting Member

TARRANT APPRAISAL DISTRICT
2011 Calculation of Taxing Entity Votes for Board of Directors
Per Section 6.03(d) of Texas Property Tax Code

	2010 TAXES IMPOSED		% OF TOTAL	2011 VOTES
School Districts:				
Aledo	$	1,908,268	0.07238%	4
Arlington	$	251,881,343	9.55423%	478
Azle	$	16,749,130	0.63532%	32
Birdville	$	96,759,248	3.67022%	184
Burleson	$	17,317,694	0.65689%	33
Carroll	$	77,366,025	2.93461%	147
Castleberry	$	6,316,546	0.23960%	12
Crowley	$	67,290,515	2.55243%	128
Eagle Mountain/Saginaw	$	87,744,116	3.32826%	166
Everman	$	13,628,226	0.51694%	26
Fort Worth	$	327,537,549	12.42398%	621
Godley	$	852,288	0.03233%	2
Grapevine/Colleyville	$	130,977,404	4.96816%	248
Hurst/Euless/Bedford	$	106,767,936	4.04986%	202
Keller	$	163,681,304	6.20867%	310
Kennedale	$	14,424,899	0.54716%	27
Lake Worth	$	11,329,806	0.42976%	21
Lewisville	$	1,378,397	0.05228%	3
Mansfield	$	127,090,626	4.82073%	241
Northwest	$	59,781,903	2.26761%	113
White Settlement	$	22,307,941	0.84617%	42
Total Schools	$	1,603,091,164	60.80758%	3040
Cities:				
Arlington	$	110,303,666	4.18398%	209
Azle	$	3,314,248	0.12571%	6
Bedford	$	13,906,842	0.52751%	26
Benbrook	$	9,588,529	0.36371%	18
Blue Mound	$	480,555	0.01823%	1
Burleson	$	3,465,985	0.13147%	7
Colleyville	$	13,176,617	0.49981%	25
Crowley	$	4,649,689	0.17637%	9
Dalworthington Gardens	$	788,921	0.02992%	1
Edgecliff Village	$	491,954	0.01866%	1
Euless	$	11,858,094	0.44979%	22
Everman	$	1,261,408	0.04785%	2
Flower Mound	$	439,234	0.01666%	1

Forest Hill	$ 3,605,708	0.13677%	7
Fort Worth	$ 340,297,183	12.90797%	645
Grand Prairie	$ 30,585,705	1.16016%	58
Grapevine	$ 20,590,437	0.78103%	39
Haltom City	$ 9,619,971	0.36490%	18
Haslet	$ 1,538,151	0.05834%	3
Hurst	$ 12,402,805	0.47046%	24
Keller	$ 17,305,714	0.65643%	33
Kennedale	$ 3,720,971	0.14114%	7
Lakeside	$ 380,332	0.01443%	1
Lake Worth	$ 1,793,815	0.06804%	3
Mansfield	$ 28,657,951	1.08704%	54
N. Richland Hills	$ 20,510,856	0.77801%	39
Pantego	$ 898,268	0.03407%	2
Pelican Bay	$ 278,412	0.01056%	1
Reno	$ 26,702	0.00101%	0
Richland Hills	$ 2,874,895	0.10905%	5
River Oaks	$ 1,831,830	0.06948%	3
Roanoke	$ 301,307	0.01143%	1
Saginaw	$ 5,383,854	0.20422%	10
Sansom Park	$ 629,230	0.02387%	1
Southlake	$ 24,858,853	0.94293%	47
Trophy Club	$ 386,136	0.01465%	1
Watauga	$ 5,643,765	0.21408%	11
Westlake	$ 1,275,931	0.04840%	2
Westover Hills	$ 1,578,554	0.05988%	3
Westworth Village	$ 743,500	0.02820%	1
White Settlement	$ 3,435,053	0.13030%	7
Total Cities	$ 714,881,631	27.11650%	1356
Other:			
Tarrant County	$ 318,361,546	12.07592%	604
Total Other	$ 318,361,546	12.07592%	604
Total All	$ 2,636,334,341	100%	5,000

Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: REGULAR ITEMS - B.

I. Subject:

Discuss and consider appointing Cheri Yori to Place 3 of the Arts and Cultural Advisory Board.

II. Originated by:

III. Summary:

Please see the attached application. Cheri was recruited by new member Jeffrey Nevarez.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Application	Cheri Yori.pdf

KENNEDALE
You're Here,Your Home
405 Municipal Drive, Kennedale, Texas76060

BOARD/COMMISSION CANDIDATE
DATA SHEET

Check all Board and Commissions of Interest and rank order of interest from 1 to 8:

- [ ] Park Board
- [ ] Planning & Zoning
- [ ] Library Advisory Board
- [ ] Keep Kennedale Beautiful
- [ ] Comprehensive Plan Task Force
- [ ] Board of Adjustment
- [ ] Building Board of Appeals
- [ ] Economic Development Board
- [x] Culture & Arts Board

Name: Cheri Yori Age (Optional): 63

Home Address: 325 Spring Branch Lane

Home Phone: Business/Cell Phone: 817-907-2135

Email: Cheri.yori@gmail.com Alt. Contact: 1047086485

Resident of City for 10 Years Voter Registration No: ↓

Occupation: Administrative Specialist

Education: MBA, Healthcare Services Administration

Special Knowledge or Experience Applicable to City Board or Commission Function:

- [ ] Banking/Finance
- [ ] Building/Construction
- [ ] Real Estate/Development
- [ ] Industrial Training
- [ ] Business Development
- [ ] Promotion/Marketing
- [ ] Manufacturing/Industrial Operations
- [ ] Law/Contract Administration

Other information (Civic Activities, etc.):

I have attended one or more meetings of the board or commission for which I have applied: [ ] Yes [x] No

Date: 9/18/11 Signature: Cheri Yori

RETURN COMPLETED FORM TO THE CITY SECRETARY'S OFFICE,
Amethyst Cirmo, City Secretary
City of Kennedale, 405 Municipal Drive, Kennedale, Texas 76060
Phone: (817) 985-2104 - E-mail: acirmo@cityofkennedale.com

Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: REGULAR ITEMS - C.

I. Subject:

Discuss and consider authorizing the City Manager to execute an interlocal agreement with Tarrant County for construction related to the extension of Little School Road.

II. Originated by:

Bob Hart, City Manager

III. Summary:

Please see attached contract.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Little School	Little School.pdf

THE STATE OF TEXAS

INTERLOCAL AGREEMENT

COUNTY OF TARRANT

BACKGROUND

This Interlocal Agreement is between County of Tarrant ("COUNTY"), and the City of Kennedale ("CITY");

Sections 791.001 – 791.029 of the Texas Government Code provide legal authority for this Agreement;

During the performance of the governmental functions and the payment for the performance of those governmental functions the parties will make the performance and payment from current revenues legally available to that party; and

The Commissioners Court of the COUNTY and the City Council of the CITY each find:

a. This Agreement serves the common interest of both parties;
b. This Agreement will benefit the public;
c. The division of costs fairly compensates both parties to this Agreement; and
d. The CITY and COUNTY have authorized their representative to sign this Agreement.

The Parties therefore agree as follows:

TERMS AND CONDITIONS

1. COUNTY RESPONSIBILITY

COUNTY will furnish the labor and equipment for the following project:

The construction of Little School Road Extension at a width of 36 feet for a length of approximately .05 miles from Kennedale Parkway to Railroad Easement. This construction will include:

1.1 Stabilize and compact sub-grade at a depth of ten inches;
1.2 Apply asphalt emulsion prime coat;
1.3 Place and compact four inches of Type B Hot Mix Asphalt Concrete;
1.4 Place Geosynthetic Petromat material;
1.5 Place and compact three inches of Type D Hot Mix Asphalt Concrete.

2. CITY RESPONSIBILITY

2.1 CITY will pay all trucking charges and furnish all materials for the project including stabilization materials, hot mix asphalt, asphalt emulsion, geosynthetic material and flexible base.

2.2 CITY will furnish a site for dumping waste materials generated during this project.

2.3 CITY will furnish all rights of way, plan specifications and engineering drawings.

2.4 CITY will furnish necessary traffic controls including Type A barricades to redirect traffic flow to alternate lanes during the construction phase of the project.

2.5 CITY will provide temporary driving lane markings.

2.6 If a Storm Water Pollution Prevention Plan is required, the CITY will be responsible for the design and development of the Plan. CITY will pay for all cost (including subcontractor materials, labor and equipment) associated with the implementation and maintenance of the Plan.

2.7 CITY will ensure that the project is cleared of obstructions which could damage county equipment during construction.

2.8 CITY will verify the location of all utility locations, mark those locations and then remove the utilities that will interfere with the progress of the project.

2.9 CITY will provide a stockpile site for materials used for this project.

2.10 CITY will provide soil lab testing for this project.

3. PROCEDURES DURING PROJECT

COUNTY retains the right to inspect and reject all materials provided for this project. CITY will provide quality assurance inspection for the project. If the CITY has a complaint regarding the construction of the project, the CITY must complain in writing to the COUNTY within 30 days of project completion. Upon expiration of 30 days after project completion, the CITY becomes responsible for maintenance of the project.

4. NO WAIVER OF IMMUNITY

This agreement does not waive COUNTY rights under a legal theory of sovereign immunity. This agreement does not waive CITY rights under a legal theory of sovereign immunity.

5. OPTIONAL SERVICES

5.1 If requested by CITY, the COUNTY may apply permanent striping;

5.2 If necessary, COUNTY may furnish flag persons;

5.3 If required, the CITY will pay for engineering services, storm water run-off plans, and continuation of services and plan;

5.4 If a Storm Water Prevention Plan is provided by CITY, COUNTY will be responsible for the implementation and maintenance of the Plan during the duration of the project.

6. TIME PERIOD FOR COMPLETION
CITY will give the COUNTY notice to proceed at the appropriate time. However, COUNTY is under no duty to commence construction at any particular time.

7. THIRD PARTY
The parties do not enter into this agreement to protect any specific third party. The intent of this agreement excludes the idea of a suit by a third party beneficiary. The parties to this agreement do not consent to the waiver of sovereign immunity under Texas law to the extent any party may have immunity under Texas law.

8. JOINT VENTURE & AGENCY
The relationship between the parties to this agreement does not create a partnership or joint venture between the parties. This agreement does not appoint any party as agent for the other party.

9. EFFECTIVE DATE
This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed.

COUNTY OF TARRANT	CITY OF KENNEDALE
____________________	____________________
COUNTY JUDGE Date: ____________	Authorized City Official Date: ____________
Attest:	Attest:
____________________	____________________
APPROVED AS TO FORM*	APPROVED AS TO FORM AND LEGALITY
____________________	____________________
ASSISTANT DISTRICT ATTORNEY	ASSISTANT CITY ATTORNEY

*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).

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Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: REGULAR ITEMS - D.

I. Subject:

Discuss and consider authorizing the City Manager to execute an interlocal agreement with Tarrant County for the reconstruction of Timberline Street.

II. Originated by:

Bob Hart, City Manager

III. Summary:

Please see attached contract.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Timberline	Timberline.pdf

THE STATE OF TEXAS

INTERLOCAL AGREEMENT

COUNTY OF TARRANT

BACKGROUND

This Interlocal Agreement is between County of Tarrant ("COUNTY"), and the City of Kennedale ("CITY");

Sections 791.001 – 791.029 of the Texas Government Code provide legal authority for this Agreement;

During the performance of the governmental functions and the payment for the performance of those governmental functions the parties will make the performance and payment from current revenues legally available to that party; and

The Commissioners Court of the COUNTY and the City Council of the CITY each find:

a. This Agreement serves the common interest of both parties;
b. This Agreement will benefit the public;
c. The division of costs fairly compensates both parties to this Agreement; and
d. The CITY and COUNTY have authorized their representative to sign this Agreement.

The Parties therefore agree as follows:

TERMS AND CONDITIONS

1. COUNTY RESPONSIBILITY

COUNTY will furnish the labor and equipment for the following project:

The reconstruction of Timberline Street at a width of 26.5 feet for a length of approximately .16 miles from Mistletoe Drive to Cloverlane Drive. This reconstruction will include:

1.1 Stabilize and compact sub-grade at a depth of eight inches;
1.2 Apply asphalt emulsion prime coat;
1.3 Place and compact three inches of Type B Hot Mix Asphalt Concrete;
1.4 Place Geosynthetic Petromat material;
1.5 Place and compact two inches of Type D Hot Mix Asphalt Concrete.

2. CITY RESPONSIBILITY

2.1 CITY will pay all trucking charges and furnish all materials for the project including stabilization materials, hot mix asphalt, asphalt emulsion, geosynthetic material and flexible base.

2.2 CITY will furnish a site for dumping waste materials generated during this project.

2.3 CITY will furnish all rights of way, plan specifications and engineering drawings.

2.4 CITY will furnish necessary traffic controls including Type A barricades to redirect traffic flow to alternate lanes during the construction phase of the project.

2.5 CITY will provide temporary driving lane markings.

2.6 If a Storm Water Pollution Prevention Plan is required, the CITY will be responsible for the design and development of the Plan. CITY will pay for all cost (including subcontractor materials, labor and equipment) associated with the implementation and maintenance of the Plan.

2.7 CITY will ensure that the project is cleared of obstructions which could damage county equipment during construction.

2.8 CITY will verify the location of all utility locations, mark those locations and then remove the utilities that will interfere with the progress of the project.

2.9 CITY will provide a stockpile site for materials used for this project.

2.10 CITY will provide soil lab testing for this project.

3. PROCEDURES DURING PROJECT

COUNTY retains the right to inspect and reject all materials provided for this project. CITY will provide quality assurance inspection for the project. If the CITY has a complaint regarding the construction of the project, the CITY must complain in writing to the COUNTY within 30 days of project completion. Upon expiration of 30 days after project completion, the CITY becomes responsible for maintenance of the project.

4. NO WAIVER OF IMMUNITY

This agreement does not waive COUNTY rights under a legal theory of sovereign immunity. This agreement does not waive CITY rights under a legal theory of sovereign immunity.

5. OPTIONAL SERVICES

5.1 If requested by CITY, the COUNTY may apply permanent striping;

5.2 If necessary, COUNTY may furnish flag persons;

5.3 If required, the CITY will pay for engineering services, storm water run-off plans, and continuation of services and plan;

5.4 If a Storm Water Prevention Plan is provided by CITY, COUNTY will be responsible for the implementation and maintenance of the Plan during the duration of the project.

6. TIME PERIOD FOR COMPLETION

CITY will give the COUNTY notice to proceed at the appropriate time. However, COUNTY is under no duty to commence construction at any particular time.

7. THIRD PARTY

The parties do not enter into this agreement to protect any specific third party. The intent of this agreement excludes the idea of a suit by a third party beneficiary. The parties to this agreement do not consent to the waiver of sovereign immunity under Texas law to the extent any party may have immunity under Texas law.

8. JOINT VENTURE & AGENCY

The relationship between the parties to this agreement does not create a partnership or joint venture between the parties. This agreement does not appoint any party as agent for the other party.

9. EFFECTIVE DATE

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed.

COUNTY OF TARRANT	CITY OF KENNEDALE
______________________	______________________
COUNTY JUDGE Date: ______________	Authorized City Official Date: ______________
Attest:	Attest:
______________________	______________________
APPROVED AS TO FORM*	APPROVED AS TO FORM AND LEGALITY
______________________	______________________
ASSISTANT DISTRICT ATTORNEY	ASSISTANT CITY ATTORNEY

*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).

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Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: REGULAR ITEMS - E.

I. Subject:

Discuss and consider authorizing the City Manager to execute an interlocal agreement with Tarrant County for the construction of Alma Lane.

II. Originated by:

Bob Hart, City Manager

III. Summary:

Please see attached contract.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Alma	Alma Lane.pdf

THE STATE OF TEXAS

INTERLOCAL AGREEMENT

COUNTY OF TARRANT

BACKGROUND

This Interlocal Agreement is between County of Tarrant ("COUNTY"), and the City of Kennedale ("CITY");

Sections 791.001 – 791.029 of the Texas Government Code provide legal authority for this Agreement;

During the performance of the governmental functions and the payment for the performance of those governmental functions the parties will make the performance and payment from current revenues legally available to that party; and

The Commissioners Court of the COUNTY and the City Council of the CITY each find:

a. This Agreement serves the common interest of both parties;

b. This Agreement will benefit the public;

c. The division of costs fairly compensates both parties to this Agreement; and

d. The CITY and COUNTY have authorized their representative to sign this Agreement.

The Parties therefore agree as follows:

TERMS AND CONDITIONS

1. COUNTY RESPONSIBILITY

COUNTY will furnish the labor and equipment for the following project:

The construction of Alma Lane at a width of 32 feet for a length of approximately .14 miles from Mansfield Cardinal Road to Kennedale Parkway. This construction will include:

1.1 Stabilize and compact sub-grade at a depth of ten inches;
1.2 Apply asphalt emulsion prime coat;
1.3 Place and compact four inches of Type B Hot Mix Asphalt Concrete;
1.4 Place Geosynthetic Petromat material;
1.5 Place and compact three inches of Type D Hot Mix Asphalt Concrete.

2. CITY RESPONSIBILITY

2.1 CITY will pay all trucking charges and furnish all materials for the project including stabilization materials, hot mix asphalt, asphalt emulsion, geosynthetic material and flexible base.

2.2 CITY will furnish a site for dumping waste materials generated during this project.

2.3 CITY will furnish all rights of way, plan specifications and engineering drawings.

2.4 CITY will furnish necessary traffic controls including Type A barricades to redirect traffic flow to alternate lanes during the construction phase of the project.

2.5 CITY will provide temporary driving lane markings.

2.6 If a Storm Water Pollution Prevention Plan is required, the CITY will be responsible for the design and development of the Plan. CITY will pay for all cost (including subcontractor materials, labor and equipment) associated with the implementation and maintenance of the Plan.

2.7 CITY will ensure that the project is cleared of obstructions which could damage county equipment during construction.

2.8 CITY will verify the location of all utility locations, mark those locations and then remove the utilities that will interfere with the progress of the project.

2.9 CITY will provide a stockpile site for materials used for this project.

2.10 CITY will provide soil lab testing for this project.

3. PROCEDURES DURING PROJECT

COUNTY retains the right to inspect and reject all materials provided for this project. CITY will provide quality assurance inspection for the project. If the CITY has a complaint regarding the construction of the project, the CITY must complain in writing to the COUNTY within 30 days of project completion. Upon expiration of 30 days after project completion, the CITY becomes responsible for maintenance of the project.

4. NO WAIVER OF IMMUNITY

This agreement does not waive COUNTY rights under a legal theory of sovereign immunity. This agreement does not waive CITY rights under a legal theory of sovereign immunity.

5. OPTIONAL SERVICES

5.1 If requested by CITY, the COUNTY may apply permanent striping;

5.2 If necessary, COUNTY may furnish flag persons;

5.3 If required, the CITY will pay for engineering services, storm water run-off plans, and continuation of services and plan;

5.4 If a Storm Water Prevention Plan is provided by CITY, COUNTY will be responsible for the implementation and maintenance of the Plan during the duration of the project.

6. TIME PERIOD FOR COMPLETION

CITY will give the COUNTY notice to proceed at the appropriate time. However, COUNTY is under no duty to commence construction at any particular time.

7. THIRD PARTY

The parties do not enter into this agreement to protect any specific third party. The intent of this agreement excludes the idea of a suit by a third party beneficiary. The parties to this agreement do not consent to the waiver of sovereign immunity under Texas law to the extent any party may have immunity under Texas law.

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9. EFFECTIVE DATE

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed.

COUNTY OF TARRANT	CITY OF KENNEDALE
______________________	______________________
COUNTY JUDGE Date: ______________	Authorized City Official Date: ______________
Attest:	Attest:
______________________	______________________
APPROVED AS TO FORM*	APPROVED AS TO FORM AND LEGALITY
______________________	______________________
ASSISTANT DISTRICT ATTORNEY	ASSISTANT CITY ATTORNEY

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Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: REGULAR ITEMS - F.

I. Subject:

Discuss and consider authorizing the City Manager to submit required documentation of eminent domain authority to the Texas State Comptroller of public accounts.

II. Originated by:

Bob Hart, City Manager

III. Summary:

The legislature has been submission of this form a requirement for any city wishing to continue to hold eminent domain authority.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	ED	Eminent Domain2.pdf

Required Documentation of Eminent Domain Authority in Texas

What action must be taken: Per Senate Bill 18 enacted by the 82nd Legislature, all public and private entities authorized to exercise the power of eminent domain in Texas are **required to submit a letter to the Comptroller of Public Accounts detailing their legal authority to exercise this power. The letter must be sent by certified, return receipt mail not later than December 31, 2012**. (Per the bill, the authority of an entity to exercise the power of eminent domain expires on September 1, 2013, unless the letter has been submitted by the deadline.)

About this form: This form is designed to guide entities in submitting the required information on eminent domain authority. Once the fields have been completed, the form can be printed and mailed via certified, return receipt to the address provided to meet the requirements of the bill.

Entity Information

1. Full, legal name of entity: ____________________
2. Alternate name of entity *(if any)*: ____________________
3. Primary address: Street or P.O. Box ____________________
   City, State, Zip Code ____________________
4. Primary phone number *(with area code)*: ____________________
5. Entity contact: First name ____________________ Last name ____________________
   Phone number *(with area code)*: ____________________ E-mail address: ____________________
6. Alternate contact: First name ____________________ Last name ____________________
   Phone number *(with area code)*: ____________________ E-mail address: ____________________

Eminent Domain Authority

7. Does your entity have eminent domain authority in Texas? ☐ Yes ☐ No
8. If "yes" to question 7, please identify all of the applicable provisions of state law that grant eminent domain authority to this entity. Please cite as Title of Code or Article, Section Number/Name (for example, Texas Government Code, Section 43.136 or Article 7849, Auxiliary Water Laws).

9. Please indicate the first year in which this entity exercised eminent domain authority: ____________________

DISCLAIMER: Chapter 2206, Subchapter B, Government Code (as added by Senate Bill 18, 82nd Regular Session) requires the Comptroller of Public Account to collect information and report to the Legislature all entities in the state of Texas that have the authority to exercise the power of eminent domain. Entities that provide information to the Comptroller represent and warrant that the information is accurate and complete to the best of their knowledge. **Entities that provide information acknowledge that it is their responsibility to submit a letter by certified mail, return receipt requested to the Comptroller's office, indicating that the Entity is authorized to exercise eminent domain authority and to identify each law that grants such authority.** The Entity further acknowledges that the Comptroller's office is not responsible to submit said letter, nor is it responsible for the Entity's failure to submit said letter as required by law, and that such failure may cause the entity's power of eminent domain to expire on September 1, 2013. The Entity also acknowledges that the Comptroller of Public Accounts is a state agency subject to Chapter 552 of the Texas Gov't Code (the "Texas Public Information Act") and court interpretations thereof, and that the information submitted to this office may be subject to disclosure to the public under Section 552.101, et seq., of the Code.

Under Ch. 559, Government Code, you are entitled to review, request, and correct information we have on file about you, with limited exceptions in accordance with Ch. 552, Government Code. To request information for review or to request error correction, contact us at the address on this form or sb18compliance@cpa.state.tx.us.

Mail this form via certified mail to:

COMPTROLLER OF PUBLIC ACCOUNTS
P.O. Box 13942
Austin, Texas 78711

By signing, I agree that the information is true and correct.

sign here ____________________ ____________________
Signature Date

____________________ ____________________
Print Name/Title Phone *(area code and number)*

For questions or additional information, please e-mail: **sb18compliance@cpa.state.tx.us** or go to: **www.window.texas.gov/sb18compliance**

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Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

Agenda Item No: REGULAR ITEMS - G.

I. Subject:

Discuss and consider A RESOLUTION ADOPTING THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM OF THE TEXAS DEPARTMENT OF TRANSPORTATION FOR USE ON PROJECTS THAT ARE PARTIALLY OR WHOLLY FUNDED THROUGH THE FEDERAL HIGHWAY ADMINISTRATION; AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE, TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO ADOPTION THE TXDOT DBE PROGRAM; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

II. Originated by:

Bob Hart, City Manager

III. Summary:

This resolution will allow us to apply for TXDOT funding for certain projects.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	DBE Resolution	Resolution for DBE.docx

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, ADOPTING THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM OF THE TEXAS DEPARTMENT OF TRANSPORTATION FOR USE ON PROJECTS THAT ARE PARTIALLY OR WHOLLY FUNDED THROUGH THE FEDERAL HIGHWAY ADMINISTRATION; AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE, TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO ADOPTION THE TXDOT DBE PROGRAM; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, periodically the City of Kennedale receives federal funds from the Federal Highway Administration (FHWA) through the Texas Department of Transportation (TxDOT) to assist the City of Kennedale with the construction and design of projects partially or wholly funded through FHWA; and,

WHEREAS, the City of Kennedale, as a sub-recipient of federal funds, is required by 49 CFR 26, to implement a program for Disadvantaged Business Enterprises, as defined .by 49 CFR 26 ; and,

WHEREAS, TXDOT has implemented a Disadvantaged Business Enterprise Program (DBE Program) that is approved by the FHWA pursuant to 49 CFR part 26; and,

WHEREAS, certain aspects of the City of Kennedale's procurement of construction and design services are subject to review and/or concurrence by TxDOT as a condition of receiving federal funds from FHWA through TxDOT; and,

WHEREAS, the City of Kennedale and TxDOT undertake substantially similar roadway construction projects and design projects and construct and design their respective projects using substantially the same pool of contractors; and,

WHEREAS, the City of Kennedale desires to implement a federally compliant DBE Program by adopting the TxDOT approved program, as recommended by FHWA; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS:

Section 1

That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2.

That the City of Kennedale by its prescribed protocol hereby adopts the TxDOT DBE program for projects that are funded partially or wholly through or by the FHWA.

Section 3.

That the City Manager, is hereby authorized to execute all necessary documents, as approved by the City Attorney's Office, incident to entering into a Memorandum of Understanding (MOU) to memorialize the obligations, expectations and rights as related to the City of Kennedale's adoption of the TxDOT DBE's Program.

Section 4.

That the meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5.

That this resolution shall become effective immediately from and after its passage. PASSED AND APPROVED this 13 day of October, 2011.

____

Mayor Bryan Lankhorst

ATTEST:

____

Amethyst G. Cirmo, City Secretary

APPROVED AS TO FORM:

____

Wayne K. Olson, City Attorney

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Staff Report to the Honorable Mayor and City Council

Date: October 13, 2011

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 on any item posted on the agenda and legal issues regarding litigation, settlement offers, and/or claims regarding the following matters:

1. 400 N Little School Rd
2. Stephen Avdeef

II. Originated by:

Bob Hart, City Manager

III. Summary:

Council will meet in executive session to discuss items listed on the executive session agenda.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments: