KENNEDALE CITY COUNCIL

AGENDA
REGULAR MEETING
February 9, 2012
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

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

I. CALL TO ORDER

II. WORK SESSION

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

A. Update on new website development and launch.

B. Neighbor Helping Neighbor program.

C. Discuss City Marshal Department progress and reporting metrics.

D. Proclamation and celebration of the retirement of Utility Billing Clerk Connie Cross.

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 City Council not scheduled on the Agenda may speak, provided that an official 'Visitor/Citizen Request to Speak' Form has been completed and submitted to the City Secretary prior to the start of the meeting. All comments must be directed towards the Council as a whole, rather than individual councilmembers or staff. All speakers must limit their comments to the subject matter as listed on the 'Speaker's Request Form.' No formal action can be taken on these items.

IX. REPORTS/ANNOUNCEMENTS

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

A. Information and updates from the City Manager, if any:

B. Information and updates from Councilmembers, if any:

C. Information and updates from the Mayor, if any:
- Migratory birds art display at KISD in conjunction with the City's Urban Bird Treaty Program.

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 regular meeting minutes from January 12, 2011.

B. Consider approval of Resolution 379, regarding the Digital In-Car Video Systems Grant for the Police Department.

C. Consider approval of the 2011 Racial Profiling Report.

D. Consider adopting Resolution 380, amending authorized representatives of TEXPOOL local government investment pool.

E. Consider adopting Resolution 381, amending authorized representatives of Texas Term/Texas Daily local government investment pool.

F. Consider adopting Resolution 382, amending authorized representatives of Texas short term asset reserve program (TEXSTAR) local government investment pool.

XI. REGULAR ITEMS

A. Discuss, hear comments on, and consider Case PZ 11-10 and consider action on a request for a change in zoning from “C-0” Retail Commercial to “C-1” Restricted Commercial for approximately 1.014 acres located at 4850 US Hwy 287, Kennedale, Tarrant County, Texas, more particularly described as Lot 2 Block 1R Southwest Crossing Addition. The rezoning is requested by JP Morgan Chase.

B. Discuss and consider Resolution 383, Calling the May 12, 2012 General Election.

C. Discuss and consider moving the May 10, 2012 regular meeting to May 17, 2012.

D. Discuss and consider setting rental rates for Kennedale Ballfields as recommended by the Parks and Recreation Board.

E. Discuss and consider adopting Resolution 384, accepting award of CMAQ funds for Sustainable Infrastructure Grant.

F. Discuss and consider appointments to the Planning and Zoning Commission, Building Board of Appeals, and Library Advisory Board.

G. Discuss and consider authorizing the City Manager to execute a management agreement with Utility Service Communications Company for wireless communication device installation on city water towers.

H. Discuss and consider Resolution 385, regarding suspension of the Atmos rate change.

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 regulation of sexually oriented businesses, litigation, settlement offers, and/or claims regarding the following matters:

1. H & A Land Corporation, et al. v. City of Kennedale - Cause No. 402-CV-0458-Y (Showtime)

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

1. Right of Way on Sublett Road 100 Block East

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

A. Discuss and consider a request by Showtime Cabaret for a thirty day extension on removing their exterior sign.

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 February 9, 2012, agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.

Amethyst G. Cirmo

Amethyst G. Cirmo, City Secretary

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Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

Agenda Item No: WORK SESSION - A.

I. Subject:
Update on new website development and launch.

II. Originated by:

Amethyst G. Cirmo, City Secretary and Communications Coordinator

III. Summary:
Amethyst will give a brief presentation and live demonstration regarding the functionality of the new city website.

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: February 9, 2012

Agenda Item No: WORK SESSION - B.

I. Subject:
Neighbor Helping Neighbor program.

II. Originated by:

Bob Hart, City Manager

III. Summary:
Nansii Downer from the neighbor helping neighbor program will give a briefing on the program.

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: February 9, 2012

Agenda Item No: WORK SESSION - C.

I. Subject:
Discuss City Marshal Department progress and reporting metrics.

II. Originated by:

Jennifer Bozorgnia, Municipal Court Administrator

III. Summary:

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: February 9, 2012

Agenda Item No: WORK SESSION - D.

I. Subject:
Proclamation and celebration of the retirement of Utility Billing Clerk Connie Cross.

II. Originated by:

Kelly Cooper, Director of Human Resources

III. Summary:

Connie Cross

Utility Billing

20 Year Service Award

Connie has been with the City of Kennedale for the past twenty (20) years. She began her employment in April 1991 as a Receptionist Water Clerk and was promoted to Utility Billing Clerk in June of 2010. Her 20 years and 8 months of service is the third longest in Kennedale's employment history (third to Johnny Sidebottom and Kathy Turner both of which had 25 years). As a long time employee and resident, Connie has made a positive impact on Kennedale residents with her superior customer service attitude and dedication. Connie is known by residents as the 'go to person' at City Hall and her daily demonstration of integrity, accountability, commitment, and innovation are a true display of the City's core values. We are sad that you are leaving!

Please join the rest of the city in wishing her a warm farewell and the best of luck in all of her future endeavors. Connie's last day was January 31

Connie is moving February 17th.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

1.	Proclamation	Connie Cross Proclamation.doc

PROCLAMATION
Connie Cross Day
February 9, 2012

Whereas, Connie Cross has been a lifelong resident of Kennedale; and

Whereas, Connie began employment with the City of Kennedale as a Receptionist Water Clerk on April 1, 1991; and

Whereas, Connie was promoted to Utility Billing Clerk with the City of Kennedale on June 26, 2010; and

Whereas, Connie has been a faithful, dependable, reliable employee, committed to serving the public; and

Whereas, Connie was known by the residents of Kennedale as the "go to person" at city hall; and

Whereas, Connie daily demonstrated the City's values of teamwork, integrity, accountability, commitment and innovation; and

Whereas, Connie retired from the City of Kennedale on January 31, 2012 with 21 years of public service;

Now, I, **BRYAN LANKHORST**, Mayor of the City of Kennedale, do recognize that February 9, 2012 is hereby proclaimed

~ *Connie Cross Day* ~

in Kennedale, Texas in honor of Connie's 21 years of service to the City.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused the seal of the City of Kennedale, Texas to be affixed this 9th day of February, 2012.

____
Mayor, Bryan Lankhorst

Attest;

____
Amethyst G. Cirmo, City Secretary

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Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

Agenda Item No: REPORTS/ANNOUNCEMENTS - A.

I. Subject:
Information and updates from the City Manager, if any:

II. Originated by:

Bob Hart, City Manager

III. Summary:
At this time the city manager will provide update and information on city projects and happenings.

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: February 9, 2012

Agenda Item No: REPORTS/ANNOUNCEMENTS - B.

I. Subject:
Information and updates from Councilmembers, if any:

II. Originated by:

City Council, City Council

III. Summary:
At this time councilmembers may provide any information or updates.

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: February 9, 2012

Agenda Item No: REPORTS/ANNOUNCEMENTS - C.

I. Subject:
Information and updates from the Mayor, if any:
- Migratory birds art display at KISD in conjunction with the City's Urban Bird Treaty Program.

II. Originated by:

III. Summary:
Art Display Info:
Students from four KISD schools have been working art projects about birds that migrate through or over Kennedale. The community is invited to attend an exhibit showcasing the students' work on February 11th from 6:00 - 9:00 PM at the Performing Arts Center.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

1.	bird flyer	bird flyer.pdf

TEXAS MIGRATORY BIRDS

An exhibit featuring the artwork of students from R.F. Patterson, James F. Delaney, James A. Arthur Intermediate, and Kennedale Junior High School working in conjunction with the city as part of the Urban Bird Treaty, a program sponsored by the U.S. Fish and Wildlife Service.

February 11, 6:00-9:00 p.m.

Performing Arts Center
901 Wildcat Way,
Kennedale, TX

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Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

Agenda Item No: CONSENT ITEMS - A.

I. Subject:
Consider approval of regular meeting minutes from January 12, 2011.

II. Originated by:

Amethyst G. Cirmo, City Secretary and Communications Coordinator

III. Summary:
Please see the attached minutes

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	January 2012 Minutes	1.19.2012 MINUTES CC.doc

KENNEDALE CITY COUNCIL

MINUTES
REGULAR MEETING
January 12, 2012
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION - 5:30 PM
EXECUTIVE SESSION - 6:00PM
REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

Mayor Lankhorst called the meeting to order at 5:35pm.

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. Presentation and update from the Youth Advisory Commission

The YAC gave a brief update on what the they have accomplished so far this year, mentioning the Fall For You Senior Dance, the round-a-bout public service announcement, and work on Art in the Park.

Hannah Wolfsburg presented information to the council regarding the available lot in front of WalMart, noting that shoe stores, frozen yogurt, and coffee houses.

Councilmember Clark asked if I would be possible for the YAC to poll the high school student body on potential usage of these types of businesses.

B. Discuss potential 38th Year CDBG Project

Larry Ledbetter approached the Council, stating that the city has proposed that the water and sewer on Municipal Drive be addressed through this project. This funding may or may not be available, as and such the project may be pushed out an extra year. Once Municipal Drive is completed around 60% of 'Old Town' Kennedale will have updated water and sewer infrastructure.

Mr. Ledbetter also gave updates on the New Hope water line project, current water restrictions, and other ongoing projects.

C. Discuss standardization of city speed limits.

Bob Hart approached the council regarding changes with speed limits. All city speed limit signs will have to be replaced in the next three years to meet new reflectivity standards. They city is also not allowed to set speed limits under 25mph or above 60mph by law.

The Council had questions regarding methodology behind certain streets, and asked that if possible the city use this opportunity to also address signs regarding cell phone usage and parking in school zones and other issues.

Regular session item B was moved for discussion during the work session as requested by Councilmember Clark.

B. Discuss and consider adopting AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS AMENDING CHAPTER 15, ARTICLE V AND CHAPTER 17, ARTICLE VI OF THE KENNEDALE CITY CODE (1991), AS AMENDED, TO MAKE CHANGES TO THE CITY'S ZONING REGULATIONS AND TO THE CITY'S NUISANCE REGULATIONS; ADDING DEFINITIONS OF C-WEIGHTING, FREQUENCY, OCTAVE BANDS, AND PURE TONES; AMENDING REGULATIONS GOVERNING NOISE REGULATIONS FROM 7 PM TO 8 AM FOR CERTAIN USES; PROVIDING REGULATIONS GOVERNING LOW-FREQUENCY SOUNDS AND PURE TONES; PROVIDING REGULATIONS REQUIRING AMBIENT SOUND TESTING; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Clark posed a question regarding ambient standards between oil & gas extraction and those for regular manufacturing.

Rachel Roberts noted that separate ordinances had been found to be standard practice in the Metroplex. Bob Hart noted that the railroad tracks and train noise also contributed to the necessity of separate ordinances.

The Council recessed to Executive Session at 6:26pm

III. EXECUTIVE SESSION (6:00PM)

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 regulation of sexually oriented businesses, litigation, settlement offers, and/or claims regarding the following matters:

1. H & A Land Corporation, et al. v. City of Kennedale - Cause No. 402-CV-0458-Y (Showtime)

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

1. Oak Crest Addition Blk 14 Lot 2
2. 209 N New Hope Road

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

V. REGULAR SESSION

Mayor Lankhorst called the regular session to order at 7:02pm.

VI. ROLL CALL

RollCall.
Present: John Clark, Brian Johnson , Kelly Turner, Liz Carrington, Bryan Lankhorst (Not Voting).

Absent/Excused: Frank Fernandez.

VII. INVOCATION

VIII. UNITED STATES PLEDGE

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

X. VISITOR/CITIZENS FORUM
At this time, any person with business before the City Council not scheduled on the Agenda may speak, provided that an official 'Visitor/Citizen Request to Speak' Form has been completed and submitted to the City Secretary prior to the start of the meeting. All comments must be directed towards the Council as a whole, rather than individual councilmembers or staff. All speakers must limit their comments to the subject matter as listed on the 'Speaker's Request Form.' No formal action can be taken on these items.

1. Felipe Gutierrez 402 PA avenue gave an update on Art in the Park. The committee is on its way to achieving this year's funding goals and encouraged the rest of Council and the city to participate.

2. Greg Hutson, Executive Director of the Kennedale Chamber of Commerce approached the council, noting that the Texas Independence Day Parade will be held on March 3rd. The Chamber has been working on parade sponsorship and acquiring vendors.

3. Kennedale Resident Ann Deal – spoke about road construction and brought up concerns with dispersion of information, barricades, directions, and safety issues.

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

Mayor Lankhorst presented the award to Ms. Dedrick.

B. Councilmembers: Updates and information, if any.

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

Councilmember Johnson asked for an update on road construction.

Mr, Hart announce the January 28th Open House, which will coincide with the Library's 20th Anniversary Celebration and the Opening of the Section House, which will be the new office for the Chamber of Commerce.

XII. 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 December 8, 2011 regular meeting minutes.

B. Discuss and consider authorizing the City Manager to sign an agreement with Tarrant County for the reconstruction of Bloxom Park Road.

C. Discuss and consider approval of a Memorandum of Understanding regarding the adoption of TxDOT's federally-approved Disadvantaged Business Enterprise program.

D. Consider authorizing the City Manager to execute a City Pride Sign Agreement with TxDOT for the 9/11 Memorial sign on Kennedale Parkway.

E. Consider authorizing the Mayor to execute Interlocal Agreement for Administrative Costs Funding for Section 5310 Program with Fort Worth Transportation Authority.

Motion: To approvethe consent agenda as presented. , **Action:** Approve, **Moved by** Kelly Turner, **Seconded by** John Clark.
Motion passed unanimously.

XIII. REGULAR ITEMS

A. Discuss and consider approval to authorize City Manager to execute contract to perform a Water & Sewer Rate Study update.

Sakura Moten Dedrick noted that the City was due for an update and future planning for impact fees. Carolyn Marshall, proposed contractor, also attended the meeting, mentioned that future drought conditions may have an effect on city revenues in the coming years.

Motion: To authorize the City Manager to execute a contract with Carolyn Marshall for impact fees. , **Action:** Approve, **Moved by** John Clark, **Seconded by** Liz Carrington.
Motion passed unanimously.

B. Discuss and consider adopting AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS AMENDING CHAPTER 15, ARTICLE V AND CHAPTER 17, ARTICLE VI OF THE KENNEDALE CITY CODE (1991), AS AMENDED, TO MAKE CHANGES TO THE CITY'S ZONING REGULATIONS AND TO THE CITY'S NUISANCE REGULATIONS; ADDING DEFINITIONS OF C-WEIGHTING, FREQUENCY, OCTAVE BANDS, AND PURE TONES; AMENDING REGULATIONS GOVERNING NOISE REGULATIONS FROM 7 PM TO 8 AM FOR CERTAIN USES; PROVIDING REGULATIONS GOVERNING LOW-FREQUENCY SOUNDS AND PURE TONES; PROVIDING REGULATIONS REQUIRING AMBIENT SOUND TESTING; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

Rachel Roberts noted that changes included new, more clear tables, information on ambient sound testing, peak sound levels, and low frequency sounds.

Ms Roberts received written comments from XTO, which she addressed. These included times of day, and several questions that dealt with issues that were not being changed with the proposed ordinance.

Lea King, a representative from Chesapeake Energy, approached the council and read a letter that was passed out to council, which will be filed in the City Secretary's Office.

John Clark posed questions regarding time limitations and sound allowed above ambient,

Motion: , **Action:** Table, **Moved by** John Clark, **Seconded by** Brian Johnson **.**

Motion passed unanimously.

C. Discuss and consider authorizing temporary permission to Art in the Park to sell alcohol in TownCenter Park during the Art in the Park event from March 30, 2012 through April 1, 2012.

Felipe Gutierrez approached the council to ask for permission to allow for alcohol sales and for this permit to allow patrons to walk within the boundaries of art in the park with purchased alcoholic beverages. Councilmember Clark asked that signage be added to the children's area that specifically prohibits alcohol in that area.

Motion: To approve a temporary permit for alcohol for Art in the Park. , **Action:** Approve, **Moved by** Brian Johnson , **Seconded by** Liz Carrington.
Motion passed unanimously.

D. Discuss and consider appointments to the Building Board of Appeals.

Motion: To table this issue until the February regular meeting. , **Action:** Table, **Moved by** Kelly Turner, **Seconded by** Liz Carrington.
Motion passed unanimously.

E. Discuss and consider appointments to the Planning and Zoning Commission.

Motion: To appoint Adrienne Kay to the Vacant Regular seat. , **Action:** Approve, **Moved by** John Clark, **Seconded by** Kelly Turner.
Motion passed unanimously.

Motion: To appoint Carolyn Williamson to the Vacant Alternate seat. , **Action:** Approve, **Moved by** John Clark, **Seconded by** Kelly Turner.
Motion passed unanimously.

XIV. ADJOURNMENT

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Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

Agenda Item No: CONSENT ITEMS - B.

I. Subject:
Consider approval of Resolution 379, regarding the Digital In-Car Video Systems Grant for the Police Department.

II. Originated by:

Tommy Williams, Police Chief

III. Summary:
Considcer approval of a resolution authroizing the City Manager to apply for a grant to fund a digital mobile video system for the police department. This grant will require no matching funds if awarded.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution 379	Resolution 379 - PD Digital Video Grant.doc

RESOLUTION NO. 379

A RESOLUTION OF THE CITY OF KENNEDALE, TEXAS DESIGNATING AN OFFICIAL AS BEING RESPONSIBLE IN DEALING WITH THE CRIMINAL JUSTICE DIVISION OF THE STATE OF TEXAS FOR THE PURPOSE OF PARTICIPATING IN A GRANT FOR KENNEDALE POLICE – DIGITAL IN-CAR VIDEO SYSTEMS; AND CERTIFYING THAT THE CITY OF KENNEDALE IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE.

WHEREAS, The City Council of the City of Kennedale finds it in the best interest of the citizens of Kennedale that a Digital In-Car Video System be operated for the 2012/13; and

WHEREAS, the City Council of the City of Kennedale agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City Council of the City of Kennedale assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, the City Council of the City of Kennedale designates City Manager Bob Hart as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the City Council of Kennedale, Texas approves submission of the grant application for the **KENNEDALE POLICE – DIGITAL IN-CAR VIDEO SYSTEMS** to the Office of the Governor, Criminal Justice Division.

Grant Application Confirmation Number: 25571-01

PASSED AND APPROVED THIS 9th DAY OF FEBRUARY, 2012.

____
Bryan Lankhorst, Mayor

ATTEST:

____
Amethyst Cirmo, City Secretary

APPROVED AS TO FORM AND LEGALITY:

____
Wayne Olson, City Attorney

Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

Agenda Item No: CONSENT ITEMS - C.

I. Subject:
Consider approval of the 2011 Racial Profiling Report.

II. Originated by:

Tommy Williams, Police Chief

III. Summary:

Consider and receive the police department's racial profiling report for the calender year 2011.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	2011 Racial Profiling Memo	racial profiling report 2011.doc
2.	2011 Racial Profiling Data Sheet	Racial Profiling Data Sheet 2011.xls

KENNEDALE
Police Department
www.cityofkennedale.com

February 9, 2012

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

Statistical Data

As required by S.B. 1074, attached is a spreadsheet outlining the data from our citations and stops during calendar year 2011. Due to a change in the Census Bureau reporting format and data sets, I dropped the Fair Roads Standard for this reporting year and used at-large population figures from the 2010 census. Because such a large majority of our citations continue to be issued to persons outside of the city, the baseline includes the combined populations of our neighboring cities of Arlington, Forest Hill, Fort Worth, and Mansfield, as well as Kennedale. Motorists come from or through these cities in order to get to or through Kennedale. Our stops and searches are within tolerances for the percentile groups.

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

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

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

Complaints

We had no racial profiling complaints filed during the reporting period of 2011.

Public Education

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

Employee Training

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

401 Municipal Drive, Kennedale, TX 76060 | Telephone: 817-985-2160 | Fax: 817-478-6433

Kennedale Police Department
Racial Profiling Data
01-01-2011 through 12-31-2011

Race	*Citations From Traffic Stops*	*Arrests From Traffic Stops*	*Total Searches Conducted*	*Consent Searches Conducted*	*Representative Population - Kennedale Area*	*Represntative Population - Tarrant County*
White	**1333**	**16**	**75**	**38**	**57.00%**	**57.00%**
Percent of Group Total	66.65%	80.00%	75.00%	78.00%		
Black	**312**	**1**	**15**	**4**	**16.00%**	**13.00%**
Percent of Group Total	15.60%	5.00%	15.00%	8.00%		
Hispanic	**273**	**3**	**10**	**7**	**26.00%**	**24.00%**
Percent of Group Total	13.65%	15.00%	10.00%	14.00%		
Asian	**32**	**0**	**0**	**0**	**4.00%**	**4.00%**
Percent of Group Total	1.60%					
Native American	**5**	**0**	**0**	**0**	**0.06%**	**0.01%**
Percent of Group Total	0.25%					
Middle Eastern	**3**	**0**	**0**	**0**		
Percentage of Group Total	0.15%					
Pacific Islander	**43**	**0**	**0**	**0**	**0.01**	**0.002**
Percent of Group Total	2.10%					
Total	**2001**	**20**	**100**	**49**		

Race/Ethnicity Known Before Stop? **Yes - 18 (6%)** **No - 1887 (94%)**

Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

Agenda Item No: CONSENT ITEMS - D.

I. Subject:
Consider adopting Resolution 380, amending authorized representatives of TEXPOOL local government investment pool.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:
The attached resolution is being presented before Council only to amend authorized representatives for TexPool. By approving the resolution, Council will be designating Bob Hart, City Manager; Sakura Moten-Dedrick, Finance Director; and Amethyst, City Secretary as authorized representatives to transmit local funds for investments. Sakura Moten-Dedrick will be the primary representative performing transactions and receiving confirmations of monthly statements. Lastly, for bank reconciliation purposes, Kia Crosby will have "view-only" access.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution 380	Resolution 380 - TXPOOL.doc

RESOLUTION NO. 380

A RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES OF TEXPOOL LOCAL GOVERNMENT INVESTMENT POOL

WHEREAS, the City of Kennedale (the "Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment Pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the City of Kennedale to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the TexasPool Local Government Investment Portfolio, a public funds investment pool (a "Pool"), was created on behalf of entities whose investment objectives in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

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

A. That the City of Kennedale shall amend authorized representatives, for the purpose of transmitting local funds for investment in the TexasPool series. The form of application for amendment to this resolution is approved.

B. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the City of Kennedale and are each hereby authorized to transmit funds for investment in the Pool and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

C. That the City of Kennedale may by Amending Resolution change Authorized Representatives provided the additional Authorized Representative is an officer, employee, or agent of the City of Kennedale.

List of the Authorized Representatives of the City of Kennedale. These individuals may be issued P.I.N. Numbers.

1. Name: Bob Hart — Title: City Manager

2. Name: Sakura Moten-Dedrick — Title: Finance & IT Director

3. Name: Amethyst Cirmo — Title: City Secretary

List the name of the Authorized Representative provided above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name: Sakura Moten-Dedrick Title: Finance Director & IT

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions.

Name: Kia Crosby Title: Accounting & Payroll Specialist

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant and until the Pool receives a copy of any such amendment or revocation.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Kennedale, Texas, this the 9th day of February 2012.

APPROVED:

____

Bryan Lankhorst, Mayor

ATTEST:

____

Amethyst Cirmo, City Secretary

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Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

Agenda Item No: CONSENT ITEMS - E.

I. Subject:
Consider adopting Resolution 381,amending authorized representatives of Texas Term/Texas Daily local government investment pool.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:
The attached resolution is being presented before Council only to amend authorized representatives for Texas Term/Texas Daily. By approving the resolution, Council will be designating Bob Hart, City Manager; Sakura Moten-Dedrick, Finance Director; and Amethyst, City Secretary as authorized representatives to transmit local funds for investments. Sakura Moten-Dedrick will be the primary representative performing transactions and receiving confirmations of monthly statements. Lastly, for bank reconciliation purposes, Kia Crosby will have "view-only" access.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution 381	Resolution 381 - Texas Term & Daily Investment Pool.doc

RESOLUTION NO. 381

A RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES OF TEXAS TERM/TEXAS DAILY LOCAL GOVERNMENT INVESTMENT POOL

WHEREAS, the City of Kennedale (the "Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment Pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the City of Kennedale to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Term/Texas Daily Local Government Investment Portfolio, a public funds investment pool (a "Pool"), was created on behalf of entities whose investment objectives in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

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

A. That the City of Kennedale shall amend authorized representatives, for the purpose of transmitting local funds for investment in the Texas Term/Texas Daily series. The form of application for amendment to this resolution is approved.

B. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the City of Kennedale and are each hereby authorized to transmit funds for investment in the Pool and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

C. That the City of Kennedale may by Amending Resolution change Authorized Representatives provided the additional Authorized Representative is an officer, employee, or agent of the City of Kennedale.

List of the Authorized Representatives of the City of Kennedale. These individuals may be issued P.I.N. Numbers.

1. Name: Bob Hart — Title: City Manager

2. Name: Sakura Moten-Dedrick — Title: Finance & IT Director

3. Name: Amethyst Cirmo — Title: City Secretary

List the name of the Authorized Representative provided above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name: Sakura Moten-Dedrick Title: Finance Director & IT

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions.

Name: Kia Crosby Title: Accounting & Payroll Specialist

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant and until the Pool receives a copy of any such amendment or revocation.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Kennedale, Texas, this the 9th day of February 2012.

APPROVED:

____

Bryan Lankhorst, Mayor

ATTEST:

____

Amethyst Cirmo, City Secretary

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Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

Agenda Item No: CONSENT ITEMS - F.

I. Subject:
Consider adopting Resolution 382, amending authorized representatives of Texas short term asset reserve program (TEXSTAR) local government investment pool.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:
The attached resolution is being presented before Council only to amend authorized representatives for TEXSTAR. By approving the resolution, Council will be designating Bob Hart, City Manager; Sakura Moten-Dedrick, Finance Director; and Amethyst, City Secretary as authorized representatives to transmit local funds for investments. Sakura Moten-Dedrick will be the primary representative performing transactions and receiving confirmations of monthly statements. Lastly, for bank reconciliation purposes, Kia Crosby will have "view-only" access.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution 382	Resolution 382 - TEXSTAR Representatives.doc

RESOLUTION NO. 382

A RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES OF TEXAS SHORT TERM ASSET RESERVE PROGRAM (TEXSTAR) LOCAL GOVERNMENT INVESTMENT POOL

WHEREAS, the City of Kennedale (the "Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment Pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the City of Kennedale to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the TEXSTAR Local Government Investment Portfolio, a public funds investment pool (a "Pool"), was created on behalf of entities whose investment objectives in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

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

A. That the City of Kennedale shall amend authorized representatives, for the purpose of transmitting local funds for investment in the TEXSTAR series. The form of application for amendment to this resolution is approved.

B. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the City of Kennedale and are each hereby authorized to transmit funds for investment in the Pool and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

C. That the City of Kennedale may by Amending Resolution change Authorized Representatives provided the additional Authorized Representative is an officer, employee, or agent of the City of Kennedale.

List of the Authorized Representatives of the City of Kennedale. These individuals may be issued P.I.N. Numbers.

1. Name: Bob Hart — Title: City Manager

2. Name: Sakura Moten-Dedrick — Title: Finance & IT Director

3. Name: Amethyst Cirmo — Title: City Secretary

List the name of the Authorized Representative provided above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name: Sakura Moten-Dedrick Title: Finance Director & IT

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions.

Name: Kia Crosby Title: Accounting & Payroll Specialist

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant and until the Pool receives a copy of any such amendment or revocation.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Kennedale, Texas, this the 9th day of February 2012.

APPROVED:

____
Bryan Lankhorst, Mayor

ATTEST:

____
Amethyst Cirmo, City Secretary

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Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

Agenda Item No: REGULAR ITEMS - A.

I. Subject:
Discuss and consider Case PZ 11-10 to receive receive comments and consider action on a request for a change in zoning from “C-0” Retail Commercial to “C-1” Restricted Commercial for approximately 1.014 acres located at 4850 US Hwy 287, Kennedale, Tarrant County, Texas, more particularly described as Lot 2 Block 1R Southwest Crossing Addition. The rezoning is requested by JP Morgan Chase.

II. Originated by:

Rachel Roberts, City Planner

III. Summary:
This item was tabled at the November 2011 meeting.

IV. Fiscal Impact Summary:
If the property is rezoned, the rezoning applicant will develop the site, and this will generate an increase in property tax revenues.

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:

VIII. Attachments:

1.	Ordinance 495	Ordinance 495 - Zoning Classification Change.doc
2.	Exhibit A	PZ 11-10 exhibit A.pdf

CITY OF KENNEDALE
ORDINANCE NO. 495

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF KENNEDALE; BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE CITY OF KENNEDALE, BEING APPROXIMATELY 1.014 ACRES ENCOMPASSING SOUTHWEST CROSSING ADDITION BLOCK 1R LOT 2; FROM "C-0" RETAIL COMMERCIAL DISTRICT TO "C-1" RESTRICTED COMMERCIAL DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, a change in the zoning classification of the property listed below was requested by a person or entity having a proprietary interest in said property; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on October 20, 2011 and by the City Council of the City of Kennedale on November 17, 2011, with respect to the zoning change described herein; and

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

WHEREAS, the City of Kennedale, Texas does hereby deem it advisable and in the public interest to amend Ordinance No. 40, as amended, as described herein.

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

SECTION 1.

Ordinance No. 40, as amended, is hereby amended so that the permitted uses in the hereinafter described area shall be altered, changed and amended as shown and described below:

> Approximately 1.014 acres, being described as Southwest Crossing Addition Block 1R Lot 2, Tarrant County, Texas, on the illustration attached hereto as

Exhibit “A” and incorporated herein for all purposes of this ordinance, is hereby rezoned from “C-0” Retail Commercial District to “C-1” Restricted Commercial District.

SECTION 2.

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

SECTION 3.

The City Secretary is hereby directed to amend the official zoning map to reflect the changes in classifications approved herein.

SECTION 4.

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

SECTION 5.

This Ordinance shall be cumulative of Ordinance No. 40, as amended, and all other Ordinances of the City of Kennedale affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 6.

All rights or remedies of the City of Kennedale, Texas are expressly saved as to any and all violations of Ordinance No. 40 or of any amendments thereto that have accrued at the time of the effective date of this Ordinance and as to such accrued violations and all pending litigation, both civil and criminal, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

SECTION 7.

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

SECTION 8.

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

PASSED AND APPROVED this **9th** day of **February, 2012**.

____
Mayor, Bryan Lankhorst

ATTEST:

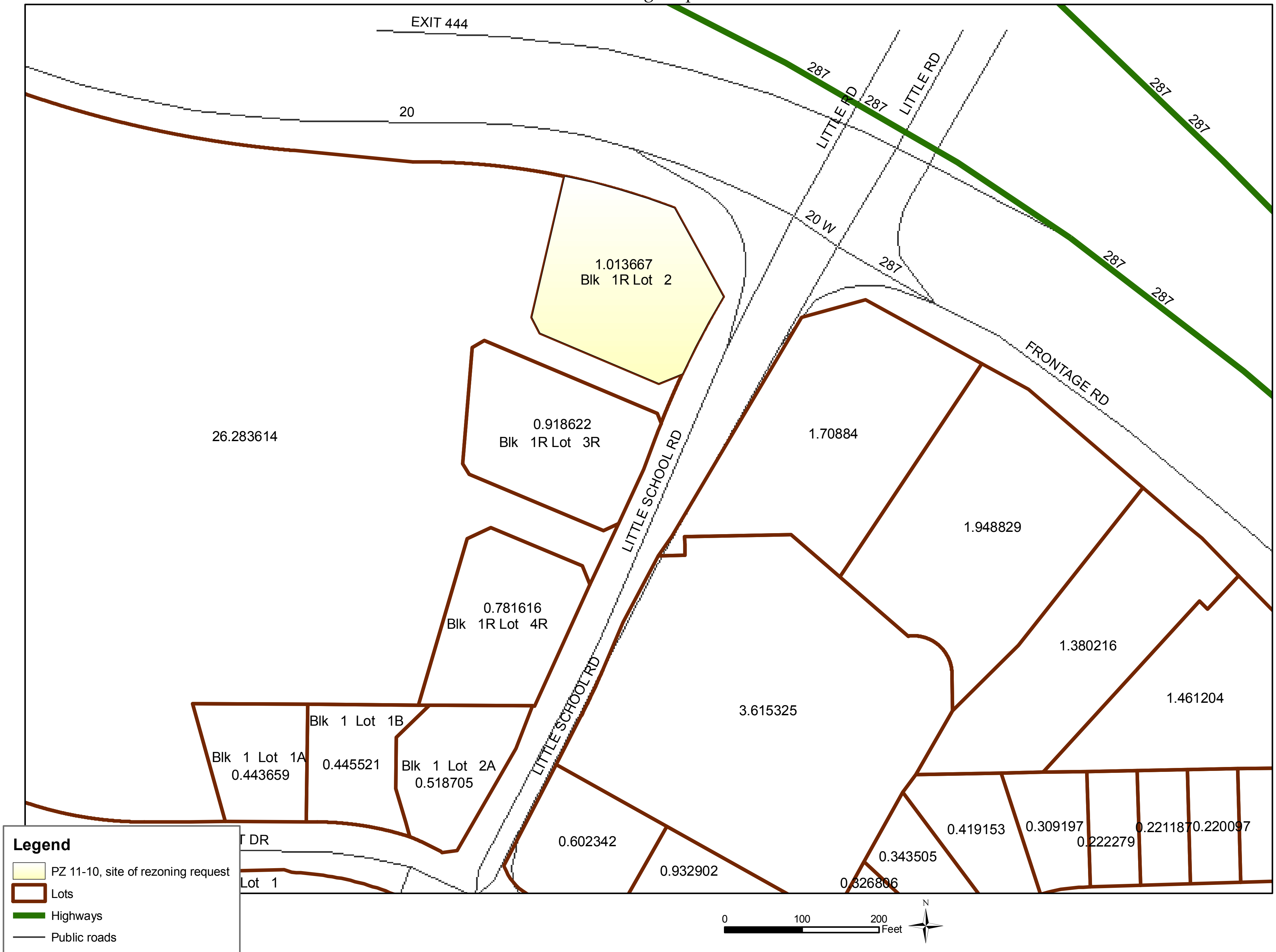
____
City Secretary

APPROVED AS TO FORM AND LEGALITY:

____
City Attorney

Exhibit "A": PZ 11-10

Rezoning Requested



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Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

Agenda Item No: REGULAR ITEMS - B.

I. Subject:
Discuss and consider Resolution 383, Calling the May 12, 2012 General Election.

II. Originated by:

Amethyst G. Cirmo, City Secretary and Communications Coordinator

III. Summary:
Please note that Tarrant County Elections office will not have contracts prepared and sent out until mid April.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution 383	Resolution 383 - Calling May 12, 2012 General Election.doc

RESOLUTION NO. 383

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 12, 2012; APPROVING A JOINT CONTRACT WITH TARRANT COUNTY ELECTIONS ADMINISTRATOR TO ADMINISTER THE ELECTION; AND ESTABLISHING PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the regular election for City Council of the City of Kennedale is required to be held on May 12, 2012, at which time the voters will elect persons to fill the office of Mayor and City Council Places 2 and 4;

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

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

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

Section 1. General Election Called. An election is hereby called to elect the office of Mayor and City Council Places 2 and 4; to serve from May of 2012 until May of 2014 or until their successors are duly elected and qualified. The election shall be held on May 12, 2012 between the hours of 7:00 a.m. and 7:00 p.m., at the Kennedale Community Center, 316 W. 3rd Street, Kennedale, Texas 76060.

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

Section 3. Application for Place on Ballot. Qualified persons may file as candidates by filing applications in the office of the City Secretary from 8:00 a.m. to 5:00 p.m., Monday through Friday, from February 4, 2012 through March 5, 2012.

Section 4. Early Voting.

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

Monday, April 30, 2012	8:00 a.m. – 5:00 p.m.
Tuesday, May 1, 2012	8:00 a.m. – 5:00 p.m.

Wednesday, May 2, 2012	8:00 a.m. – 5:00 p.m.
Thursday, May 3, 201 2	8:00 a.m. – 5:00 p.m.
Friday, May 4, 2012	8:00 a.m. – 5:00 p.m.
Saturday, May 5, 2012	7:00 a.m. – 7:00 p.m.
Sunday, May 6, 2012	11:00 a.m. – 4:00 p.m.
Monday, May 7, 2012	7:00 a.m. – 7:00 p.m.
Tuesday, May 8, 2012	7:00 a.m. – 7:00 p.m.

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

b. Early voting by mail. Steve Raborn, the Tarrant County Election Administrator ("Election Administrator") is hereby designated as Early Voting Clerk for the general election. Applications for early voting by mail may be delivered to the Election Administrator at the following address: Early Voting Clerk, P.O. Box 961011, Fort Worth, Texas 76161-0011, not earlier than March 13, 2012 and not later than close of business on May 4, 2012, if delivered in person, and May 4th, 2012, if delivered by mail. Early voting by ballots shall be mailed to the Elections Administrator at the same address.

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

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

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

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

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

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

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

Section 11. **Runoff Election.** Should a runoff election be required following the canvass of the May 12, 2012 election, the Council hereby orders that a runoff election be held on Saturday, June 16, 2012. The polling place on Election Day for the runoff election shall be at the same polling places as those of the original election and the hours of voting shall be between 7:00 a.m. and 7:00 p.m.

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

PASSED AND APPROVED this 9th day of February, 2012.

____
Mayor, Bryan Lankhorst

ATTEST:

____
Amethyst G. Cirmo, City Secretary

APPROVED AS TO FORM AND LEGALITY:

____
Wayne K. Olson, City Attorney

Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

Agenda Item No: REGULAR ITEMS - C.

I. Subject:
Discuss and consider moving the May 10, 2012 regular meeting to May 17, 2012.

II. Originated by:

Bob Hart, City Manager

III. Summary:
To account for both internal conflicts and to adjust the meeting to incorporate canvassing of the 2012 general election, please consider swapping dates with the Planning & Zoning Commission for the month of May.

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: February 9, 2012

Agenda Item No: REGULAR ITEMS - D.

I. Subject:
Discuss and consider setting rental rates for Kennedale Ballfields as recommended by the Parks and Recreation Board.

II. Originated by:

Larry Hoover, Streets and Parks Supervisor

III. Summary:
Parks and Recreation Board recommends a rate of $25 to reserve a ballfield for a two hour time period. This rate will be for daytime use only. We do not anticipate any nightime rentals at this time therefore, we are not recommending a fee for use of lights.

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: February 9, 2012

Agenda Item No: REGULAR ITEMS - E.

I. Subject:
Discuss and consider adopting Resolution 384, accepting award of CMAQ funds for Sustainable Infrastructure Grant.

II. Originated by:

Rachel Roberts, City Planner

III. Summary:
In 2010, the City of Kennedale applied for a Sustainable Infrastructure grant from the North Central Texas Council of Governments. Kennedale was awarded grant funds under this program, with the funding to come from TxDOT via the the Congestion Mitigation and Air Quality Improvement (CMAQ) Program.
As you may recall, the program involves a 20% match from the City of Kennedale. The City may fulfill its match requirement through in-kind contributions.

NOTE - The date on the final resolution has been updated to February 9, 2012.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	CMAQ Resolution	Resolution 384 - Accepting CMAQ Grant.doc

RESOLUTION NO. 384

IN SUPPORT OF THE CONNECTING KENNEDALE: REVITALIZING THE CITY CENTER SUSTAINABLE DEVELOPMENT PROJECT

WHEREAS, the Regional Transportation Council comprised primarily of local elected officials, is the regional transportation policy board associated with the North Central Texas Council of Governments, is the regional forum for cooperative decisions on transportation; and,

WHEREAS, the Regional Transportation Council approved $41million for the current Sustainable Development Call for Projects on March 5, 2009; and,

WHEREAS, the City of Kennedale submitted a sustainable development project application for the Connecting Kennedale: Revitalizing the City Center project to the North Central Texas Council of Governments (NCTCOG) prior to the October 2, 2009 deadline; and,

WHEREAS, the Regional Transportation Council approved an increase in the funding amount and awarded $44.8 million for projects selected for funding through the current Sustainable Development Call for Projects on June 3, 2010; and,

WHEREAS, the Regional Transportation Council approved $921,964 in (Regional Toll Revenue (RTR) or Regional Transportation Council (RTC) local) funds for the Connecting Kennedale: Revitalizing the City Center project through the 2009-2010 Sustainable Development Call for Projects; and,

WHEREAS, the Regional Transportation Council required the submittal of this resolution prior to the execution of an Interlocal Cooperative Agreement with the North Central Texas Council of Governments and the use of funds pending the receipt of an Interlocal Cooperative Agreement, and the requirement that a resolution of the City of Kennedale's governing body for each project be submitted to NCTCOG.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1. The City of Kennedale supports the Connecting Kennedale: Revitalizing the City Center as applied for in the original 2009-2010 Sustainable Development Call for Projects application.

Section 2. The City of Kennedale will serve as the public sponsor and lead project contact on this project. The City Manager is authorized to designate a single point of contact for the project.

Section 3. The City of Kennedale commits to fund or pass through funds from the private sector for a minimum local cash or in-kind match of 20% of the total project cost.

Section 4. The City of Kennedale confirms that the local partners, not the Regional Transportation Council, will be responsible for any cost overruns.

Section 5. The City Manager is authorized to enter into an Interlocal Cooperative Agreement with the North Central Texas Council of Governments.

Section 6. *If applicable-for Infrastructure projects:* The City of Kennedale confirms that infrastructure built with (Regional Toll Revenue (RTR) or Regional Transportation Council (RTC) local funds) will follow the administrative process, procurement, and design standards of the City of Kennedale. In the event federal funds are used for the project, the City of Kennedale supports the use of state and federal design guidelines.

Section 7. The City of Kennedale confirms that all funding is handled on a reimbursement basis.

Section 8. The City of Kennedale confirms that there are no outstanding local regulation issues associated with the proposed land uses associated with the development project.

Section 9. The City of Kennedale confirms that the private developer, Kennedale Town Center, L.P./Cypress Properties, will participate in the *Connecting Kennedale: Revitalizing the City Center* project by constructing the vertical infrastructure (buildings, etc.) in TownCenter. The City Manager is authorized to modify arrangements with the current developer including securing a replacement developer as necessary.

Section 10. The City of Kennedale concurs with the Sustainable Development Call for Projects Program Rules.

PASSED AND APPROVED ON THIS □□□9th day of February 2012.

ATTEST:

______________________________ ______________________________

Mayor, Bryan Lankhorst | Amethyst Cirmo, City Secretary

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Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

Agenda Item No: REGULAR ITEMS - F.

I. Subject:
Discuss and consider appointments to the Planning and Zoning Commission, Building Board of Appeals, and Library Advisory Board.

II. Originated by:

Amethyst G. Cirmo, City Secretary and Communications Coordinator

III. Summary:
Please see the attached applications:

<u>The Planning & Zoning Commission:</u>
2 vacant alternate seats

<u>The Building Board of Appeals:</u>
2 vacant regular seats

<u>The Library Advisory Board:</u>
2 vacant alternate seats
2 vacant regular seats

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Donahue Application	M Donahue.pdf
2.	Vester	Billy Vester-1.pdf
3.	Brown	R Brown.pdf
4.	Herring Application	M Herring.pdf

KENNEDALE
City Secretary
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APPLICATION

CONSIDERATION FOR APPOINTMENT TO A CITY BOARD OR COMMISSION

Please check the box of the Board/Commission on which you would like to serve:

- [ ] Parks & Recreation Advisory Board
- [x] Planning & Zoning Commission
- [x] Building Board of Appeals
- [ ] Board of Adjustment
- [ ] Library Advisory Board
- [ ] Arts & Culture Advisory Board
- [ ] Economic Development Corporation
- [ ] Keep Kennedale Beautiful Commission

FULL NAME:	MATTHEW A. DONOHUE		
AGE (Optional):	79		
HOME ADDRESS:	1265 CROSS CREEK DR		
HOME PHONE:	817-561-5615	**CELL PHONE:**	
EMAIL ADDRESS:			
OCCUPATION:	RETIRED		
EDUCATION:	COLLEGE		
VOTER REG. #	1047675708		
RESIDENCY:	I have been a resident of the City of Kennedale for ______ years.		

I have special knowledge or experience in the following areas:

- [ ] Banking/Finance
- [ ] Promotion/Marketing
- [ ] Law/Contracts
- [ ] Other (please describe)____________________
- [x] Business Development
- [ ] Real Estate/Development
- [x] Manufacturing/Industrial Operations
- [x] Building/Construction
- [ ] Industrial Training

Please describe any other relevant experience, civic activities, or other necessary information:

I have attended one or more meetings of this board or commission: [ ] Yes [x] No

Signature: M A Donohue Date: 1/12/12

PLEASE RETURN THE COMPLETED FORM TO THE CITY SECRETARY'S OFFICE AT THE ADDRESS BELOW OR EMAIL TO acirmo@cityofkennedale.com

MATTHEW A. DONOHUE

OBJECTIVE: To provide consulting services to senior positions responsible for managing a high quality, profitable aviation company.

SUMMARY: An experienced senior executive with a proven record of leadership in planning, implementation and executing a profitable business plan.

EXPERIENCE:

1995-1997 **A.O.G., INC.** DALLAS, TX

PRESIDENT AND CHIEF OPERATING OFFICER
Combined A.O.G., Inc., and Aero Parts and Services Inc., into one operating company to provide a complete aircraft fuel system parts supplies and services to the aircraft's industry. With total P&L responsibility, the $ 5.6M company with a marginal profit was solidified into a $10M organization with a very satisfactory profit. Long term contracts with several major customers insured a continuing revenue growth and increasing profit posture.

1991-1994 **THE DEE HOWARD CO.** SAN ANTONIO, TX

PRESIDENT AND CHIEF OPERATING OFFICER
Responsible for P&L performance of a $120M company with 1,500 employees involved in the maintenance and modification of aircraft, and the manufacture of thrust reversers. The company successfully developed a re-engining program for Boeing 727 aircraft which achieved FAA certification and has been accomplished on 52 United Parcel Service aircraft.

1989-1991 **GENERAL ELECTRIC ENGINE MAINT. CENTER** ONTARIO, CA

GENERAL MANAGER
Managed a unionized work force of 900 employees engaged in the maintenance and overhaul of commercial and military engines as part of the General Electric Aircraft Engine Service Center system. We repaired and remanufactured engines for United Airlines, American Airlines, Federal Express, Continental Airlines and the United States Government.

1987-1989 **AVIALL** DALLAS, TX

VICE PRESIDENT, OPERATIONS
Director engine repair activities of major airlines customers with responsibility for Production, Engineering, Production Control, Quality Control, and Facility activities. The facility produced 600 high quality airline customer engines during 1988, with less than 2% warranty returns, which generated $ 200M revenue during 1988. Developed and initiated implementation of a facility master plan to

accommodate expansion through 1995 and reduced rotable parts inventory by 16% through computer model implementation. Negotiated three year union contract with Teamster Local within established corporate guidelines.

1986-1987 **INTERTURBINE** ARLINGTON, TX

VICE PRESIDENT/GENERAL MANAGER
Directed manufacturing and repair operation of the Casing Division. Primarily involved in the repair of jet engine parts for the U.S. Air Force and commercial airlines. Returned division to profitability by rescheduling work flow through repair process.

1983-1986 **M.A. DONOHUE & ASSOCIATES** TULSA, OK

PRESIDENT
Provided technical and management consulting services to clients in the aviation industry.

1980-1983 **AIRMOTIVE IRELAND** DUBLIN, IRELAND

GENERAL MANAGER/CHIEF EXECUTIVE
Developed a major jet engine overhaul facility in Dublin, Ireland to service the national airline and other customers. Provided good employment for 600 employees to meet the job creation commitment to the community. The facility, management structure, procedures, recruitment, and production was accomplished below budget and on schedule.

1974-1980 **AMERICAN AIRLINES** TULSA, OK

DIRECTOR, POWER PLANT MAINTENANCE
Directed the engine maintenance activity for all American Airlines engines. Produced 750 engines per year to support the fleet requirements. Provided direction to 500 personnel and support services for 700 additional personnel. Achieved the lowest direct operating cost for several engine types during this period.

1955-1974 **CURTISS WRIGHT** WOOD-RIDGE, NJ

ASSISTANT DIRECTOR, OVERHAUL
Assisted the Director, Overhaul in the achievement of Profit Center objectives by managing shop operations and participating in the planning and negotiations of contract proposal. Added jet engine repair capability to existing piston engine facility. Rearranged facility and restructured organization to accommodate increase in volume as a result of securing major military contract.

1951-1955	**UNITED STATES AIR FORCE**	SAN MARCOS, TX

MECHANIC/INSPECTOR
Insured the required inspection, maintenance, and test flights had been performed on various aircraft and engines.

EDUCATION: FAIRLEIGH DICKINSON UNIVERSITY, Teaneck, New Jersey
B.S. Mechanical Engineering, 1967

PERSONAL: 1265 Cross Creek Dr.
Kennedale, TX 76060
(817) 561-5615

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405 Municipal Drive, Kennedale, Texas 76060

BOARD/COMMISSION CANDIDATE DATA SHEET

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

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

Name: Billy Vester Age (Optional): 35

Home Address: 602 Ruth Dr. Kennedale, TX 76060

Home Phone: 817 516-5912 Business/Cell Phone: 682 597-5613

Email: billy_Vester@Yahoo.com Alt. Contact: 214 532-5095

Resident of City for 2 Years Voter Registration No: ________

Occupation: Professional Client Technical Administrator

Education: Bachelor's Business Management

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

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

Other information (Civic Activities, etc.): ________________

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

Date: December 5, 2011 Signature: Billy Vester

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

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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
- ☐ Culture & Arts Board

Name: Rebekah R Brown Age (Optional): 48

Home Address: 6867 Mansfield Cardinal Rd Kenn 76060

Home Phone: 817561-4522 Business/Cell Phone:

Email: rebnow@holmail.com Alt. Contact:

Resident of City for 5 Years Voter Registration No:

Occupation: Accontal

Education: Bach / accontig Ass / PSU

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 ☐ No

Date: 01/08/12 Signature:

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

KENNEDALE
City Secretary
www.cityofkennedale.com

APPLICATION

CONSIDERATION FOR APPOINTMENT TO A CITY BOARD OR COMMISSION

Please check the box of the Board/Commission on which you would like to serve:

- ☐ Parks & Recreation Advisory Board
- ☒ Planning & Zoning Commission
- ☐ Building Board of Appeals
- ☐ Board of Adjustment
- ☐ Library Advisory Board
- ☐ Arts & Culture Advisory Board
- ☐ Economic Development Corporation
- ☐ Keep Kennedale Beautiful Commission

FULL NAME:	Michael Herring		
AGE (Optional):	37		
HOME ADDRESS:	1258 Leanne CT		
HOME PHONE:	817-881-5271	**CELL PHONE:**	817-881-5271
EMAIL ADDRESS:	dsdmichael@gmail.com		
OCCUPATION:	CAD Designer		
EDUCATION:	ASSOCIATES DEGREE CAD		
VOTER REG. #			
RESIDENCY:	I have been a resident of the City of Kennedale for 3 years.		

I have special knowledge or experience in the following areas:

- ☐ Banking/Finance
- ☐ Promotion/Marketing
- ☐ Law/Contracts
- ☐ Business Development
- ☒ Real Estate/Development
- ☐ Manufacturing/Industrial Operations
- ☒ Building/Construction
- ☐ Industrial Training
- ☐ Other (please describe)__________

Please describe any other relevant experience, civic activities, or other necessary information:

I have attended one or more meetings of this board or commission: ☐ Yes ☐ No

Signature: [signature] Date: 28 JAN 2012

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Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

Agenda Item No: REGULAR ITEMS - G.

I. Subject:
Discuss and consider authorizing the City Manager to execute a management agreement with Utility Service Communications Company for wireless communication device installation on city water towers.

II. Originated by:

Bob Hart, City Manager

III. Summary:
Bob Hart will present information related to the potential addition of cellular communications devices on city water tanks.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Utility Service Contract	UTILITY SERVICE CONTRACT.pdf

UTILITY SERVICE COMMUNICATIONS CO., INC
535 Courtney Hodges Blvd.
P.O. Box 1350
Perry, Georgia 31069
Tel: 478-987-4663 800-679-7819
Fax: 478-987-1844
www.utilityservice.com

Wireless Communications Management Agreement

THIS WIRELESS COMMUNICATIONS MANAGEMENT AGREEMENT (hereinafter, the "Agreement"), made and entered into this ______ day of ________________, 20___ by and between ______________________________, (hereinafter, the "Owner") whose principal office address, described on Exhibit "A" and **UTILITY SERVICE COMMUNICATIONS CO., INC.**, whose principal office address is 535 General Courtney Hodges Boulevard, Post Office Box 1350, Perry, Georgia 31069, (hereinafter, the "Manager").

WITNESSETH:

WHEREAS, Owner is the owner of certain Water Tank(s) and Real Property ("Tank and Site") described on Exhibit "A" attached hereto, (hereinafter, the "Site"); and

WHEREAS, Owner desires to retain Manager to exclusively market and manage all revenue generating co-locations at the Site. Manager agrees to manage the marketing, agreement negotiations, installation, and ongoing management of all revenue generating antenna co-locations at the Site (the "Duties"), all on the terms, conditions, and provisions herein contained.

NOW, THEREFORE, Owner and Manager hereby agree as follows:

1. Exclusive Appointment of Manager. Owner hereby appoints Manager to carry out the Duties, provided that Manager shall serve only in the capacity of an independent contractor and neither party shall have any right to incur any indebtedness on behalf of the other party. Manager shall have exclusive right and authority to manage and carry out all Duties for the Site as well as the Services enumerated herein below. Owner shall not permit any licensee, the use of the Site to install any type of communications equipment or antennas.

2. Services. In order for the Manager to effectively carry out the Duties, the Manager shall perform the following services (herein, the "Services"):
    a. Manager shall have the exclusive right to market and license the Site on a local and national level.
    b. Manager may choose wireless carriers, at its sole discretion, to ensure that the Tank is not damaged, the life of the Tank is not compromised, and the Owner's maintenance fees are not increased due to co-location, provided Tank(s) are in Utility Service Co., Inc.'s Maintenance Program.
    c. Negotiate and enter into licensing agreements with potential wireless carriers for antenna space on the tank and ground equipment space. The primary goals of

the negotiations shall be the maximization of income to the Owner and the preservation of the Tank and its contents.

d. Ensure structural analysis of the Tank is performed. Review and approve installation designs prior to any installations on the Tank.
e. Provide billing and collection of fees associated with License Agreements, ensure that payments are made in connection with the co-location, and provide necessary accounting and reporting services.
f. Provide current certificates of insurance coverage to the Owner upon request.
g. Provide a Site Safety Plan for each Site with carriers, updating as needed to meet local, state and federal requirements.
h. Provide ongoing management and administration by monitoring and implementing required practices and procedures.

3. Revenue. As compensation, the Manager shall pay to the Owner seventy percent (70%) of the Gross Annual Site Fee Receipts (GASFR) within sixty (60) days following the end of each calendar year. The cost for services, equipment, hardware, structures, etc., will not affect the site fee due the Owner.

4. Owners Representation. Owner hereby represents and warrants that Owner has good and marketable title and interest to the Site so as to have full authority to enter into and execute this Agreement. Owner further warrants: (1) that there are no deeds to secure debt, deeds of trust, mortgages, liens or judgments encumbering the Site and no restrictive covenants or other encumbrances on the title to the Site that would prevent Manager from utilizing the Site for the uses intended by the Manager as set forth in this Agreement; (2) that Tank and Site is compliant with all regulatory agencies; and (3) that the Tank and the real property on which it is located do not have any hazardous materials in or on the Site.

5. Ingress/Egress. Owner grants and warrants Manager, its agents, and licensees free and unrestricted access to the Site, and any privately held roads leading to the Site, at all times. Owner need not be present for the Manager, its agents, and licensees to access the Site.

6. Term and Termination. The term of this Agreement shall be ten (10) years ("Initial Term") from the date above with two (2) additional five (5) year renewal periods ("Renewal Terms"). The Renewal Terms shall commence automatically without further action on the part of the Owner or Manager; provided, however, that Owner may terminate at the expiration of the Initial Term or at the expiration of any Renewal Term by giving the manager written notice not less than sixty (60) days prior to the expiration of the then current term. At the expiration of the initial term and or renewal terms, this Agreement will be automatically extended for the remaining term of any existing License Agreements(s). The Owner may terminate this Agreement if the Manager violates one or more of its terms and such violation results in material detriment to the Owner. If the Owner deems that the Manager has violated such terms, then Owner shall give written notice describing the default and granting the Manager sixty (60) days to cure the default. If

the Manager fails to substantially cure the default within sixty (60) days of receipt of the notice, the Owner may terminate this Agreement. The Manager may terminate this Agreement at any time with one hundred eighty (180) days advanced written notice to the Owner.

7. Maintenance. Owner is responsible for the maintenance of the Tank and the upkeep of the Site.

8. Indemnities. The MANAGER agrees to indemnify and holds the OWNER harmless for any liability incurred in connection with services rendered under this agreement.

9. Condemnation. If notice is given to Owner that the Site will be condemned by any legally constituted public authority, then Owner shall promptly notify Manager of such taking or condemnation. If the whole of the Tank, or such portion thereof as will make the Tank unusable by Manager for the purposes herein described is condemned by any legally constituted public authority, then this Agreement, and the term hereby granted, shall terminate and expire at such time as possession thereof is taken by the public authority, and site fees shall be accounted for as between Owner and Manager as of that date. However, nothing in this paragraph shall be construed to limit or adversely affect Manager's right to seek an award of compensation from any public authority that is seeking condemnation proceeding for the taking of Manager's interest hereunder or for the taking of Manager's and or Licensee's improvements, fixtures, equipment or personal property.

10. Assignment. This Agreement shall bind and remain in force to the benefit of the parties, their legal representatives, successors and assigns, including, without limitation, a successor by merger. In the event of any assignment, the assignee shall succeed to all of the rights, interests and obligations of Owner contained herein.

11. Security Interest. It is the express intent of the parties to this Agreement that Owner shall have no lien or security interest whatsoever in any personal property of the Manager or its Licensees.

12. Modification. This Agreement may be modified only by a written addendum signed by Owner and Manager.

13. Governing Law. This agreement shall be governed by the laws of the State where the Tank is located.

In Witness Whereof, the parties hereto have caused this Agreement to be executed in duplicate as of the day and year first above set forth.

MANAGER:

Utility Service Communications Co., Inc.

Debbie Sullivan

By: Debbie Sullivan

Vice President of Communications

Title

Date

Witness

OWNER:

By:

Title

Date

Witness

WIRELESS COMMUNICATIONS MANAGEMENT AGREEMENT

Exhibit "A" Page 1 of ___

Tank Owner Information

Name of Tank Owner, Physical and Mailing Address:

Name: ______________________________

____

____

____

E-Mail: ______________________________

Tank Owner Contact: ______________________________

Phone #: ____________________ Fax #: ____________________

Tank Site Information

Tank Address (911): ______________________________

____

Style and Capacity: ______________________________

Tank Height: __________ Elevation: __________ Year Built: __________

Coordinates: Latitude______________ Longitude______________

Are any Carrier's antennas currently installed on this tank? Yes____ No____

Are any City, County or other antennas installed on this tank? Yes____ No____

Tank Address (911): ______________________________

____

Style and Capacity: ______________________________

Tank Height: __________ Elevation: __________ Year Built: __________

Coordinates: Latitude______________ Longitude______________

Are any Carrier's antennas currently installed on this tank? Yes____ No____

Are any City, County or other antennas installed on this tank? Yes____ No____

Exhibit "A"

Page 2 of ___

Tank Site Information

Tank Address (911): ______________________________

____

Style and Capacity: ______________________________

Tank Height: ________ Elevation: ________ Year Built: ________

Coordinates: Latitude____________ Longitude____________

Are any Carrier's antennas currently installed on this tank? Yes____ No____

Are any City, County or other antennas installed on this tank? Yes____ No____

Tank Address (911): ______________________________

____

Style and Capacity: ______________________________

Tank Height: ________ Elevation: ________ Year Built: ________

Coordinates: Latitude____________ Longitude____________

Are any Carrier's antennas currently installed on this tank? Yes____ No____

Are any City, County or other antennas installed on this tank? Yes____ No____

Tank Address (911): ______________________________

____

Style and Capacity: ______________________________

Tank Height: ________ Elevation: ________ Year Built: ________

Coordinates: Latitude____________ Longitude____________

Are any Carrier's antennas currently installed on this tank? Yes____ No____

Are any City, County or other antennas installed on this tank? Yes____ No____

Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

Agenda Item No: REGULAR ITEMS - H.

I. Subject:
Discuss and consider Resolution 385, regarding suspension of the Atmos rate change.

II. Originated by:

Bob Hart, City Manager

III. Summary:
The City, along with approximately 153 other cities served by Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC" or "Steering Committee"). On or about January 31, 2012, Atmos Mid-Tex filed with the City a Statement of Intent to increase rates within the City.

Background
In 2003, TXU Gas filed a statewide rate case which became known at the Railroad Commission of Texas ("RRC") as Gas Utilities Docket ("GUD") No. 9400. That same year the Texas Legislature passed legislation referred to as the Gas Reliability Infrastructure Program ("GRIP") which authorized annual piecemeal rate reviews that Texas courts have concluded significantly restrict city jurisdiction, participation, and input. Shortly after GUD No. 9400 was decided in 2004, Atmos Energy purchased TXU Gas and created what is known as Atmos Energy Corp., Mid-Tex Division. The City is within the Atmos Mid-Tex Division.

Atmos Mid-Tex filed four GRIP cases before filing a traditional rate case in September, 2007. As part of Cities' Settlement Agreement with Atmos of the 2007 rate case, ACSC and Atmos created a substitute process for annual piecemeal GRIP cases. That substitute process was called a Rate Review Mechanism ("RRM") and was intended as an expedited but comprehensive rate review that included a number of fixed values and constraints. The RRM was intended as a three-year experiment. Last year, it was extended for a fourth year with some slight modifications to the original formulas. ACSC negotiated with Atmos in the final quarter of last year to further extend the RRM process, but no agreement was reached. Atmos has expressed a desire to reach a settlement of the January 31, 2012 filing that includes a revised RRM process.

Enclosed are frequently asked questions ("FAQ") on ACSC and the RRM ratemaking process.

Discussion and Purpose
Atmos Mid-Tex filed a Statement of Intent on January 31, 2012, seeking to increase system-wide base rates (which exclude the cost of gas) by approximately $49 million or 11.94%. However, the Company is requesting an increase of 13.6%, excluding gas costs, for its residential customers. Additionally, the application would change the way that rates are collected, by increasing the residential fixed-monthly (or customer) charge from $7.50 to $18.00 and decreasing the consumption charge from $0.25 per 100 cubic feet ("ccf") to $0.07 per ccf.
The law provides that a rate request made by a gas utility cannot become effective until at least 35 days

following the filing of the application to change rates. Atmos has proposed an effective date of March 6, 2012. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. If the City fails to take some action regarding the filing before the effective date, Atmos' rate request is deemed administratively approved.

The purpose of the resolution is to extend the effective date of Atmos Mid-Tex's proposed rate increase to give the City time to review the rate-filing package. The resolution suspends the March 6, 2012 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the other ACSC cities, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy to pursue, including settlement and ultimately to approve reasonable rates.

Explanation of "Be It Resolved Paragraphs"

Section 1. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective so long as the City has a legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as the "maximum period allowed by law" rather than ending by a specific date. This is because the Company controls the effective date and can extend its effective date and, therefore, extend the deadline for final city action to increase the time that the City retains jurisdiction (for example, if necessary to reach settlement on the case). If the suspension period is not otherwise extended by the Company, the City must take final action on Atmos Mid-Tex's request to raise rates by June 4, 2012.

Section 2. This provision recognizes the City's membership in ACSC and authorizes the City to participate with other similarly situated cities served by Atmos Mid-Tex in order to more efficiently represent the interests of the City and its citizens.

Section 3. By law, the Company must reimburse the cities for their reasonable rate case expenses. Legal counsel and consultants approved by ACSC will present their invoices to the City of Arlington which will then seek reimbursement from Atmos Mid-Tex. The City will not incur liability for payment of rate case expenses by adopting a suspension resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the resolution was properly noticed.

Section 5. This section provides that both Atmos Mid-Tex's designated representative and counsel for ACSC will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.

Recommendation

The City Staff recommends adoption of the resolution suspending the effective date of Atmos Mid-Tex's proposed rate increase.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	ATMOS	Resolution 385 - Atmos Rate Suspension.DOC

RESOLUTION NO. 385

RESOLUTION OF THE CITY OF KENNEDALE, TEXAS SUSPENDING THE MARCH 6, 2012, EFFECTIVE DATE OF ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX") REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ATMOS CITIES STEERING COMMITTEE ("ACSC") AND OTHER CITIES IN THE ATMOS MID-TEX SERVICE AREA TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND ACSC'S LEGAL COUNSEL

WHEREAS, on or about January 31, 2012, Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), pursuant to Gas Utility Regulatory Act § 104.102 filed with the City of Kennedale, Texas ("City") a Statement of Intent to change gas rates in all municipalities exercising original jurisdiction within its Mid-Tex Division service area, effective March 6, 2012; and

WHEREAS, the City is a regulatory authority under the Gas Utility Regulatory Act ("GURA") and under Chapter 104, §104.001 et seq. of GURA has exclusive original jurisdiction over Atmos Mid-Tex's rates, operations, and services within the City; and

WHEREAS, in order to maximize the efficient use of resources and expertise, it is reasonable for the City to maintain its involvement in the Atmos Cities Steering Committee ("ACSC") and to cooperate with the more than 150 similarly situated city members of ACSC and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, Atmos Mid-Tex proposed March 6, 2012, as the effective date for its requested increase in rates; and

WHEREAS, it is not possible for the City to complete its review of Atmos Mid-Tex's filing by March 6, 2012; and

WHEREAS, the City will need an adequate amount of time to review and evaluate Atmos Mid-Tex's rate application to enable the City to adopt a final decision as a local regulatory authority with regard to Atmos Mid-Tex's requested rate increase; and

WHEREAS, the Gas Utility Regulatory Act § 104.107 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days; and

WHEREAS, the Gas Utility Regulatory Act § 103.022 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility.

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

1. That the March 6, 2012, effective date of the rate request submitted by Atmos Mid-Tex on January 31, 2012, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

2. That the City is authorized to cooperate with ACSC and its member cities in the Mid-Tex service area and under the direction of the ACSC Executive Committee to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Railroad Commission.

3. That the City's reasonable rate case expenses shall be reimbursed by Atmos.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Atmos, care of David Park, Vice President Rates & Regulatory Affairs, at Atmos Energy Corporation, Mid-Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this 9th day of February 2012.

____
Mayor

ATTEST:

____
City Secretary

APPROVED AS TO FORM:

____
City Attorney

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Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

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 regulation of sexually oriented businesses, litigation, settlement offers, and/or claims regarding the following matters:

1. H & A Land Corporation, et al. v. City of Kennedale - Cause No. 402-CV-0458-Y (Showtime)

II. Originated by:

Bob Hart, City Manager

III. Summary:
Bob Hart will present information on these topics during executive session.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:
None

VII. Alternative Actions:
Any action that is necessary on this topic will be taken once council has reconvened into open session.

VIII. Attachments:

1.	Showtime Letter	Showtime Letter.pdf

February 2, 2012

To Mayor Bryan Lankhorst

Pursuant to the agreement regarding Showtime as a sexually oriented business;

1. I am shutting down the S.O.B. business down on the specified date. I request a 30 day extension to remove the Showtime sign from the building.

2. I will file an instrument in the county deed records prohibiting the use of the property as a sexually oriented business on or before February 28, 2012.

3. I will use my T.A.B.C. permit to operate as a Sports Bar during the remaining period of the location permit issued by T.A.B.C.

4. The location will not be used as a sexually oriented business in the future but will be a regular sports bar.

Thank you and I respectfully remain

Very truly yours,

Kelli Freeman

Kelli Freeman

Staff Report to the Honorable Mayor and City Council

Date: February 9, 2012

Agenda Item No: EXECUTIVE SESSION - B.

I. Subject:

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

1. Right of Way on Sublett Road 100 Block East

II. Originated by:

Bob Hart, City Manager

III. Summary:
Bob Hart will present information on this topic during executive session.

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: February 9, 2012

Agenda Item No: RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED - A.

I. Subject:
Discuss and consider a request by Showtime Cabaret for a thirty day extension on removing their exterior sign.

II. Originated by:

Bob Hart, City Manager

III. Summary:
Please see the item attached to executive session item A-1.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments: