

KENNEDALE CITY COUNCIL
AGENDA
REGULAR MEETING
June 14, 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. Discuss Place 1 appointment process.
- B. Discuss Tax Increment Reinvestment Zone.
- C. Discuss staff recommendation for Professional Auditing Services.
- D. Discuss any other items on the agenda.

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. Updates and information from the City Manager, if any.
- B. Updates and information from Councilmembers, if any:
- C. Updates and information from the Mayor, if any:

X. CONSENT ITEMS

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

- A. Consider approval of regular meeting minutes from May 17, 2012.
- B. Consider approval of special meeting minutes from May 22, 2012.
- C. Consider accepting a \$74,399.08 grant award for the Police mobile video system.

XI. REGULAR ITEMS

- A. Oath of Office for Liz Carrington, Council Place 2, 2012-2014 term.
- B. Oath of Office for Kelly Turner, Council Place 4, 2012-2014 term.
- C. Oath of Office for John Clark, appointed as Mayor for the remainder of the 2012-2014 term.
- D. Election, appointment, and issuance of the Oath of Office for Mayor Pro-Tem.
- E. Nominate a Councilmember to serve as the voting representative to the North Central Texas Council of Governments.
- F. Consider approving Ordinance 505, amending Chapter 17 of the City Code by adding a section titled 'Post Construction Runoff Control.'
- G. Considering authorizing City Manager to ratify contract for Professional Auditing Services.

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.

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

XIV. ADJOURNMENT

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

CERTIFICATION

I certify that a copy of the June 14, 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.

A handwritten signature in cursive script that reads "Amethyst G. Cirno".

Amethyst G. Cirno, City Secretary

Date: June 14, 2012

Agenda Item No: WORK SESSION - A.

I. Subject:

Discuss Place 1 appointment process.

II. Originated by:

City Council, City Council

III. Summary:

Council will discuss the timeline and process for the appointment to Council Place 1. Council will also discuss questions for the interview process.

Questions to consider:

1. Describe the difference between management and governance.
2. As a member of the council, how would you handle a situation where you disagreed with a council decision?
3. What is your goal as a councilmember for your first 6 months of service?
4. What would your campaign be if you were running for office or re-election?
5. What do you think are that top 3 issues facing Kennedale?
6. What is your view of the city's new Comprehensive Plan?

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Date: June 14, 2012

Agenda Item No: WORK SESSION - B.

I. Subject:

Discuss Tax Increment Reinvestment Zone.

II. Originated by:

Bob Hart, City Manager

III. Summary:

Bob Hart will discuss the proposed TIRZ.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Date: June 14, 2012

Agenda Item No: WORK SESSION - C.

I. Subject:

Discuss staff recommendation for Professional Auditing Services.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

Date: June 14, 2012

Agenda Item No: WORK SESSION - D.

I. Subject:

Discuss any other items on the agenda.

II. Originated by:

City Council, City Council

III. Summary:

At this time Council may discuss any other items on the agenda.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

Date: June 14, 2012

Agenda Item No: REPORTS/ANNOUNCEMENTS - A.

I. Subject:

Updates and information from the City Manager, if any.

II. Originated by:

Bob Hart, City Manager

III. Summary:

Bob Hart will present information on various topics.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Date: June 14, 2012

Agenda Item No: REPORTS/ANNOUNCEMENTS - B.

I. Subject:

Updates and information from Councilmembers, if any:

II. Originated by:

City Council, City Council

III. Summary:

At this time councilmembers may present information.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

Date: June 14, 2012

Agenda Item No: REPORTS/ANNOUNCEMENTS - C.

I. Subject:

Updates and information from the Mayor, if any:

II. Originated by:

III. Summary:

At this time the Mayor will present any necessary information.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Date: June 14, 2012

Agenda Item No: CONSENT ITEMS - A.

I. Subject:

Consider approval of regular meeting minutes from May 17, 2012.

II. Originated by:

Celeste Brown, Administrative Assistant

III. Summary:

Please see the attached minutes.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Minutes	05.17.2012 CC Minutes.doc
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**KENNEDALE CITY COUNCIL
MINUTES
REGULAR MEETING
May 17, 2012
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE**

I. CALL TO ORDER

Mayor Lankhorst called the work session to order at 5:30 PM.

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 from the Youth Advisory Council.

David Green and the members of the Youth Advisory Commission approached the council. The YAC Chair gave a recap of the past year's events and introduced new members.

B. Review oil and gas drilling provision related to drilling pad sites and locations.

David Burnett from EOG approached the Council and gave a presentation on the 'Moore South Unit' potential drilling site in Kennedale. EOG currently has 6 sites in Kennedale and is looking to place a unit on the southern portion of Fort Worth Tower's property. The company has identified 8 new, potential sites, all of which conflict with some portion of the oil and gas ordinance as it currently stands.

EOG is requesting that council consider adding language to the current ordinance that would allow for EOG to conduct drilling operations on a pad south of Fort Worth Tower (FWT). This would include dealing with setback, floodplain, and other issues. FWT is currently not interested in selling additional property to EOG adjacent to the current production site on FWT property.

C. Review draft proposed Tax Increment Reinvestment Zone along New Hope Road.

This item was postponed to after executive session due to time constraints.

III. REGULAR SESSION

Mayor Lankhorst called the meeting to order at 5:30 PM.

IV. ROLL CALL

Roll Call

Present Bryan Lankhorst (Not Voting), Frank Fernandez, John Clark, Brian Johnson, Kelly Turner, Liz Carrington

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.

Two speakers signed up to speak:

1. Roy Boening, of 1020 Kennedale Sublett Rd approached the council to express thanks for the city's response to the April 3 tornado.
2. Michael Chandler of 700 E Kennedale Parkway approached the council to recap the recent Great American Cleanup, International Migratory Bird Day, and Arbor Day celebration. He thanked the council for their continued support of the Keep Kennedale Beautiful Commission.

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. Chamber of Commerce Legislative Day announcement and request.

Pat Doescher, Chair of the Chamber of Commerce approached the council, explaining that the Chamber has been growing in membership. The Chamber Board has formed a legislative committee, headed by Michael Frasier. Mr. Frasier asked the council to consider recommending specific groups for the committee to meet with during the legislative trip.

B. TownCenter Veterans Memorial plaque presentations:

Councilmember Fernandez and Mayor Lankhorst presented plaques to the following community members:

- Senior Airman James Shook of the United States Air Force
- Master Sergeant John Boyd of the United States Army
- Colonel Robert Gruenhagen of the United States Air Force

Plaques for these individuals will be placed on the TownCenter Veterans Memorial.

C. Presentation of the Kathy Turner Memorial Scholarship Award.

Mayor Lankhorst presented the scholarship to Madison Lea.

D. Presentation of the Tree City USA Award to the City of Kennedale

Firester Courtney Belevins of the Texas Forest Service presented the Tree City USA award to Mayor Lankhorst and the members of the Keep Kennedale Beautiful Commission. Kennedale is one of 60 cities in Texas to have the honor of being a Tree City USA.

E. Updates and information from the City Manager, if any.

Bob Hart noted that the dedication of Sublett Road and Little School would take place on August 4th at the roundabout at that location.

F. Updates and information from councilmembers, if any.

Brian Johnson thanked the Chamber of Commerce for the annual luncheon and announced that John Clark was named 'Community Leader of the Year' and Rachel Roberts was named 'City Employee of the Year.'

G. Updates and information from the Mayor:

- Proclamation from the Mayor declaring May 19th 'National Kids to Parks Day'

Mayor Lankhorst read the National Kids to Parks Day proclamation, and announced that Bark in the Park and KidFish would also take place on Saturday, May 19th in Sonora Park.

The Mayor also announced that applications for funding related tornado damage and applications to serve on a city board or commission were available on the city website.

X. CONSENT ITEMS

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

A. Consider approval of meeting minutes from April 12, 2012 regular meeting.

B. Consider authorizing City Manager to ratify a contract with Tarrant County Tax Office for the assessment and collection of ad valorem taxes levied by the City of Kennedale for the 2012 tax year.

C. Consider a Resolution authorizing continued participation with the Atmos Cities Steering Committee and a payment of five cents per capita to the committee to fund regulatory and related activities.

D. Consider a Resolution denying Atmos Energy Corp Mid-Tex Division's requested rate change.

Motion To approve the consent agenda as presented. , **Action** Approve, **Moved By** John Clark, **Seconded By** Liz Carrington
Motion Passed Unanimously

XI. REGULAR ITEMS

A. Consider approval of special council meeting dates for FY2012/2013 budget and tax hearings.

Sakura Moten-Dedrick approached the council to present the proposed budget calendar and special council meeting dates, including the all day council workshop on August 11. Councilmember Clark asked that the workshop be moved to Friday, August 10th.

Motion To approve special budget meetings on August 23 and 10, and September 10 and 6., **Action** Approve, **Moved By** John Clark, **Seconded By** Kelly Turner
Motion Passed Unanimously

B. Consider appointing Morgan Biscoe, Marshall Moody, Emily Beck, Hailey Green, and Natalie Torre to the Youth Advisory Council.

Motion To appoint the new members of the Youth Advisory Council as recommended by current members. , **Action** Approve, **Moved By** Brian Johnson , **Seconded By** Kelly Turner
Motion Passed Unanimously

C. Consider approval of an Ordinance re-appointing Kennedale Municipal Court Presiding Judge, William "Bill" Lane and Associate Judge, Craig Magnuson, and appointing Erin Bakker as the alternative Associate Judge.

Sakura Moten Dedrick asked that the ordinance be updated to include the personnel listed above.]

Motion To reappoint to Kennedale Municipal Court Presiding Judge, William "Bill" Lane and Associate Judge, Craig Magnuson, and appointing Erin Bakker as the alternative Associate Judge., **Action** Approve, **Moved By** Kelly Turner, **Seconded By** Frank Fernandez
Motion Passed Unanimously

D. Consider approval for City Manager to purchase and obtain financing for new Motorola radios.

Police Chief Williams and Sakura Dedrick approached the Council, noting that radio upgrades were mandatory and that a bid from Government Capital Corporation came in the least expensive. Chief Williams noted that a portion of CJIN funds will be used and that the Police Department will be looking at delaying the purchase of certain vehicles in order to assist with radio cost.

Motion To authorize the City Manager to execute a contract for new Motorola radios. , **Action** Approve, **Moved By** Brian Johnson , **Seconded By** Liz Carrington
Motion Passed Unanimously

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.

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.

1. Conveyance of multiple parcels to the Kennedale Economic Development Corporation
 - a. 201 New Hope Road
 - b. 1207 Kennedale Parkway
 - c. 1002 Bowman Springs Road
 - d. 600 Kennedale Parkway

2. Acquisition of land at 221 New Hope Road

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

Mayor Lankhorst called the regular session into order at 8:55 PM

No action pursuant to executive session was necessary.

Mayor Lankhorst called the continued work session to order at 8:57 PM.

C. Review draft proposed Tax Increment Reinvestment Zone along New Hope Road.

Bob Hart presented information on a potential TIRZ on New Hope Road. Council noted that this plan paralleled the overall strategic goals of the city and asked Mr. Hart to pursue the item.

XIV. ADJOURNMENT

Motion , Action Adjourn, **Moved By** Brian Johnson , **Seconded By** Kelly Turner
Motion Passed Unanimously

The meeting was adjourned at 9:20 PM.

APPROVED:

Mayor John Clark

ATTEST:

Amethyst G. Cirno, City Secretary

Date: June 14, 2012

Agenda Item No: CONSENT ITEMS - B.

I. Subject:

Consider approval of special meeting minutes from May 22, 2012.

II. Originated by:

Amethyst G. Cirimo, City Secretary and Communications Coordinator

III. Summary:

Please see the attached minutes.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

1.	Minutes	05.22.2012 CC Minutes - Special Session.doc
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**KENNEDALE CITY COUNCIL
MINUTES
SPECIAL SESSION – 5:30 PM
May 22, 2012
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE**

I. CALL TO ORDER

Mayor Pro-Tem John Clark called the regular meeting to order at 5:30 PM.

II. REGULAR SESSION

III. ROLL CALL

Roll Call

Present Frank Fernandez, John Clark, Kelly Turner, Liz Carrington

Absent/Excused Bryan Lankhorst, Brian Johnson

IV. EXECUTIVE SESSION

Mayor Pro-Tem John Clark suspended the regular session and entered the executive session at

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

B. The City Council will meet in closed session pursuant to Section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

- Discuss a complaint regarding the Mayor.

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

Mayor Pro-Tem John Clark reconvened into regular session at 5:52 PM

A motion to accept Bryan Lankhorst's resignation as Mayor was made by Liz Carrington, seconded by Frank Fernandez.

The motion passed unanimously.

Bob Hart noted that applications to fill the vacancy in Place 1 would be available in the near future. Applications will be due by 5:00 PM on July 2 and interviews with the Council will be conducted on July 9 and 10. The appointment will be made at the July 12 regular meeting. If no applicant is found, Council can extend the process.

VI. ADJOURNMENT

A motion to adjourn was made by Liz Carrington, seconded by Kelly Turner.

The meeting was adjourned at 6:00 PM.

APPROVE:

Mayor John Clark

ATTEST:

Amethyst G. Cirimo, City Secretary

Date: June 14, 2012

Agenda Item No: CONSENT ITEMS - C.

I. Subject:

Consider accepting a \$74,399.08 grant award for the Police mobile video system.

II. Originated by:

Tommy Williams, Police Chief

III. Summary:

In February of this year, council approved Resolution 379 authorizing the application for a grant to upgrade the police vehicle in-car video systems to a digital format. We have been notified by the Governor's office that the grant was approved. The effective date is June 1, 2012 and the project must be completed by October 31, 2012. Staff is asking the council to authorize the City Manager's acceptance of the grant and the expenditure of the funds.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

Date: June 14, 2012

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

Oath of Office for Liz Carrington, Council Place 2, 2012-2014 term.

II. Originated by:

III. Summary:

Issue the Oath of Office

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Date: June 14, 2012

Agenda Item No: REGULAR ITEMS - B.

I. Subject:

Oath of Office for Kelly Turner, Council Place 4, 2012-2014 term.

II. Originated by:

III. Summary:

Issue the oath of office.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Date: June 14, 2012

Agenda Item No: REGULAR ITEMS - C.

I. Subject:

Oath of Office for John Clark, appointed as Mayor for the remainder of the 2012-2014 term.

II. Originated by:

III. Summary:

Issue the oath of office.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments:

Date: June 14, 2012

Agenda Item No: REGULAR ITEMS - D.

I. Subject:

Election, appointment, and issuance of the Oath of Office for Mayor Pro-Tem.

II. Originated by:

Bob Hart, City Manager

III. Summary:

Council may wish to table this item to the July meeting, after a appointee is selected for Place 1.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Date: June 14, 2012

Agenda Item No: REGULAR ITEMS - E.

I. Subject:

Nominate a Councilmember to serve as the voting representative to the North Central Texas Council of Governments.

II. Originated by:

Bob Hart, City Manager

III. Summary:

Kelly Turner has served in the capacity for the past year.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

Date: June 14, 2012

Agenda Item No: REGULAR ITEMS - F.

I. Subject:

Consider approving Ordinance 505, amending Chapter 17 of the City Code by adding a section titled 'Post Construction Runoff Control.'

II. Originated by:

Bob Hart, City Manager

III. Summary:

This ordinance provides staff the authority to require post construction controls and maintenance for stormwater runoff for any development in the city. Control of post-construction runoff is also one of the BMPs listed in the city's stormwater pollution prevention plan which is part of our stormwater permit with TCEQ. The ordinance is also listed as a year 5 BMP to satisfy the required 7 minimum stormwater permit control measures as designated by the EPA phase 2 rule of the Clean Water Act.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	O505	O505 - Post Construction Runoff.doc
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ORDINANCE NO. 505

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS, AMENDING THE KENNEDALE CITY CODE OF ORDINANCES, AS AMENDED, BY AMENDING CHAPTER 17 TO ADD A NEW ARTICLE IX “POST CONSTRUCTION RUNOFF CONTROL”; REQUIRING A POST-CONSTRUCTION STORMWATER QUALITY MANAGEMENT PLAN FOR CERTAIN DEVELOPMENT AND REDEVELOPMENT; PROVIDING FOR PERMIT STANDARDS AND REQUIREMENTS; PROVIDING FOR INSPECTION AND ENFORCEMENT OF THE PLAN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVING CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale (“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, it has been determined that development and redevelopment alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, non-point source pollution, and sediment transport and deposition, as well as reduce groundwater recharge;

WHEREAS, changes in stormwater runoff contribute to increased quantities of waterborne pollutants and alterations in hydrology which may be harmful to public health and safety as well as to the natural environment;

WHEREAS, these effects can be managed and minimized by applying proper design and well planned controls to manage stormwater runoff from development sites;

WHEREAS, the City desires to promote the public welfare by establishing minimum requirements and procedures via ordinance to control the adverse effects of increased post-construction stormwater runoff and non-point source pollution associated with new development and redevelopment; and

WHEREAS, pursuant to the Texas Pollutant Discharge Elimination System (TPDES) as regulated by the Texas Commission on Environmental Quality, the City is required to adhere to the Municipal Separate Storm Sewer System (MS4) permit regulating municipal stormwater systems.

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

SECTION 1.

Chapter 17 "Planning and Development" of the Kennedale City Code of Ordinances is hereby amended by adding a new Article IX, "Post Construction Runoff Control" to read as follows:

ARTICLE IX - POST-CONSTRUCTION RUNOFF CONTROL

Sec. 17-614. Findings of Fact.

(a) It is hereby determined that

- (1) Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase storm water runoff rates and volumes flooding stream channel erosion and sediment transport and deposition.
- (2) Storm water runoff contributes to increased quantities of water borne pollutants.
- (3) Storm water runoff soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of storm water runoff from development sites.

(b) The City establishes this set of water quality and quantity policies applicable to all surface waters in the City to provide reasonable guidance for the regulation of storm water runoff for the purpose of protecting local water resources from degradation.

(c) It is determined that the regulation of storm water runoff discharges from land development projects and other construction activities in order to control and minimize increases in storm water runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with storm water runoff is in the public interest and will prevent threats to public health and safety.

Sec. 17-615. Purpose.

The purpose of this division is to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the City. This division seeks to meet that purpose through the following objectives:

- (a) To minimize increases in storm water runoff from any development or redevelopment in order to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels;
- (b) To minimize the total annual volume of surface water runoff which flows from any specific site during and following development or redevelopment to not exceed the pre- development hydrologic conditions to the maximum extent practicable;
- (c) To accommodate new development and redevelopment projects in a manner that protects public safety, groundwater and surface water quality and aquatic living resources and their habitats;
- (d) To employ permanent nonstructural and structural best management practices (BMPs) to protect water quality thereby raising public awareness to storm water quality related issues;
- (e) To remove and/or treat storm water pollutants prior to discharge to ground and surface waters throughout the City;
- (f) To ensure the long-term operation and maintenance of all permanent storm water quality features; and
- (g) To reduce storm water runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, to the waters of the state through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to the public.

Sec. 17-616. Applicability.

This division shall be applicable to all land development or redevelopment applications for both small and large construction activities, as defined by the TCEQ, unless eligible for an exemption or granted a waiver by the City Manager or his designee.

Sec. 17-617. Drainage Design Manual Development.

- (a) The City may provide additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this division and may provide such information in the form of a drainage design manual.
- (b) The drainage design manual may be amended from time to time based on improvements in engineering, science, monitoring and local maintenance experience. Storm water treatment practices that are designed and constructed in accordance with these design criteria will be presumed to meet the minimum water quality performance standards.

Sec. 17-618. Withholding of Permits.

No owner or operator shall be issued any building, grading or other land development permits that are required for land disturbance activities without first satisfying the requirements of this division prior to commencement of the proposed activity.

Sec. 17-619. General Criteria for Post Construction Runoff Control.

(a) All applicable land development sites shall be designed according to the specific performance criteria outlined in the City Public Works design manual or in conformance with the regional ISWM manual

(b) Prior to design applicants are required to consult with the Public Works Department to determine if they are subject to additional post-construction storm water design requirements

Sec. 17-620. Minimum Control Requirements.

All storm water management practices shall be designed so that the specific storm frequency storage volumes (e.g., water quality, channel protection, ten-year, one hundred-year) as identified in the current drainage design manual are met unless the City Manager or his designee grants a waiver or the owner is exempt from such requirements. If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City Manager or his designee may impose any additional requirements deemed necessary to control the volume, timing, and rate of runoff.

Sec. 17-621. Site Design Feasibility.

Storm water management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

- (a) Topography;
- (b) Total maximum drainage area;
- (c) Depth to water table;
- (d) Soils;
- (e) Slopes; and
- (f) Terrain.

Applicants shall consult the drainage design manual for guidance on the factors that determine site design feasibility when selecting a storm water management practice.

Sec. 17-622. Conveyance Issues.

All storm water management practices shall be designed to convey storm water and allow for maximum removal of pollutants and reduction in flow velocities, which shall include, but are not be limited to:

- (a) Use of structural and nonstructural best management practices BMPs and controls;
- (b) Maximizing of path flow distance from inflow points to outflow points;
- (c) Protection of inlet and outfall structures; and
- (d) Elimination of erosive flow velocities.

Sec. 17-623. Maintenance Agreements.

All storm water management and/or treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the storm water practices, and to perform routine maintenance as necessary to ensure proper functioning of the storm water practice.

Sec. 17-624. Structural Storm Water Practices.

Owners are required by the City to implement structural measures to reduce runoff volumes and velocities at sites where downstream infrastructure is insufficient to accommodate developed flows. The following methods shall be considered appropriate for consideration as structural storm water practices:

- (a) Swales and channels
- (b) Culverts inlets and pipes;
- (c) Detention;
- (d) Energy dissipaters;
- (e) Infiltration trenches;
- (f) Storm water ponds;
- (g) Porous surfaces and;
- (h) Re-use (rain harvesting, etc.).

Sec. 17-625. Use of Other or New Storm Water Practices.

- (a) New and innovative technologies shall be evaluated and are encouraged for use providing that there is sufficient documentation as to their effectiveness and reliability.
- (b) Alternately, new structural storm water practices will not be accepted for inclusion in the City until independent performance data shows that the structural control conforms to local and/or state criteria for treatment, conveyance, maintenance and environmental impact.

Sec. 17-626. Landscaping and Stabilization Requirements.

- (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be revegetated within ten (10) calendar days from substantial completion of such clearing and construction. The following criteria shall apply to revegetation efforts:
 - (1) Reseeding must be done with a perennial, non-winter season cover crop accompanied by placement of matting or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety (90) percent of the seeded area.
 - (2) Replanting with native woody and herbaceous vegetation must be accompanied by placement of matting, mulch or an equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
 - (3) Any area of revegetation must exhibit survival of a minimum of seventy (70) percent of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy (70) percent survival for one (1) year is achieved.
- (b) Upon instruction from the City Manager or his designee, a landscaping plan prepared by a Texas registered landscape architect shall be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. The landscaping plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. The landscaping plan, if required, must be approved by the City Manager or his designee prior to land disturbing activities.

Sec. 17-627. Privately Owned Erosion Control Requirements.

- (a) *Storm water system responsible party.*
 - (1) For privately-owned storm water drainage systems and/or water quality devices used for residential or commercial areas, the developer shall be responsible for all of the maintenance and repair of such storm water drainage systems and/or water quality devices serving that residential or commercial area until the developer or owner no longer has an ownership interest in any property served by the storm water drainage system and/or water quality device.

- (2) Once a homeowners' association (HOA) is organized and becomes active for a residential area served by a storm water drainage system and/or water quality device, the homeowners' association shall be responsible for the maintenance and repair of the storm water drainage system and/or water quality device. In the event there is no active homeowners' association or the homeowners' association fails to maintain the privately-owned storm water drainage system and/or water quality device, then the City may, but is not required, to maintain and repair the system and/or device.
- (3) Maintenance of a storm drainage system and or water quality device shall include such items but not be limited to:
 - a. Mowing of tall weeds and grass;
 - b. Regular and routine removal of floatables and debris;
 - c. Dredging of silt and removal off-site;
 - d. Correcting failures of inlet or outlet control structures;
 - e. Implementation of erosion mitigation measures;
 - f. Repair and maintenance of aeration equipment; and
 - g. Maintaining optimal operation of underground and above ground detention.

(b) *Disclosure of HOA information to the MS4.*

- (1) Upon the organization and formation of a homeowners' association, the HOA should provide updated contact information to the City for compliance and reporting communications. The minimum information to be provided by the HOA to the City includes:
 - a. Name of subdivision and homeowners' association;
 - b. Name, address, telephone number and email address of any management company involved with activities related to the HOA (if applicable);
 - c. Name, address, telephone number and email address of a direct contact person representing or authorized to act on behalf of the HOA;
 - d. Date of formation of the HOA;
 - e. Current listing of storm water drainage structures and/or water quality devices over which the homeowner's association has control; and
 - f. Dates when any changes were made to the HOA board, structure or the storm drainage system and/or water quality device over which the HOA has control.
- (2) Any changes to the contact information regarding the HOA must be reported immediately to the City planning department.
- (3) The HOA is required to annually contact with the City planning department to ensure that all information is up to date.

(c) *Authorization to inspect, adopt and impose best management practices.*

- (1) The City has the authority to conduct storm water inspections to require implementation of best management practices where appropriate.
- (2) The selection, application and maintenance of BMPs must be sufficient to prevent or reduce the likelihood of pollutants entering the receiving storm drainage system.
- (3) The City may adopt and impose requirements identifying specific BMPs for any activity, operation or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMPs are required, every person undertaking such activity or operation or owning or operating such facility shall implement and maintain BMPs at the person's own expense.

Sec. 17-628. Failure to Maintain Practices.

- (a) In the event that a storm water management facility, storm water drainage system and/or water quality device is deemed by the City to be in need of maintenance or repair or is determined a danger to public safety or public health, the City shall notify the responsible party in writing for maintenance of the storm water management facility. The responsible person shall have thirty (30) days after receipt of notice to effect maintenance and repair of the facility in an approved manner.
- (b) If a responsible party fails or refuses to meet the storm water facility maintenance requirements of this article, the City Manager or his designee, after reasonable notice, may cause the necessary work to be done to correct a violation of the design standards or maintenance and assess the responsible party for all incurred costs and expenses.

Sec. 17-629. Reserved.

SECTION 2.

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

SECTION 3.

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 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than two-thousand dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of Chapter 17 of the Code of Ordinances of the City of Kennedale as amended, or any other ordinances regarding the regulation of construction activities 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, whether pending in court or not, under such ordinances same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the city of Kennedale is hereby directed to publish in the official newspaper of the City of Kennedale the caption, penalty clause, publication clause and effective date clause of this ordinance as provided by Section 3.10 of the Charter of the city of Kennedale.

SECTION 7.

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

PASSED AND APPROVED this 7th day of June, 2012.

EFFECTIVE DATE: _____

Mayor John Clark

ATTEST:

City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne K .Olson

Date: June 14, 2012

Agenda Item No: REGULAR ITEMS - G.

I. Subject:

Considering authorizing City Manager to ratify contract for Professional Auditing Services.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:

The Kennedale City Charter requires the Council to engage an independent certified public accounting firm to conduct the annual external audit of both the City and Kennedale Economic Corporation, and then report the results to Council.

The City's contract with Patillo, Brown & Hill, the City's external auditor, expired at the end of the FY2010/2011 audit (ending September 30, 2011). At their April meeting, Council approved staff to enter into a competitive procurement process via Request For Proposal (RFP) to select a certified public accounting firm to conduct the annual financial audit for the next five years (FY2011/2012 - FY2015/2016, ending September 30). The contract is for one (1) year, with the option of auditing for four (4) subsequent fiscal years.

The RFP for Professional Auditing Services was published per state requirements. It appeared in the Fort Worth Star Telegram on April 20 and 27, as well as on the City's website. A pre-proposal conference was conducted on May 4, and the City received a total of six (5) submissions on May 18, all of which were accepted. From May 21 through June 1, staff reviewed all proposals, followed up with auditors to clarify our questions, and then contacted and spoke with references. As a result and given the city's outlined evaluation process and criteria, it is the recommendation of staff that the auditing firm of Patillo, Brown and Hill be selected, notified and a contract executed on behalf of Council by the City Manager on June 15.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	RFP For Professional Auditing Services	Auditing Services RFP.doc
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2.	Evaluation Summary	Evaluation Summary.pdf
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CITY OF KENNEDALE, TEXAS
KENNEDALE ECONOMIC DEVELOPMENT CORPORATION (EDC) 4B

(HEREINAFTER COLLECTIVELY REFERRED TO AS THE)

“CITY”

**REQUEST FOR PROPOSAL (RFP)
FOR
PROFESSIONAL AUDITING SERVICES
RFP NO.: 2012-001**

MARCH 26, 2012

**405 MUNICIPAL DRIVE
KENNEDALE, TEXAS 76060**

NOTICE TO AUDITORS

Competitive sealed proposals for the furnishing of Professional Auditing Services for the CITY will be received at the CITY offices, 405 Municipal Drive, Kennedale, Texas from 8 AM until 5:00 PM from Friday, April 20, 2012 to Friday, May 18, 2012 from 8:00 AM until 3:00 PM. All proposals will be publicly opened and read aloud at 3:15 PM on Friday, May 18, 2012 in the Council Chambers of the Kennedale City Hall Building.

RFP Published	April 20 / April 27
Pre-Proposal Conference (Not Required, 9:00 AM)	May 4
Proposal Submission Deadline (3:00 PM)	May 18
Proposal Opening (3:15 PM)	May 18
Oral Presentations (City Discretion)	May 21 – June 1
Recommendation to Governing Bodies	June 14*
Selection Notified/Contract Execution	June 15 – June 30*

*Indicates tentative dates.

All proposals submitted for the CITY consideration must clearly marked on the outside of the sealed envelope with the words:

**City of Kennedale
Professional Auditing Services Proposal
Attention: Sakura Moten-Dedrick, Director of Finance & IT
405 Municipal Drive
Kennedale, TX 76060**

The CITY reserves the right to reject any or all proposals and waive any or all irregularities. Proposals shall be valid for a period of ninety (90) days from the date the proposals are opened.

Late proposal submissions will be returned unopened, and unsigned proposals will be rejected as non-responsive.

Packets will be available online at www.cityofkennedale.com or may be picked up at 405 Municipal Drive, Kennedale, Texas, 76060. Telephone requests may be executed by calling (817) 985-2110. The City will also submit our RFP through Onvia at www.onviacom, an online solicitation notification system, which alerts thousands of suppliers with qualifications specific to the City's needs.

It is the policy of the CITY to afford all people an equal opportunity to bid on any contract being let by the CITY. The CITY has a policy that prohibits discrimination against any person because of race, color, sex, or national origin, in the award of performance of any contract.

I. INTRODUCTION

- A) Purpose
- B) Term of Engagement

II. NATURE OF SERVICES REQUIRED

- A) Scope of Work to be Performed
- B) Auditing Standards to be Followed
- C) Reports to be Issued
- D) Special Considerations
- E) Working Paper Retention and Access to Working Papers
- F) Conferences

III. DESCRIPTION OF THE GOVERNMENT

- A) Entity Description
- B) Fund Structure
- C) Budget
- D) Accounting Process - Related Systems
- E) Computer Systems
- F) Organizational Responsibility for the Accounting Function

IV. GENERAL PROPOSAL REQUIREMENTS

- A) Required Information
- B) Instructions
- C) Knowledge of Conditions
- D) Exceptions
- E) Late Proposals
- F) Altering Proposals
- G) Withdrawal of Proposals
- H) Sales Tax
- I) Pricing
- J) Preparation Costs
- K) Duration
- L) Proposal Opening
- M) Rejection of Proposals
- N) Contract Award
- O) Addenda
- P) Minor Defects
- Q) Funding
- R) Insurance
- S) Subcontracting
- T) Conflicts of Interest
- U) Ethics
- V) Indemnification
- W) Ownership
- X) Proprietary Information
- Y) References

V. SPECIFIC PROPOSAL REQUIREMENTS

- A) Deadline and Distribution
- B) Inquiries
- C) Submission of Proposal
- D) Technical Proposal
 - 1) Independence
 - 2) License to Practice in Texas
 - 3) Auditor Qualifications and Experience
 - 4) Partner, Supervisory and Staff Qualifications and Experience
 - 5) Assignment of Auditing Staff and Changes in Assigned Staff
 - 6) Prior Engagements with the CITY
 - 7) Similar Engagements with Other Government Entities
 - 8) Specific Audit Approach
 - 9) Identification of Anticipated Potential Audit Problems
 - 10) Additional Information
- E) Compensation Proposal
 - 1) Total All-Inclusive Maximum Price
 - 2) Rates by Partner, Supervisory, Staff Level, and Time Hours Anticipated for Each
 - 3) Rates for Additional Professional Services
 - 4) Manner of Payment
 - 5) Subsequent Year Fees

VI. ASSISTANCE TO BE PROVIDED TO THE AUDITOR AND REPORT PREPARATION

- A) Finance Department and Clerical Assistance
- B) Electronic Data Processing (EDP) Assistance
- C) Prior Audit
- D) Work Area, Telephones, Photocopying and Facsimile Machines

VII. EVALUATION PROCESS

- A) Schedule
- B) Pre-Proposal Conference
- C) Evaluation Criteria
- D) Oral Presentations
- E) Final Selection
- F) Engagement Letter

VIII. APPENDICES

- A) Organizational Chart: City of Kennedale, Texas
- B) List of Key Personnel and Phone Numbers
- C) List of Officials
- D) Sample Format: Schedule of Professional Fees and Expenses
- E) Sample Format: Current and Previous References
- F) Insurance & Indemnity
- G) Insurance Requirements Affidavit
- H) Auditor Checklist
- I) Basic Financial Statements: City of Kennedale, Texas
- J) Basic Financial Statements: Kennedale Economic Development Corporation

I. INTRODUCTION

A. Purpose

The City of Kennedale, Texas, and Kennedale Economic Development Corporation (EDC) 4B (hereinafter collectively referred to as the CITY) is requesting proposals from qualified firms of certified public accountants to perform financial audits for the fiscal year ending September 30, 2012, with the option of auditing its financial statements for each of the four (4) subsequent fiscal years through September 30, 2016.

These audits are to be performed in accordance with Generally Accepted Auditing Standards (GAAS) as defined by the American Institute of Certified Public Accountants (AICPA), and the standards set forth for financial audits in the General Accounting Office's (GAO) Government Auditing Standards (2003).

B. Term of Engagement

A five (5) year contract is contemplated, subject to the following:

- 1) The satisfactory negotiation of contract terms (including a price acceptable to both the CITY and the selected auditor).
- 2) The annual availability of an appropriation approved by City Council and the respective Boards.

II. NATURE OF SERVICES REQUIRED

A. Scope of Work to be Performed

The CITY desires the auditor to express an opinion on the fair presentation of its financial statements in conformity with Generally Accepted Accounting Principles (GAAP).

The auditor is not required to audit the supporting schedules. However, the auditor is to provide an "in-relation-to" report on the supporting schedules based on the auditing procedures applied during the audit of the general purpose financial statements and the combining and individual fund financial statements and schedules.

The auditor is not required to audit the statistical section of the report nor is it required to audit a schedule of expenditures of federal awards.

B. Auditing Standards to be Followed

To meet the requirements of this Request for Proposal (RFP), this audit shall be performed in accordance with GAAS as defined by AICPA, and the standards set forth for financial audits in the GAO's Government Auditing Standards (2003).

C. Reports to be Issued

Following the completion of the audit of the fiscal year's financial statements, the auditor shall issue the following:

- 1) Reports as shown in the most recent audits (Appendix I & J).
- 2) Report On Government Auditing Standards
 - a) The auditor shall provide written communication of any reportable conditions found during the audit to management and City Council and/or the respective Board. A reportable condition shall be defined as a significant deficiency in the design or operation of the internal control structure, which could adversely affect the organization's ability to record, process, summarize and report financial data consistent with the assertions of management in the financial statements.
 - b) Reportable conditions that are also material weaknesses shall be identified as such in the letter.
 - c) The letter on compliance shall include all instances of noncompliance.
 - d) The auditor shall be required to make an immediate, written report of all material irregularities and illegal acts or indications of illegal acts of which it becomes aware to the following parties:
City Manager
Director of Finance & IT
City Attorney
City Council and/or Respective Board
- 3) Management Letter
 - a) Non-reportable conditions discovered by the auditors shall be reported in a separate letter to management, as well as City Council and/or the respective Board.
- 4) Reporting to City Council and Respective Boards. Auditors shall assure themselves that the aforementioned are informed of each of the following:
 - a) The auditor's responsibility under GAAP.
 - b) Significant accounting policies.
 - c) Management judgments and accounting estimates.
 - d) Significant audit adjustments.
 - e) Other information in documents containing audited financial statements.
 - f) Disagreements with management.
 - g) Management consultation with other accountants.
 - h) Major issues discussed with management prior to retention.
 - i) Difficulties encountered in performing the audit.

D. Special Considerations

The CITY anticipates that during the course of the engagement, one or more official statements will be prepared in connection with the sale of debt securities, which will contain the basic financial statements and the auditor's report thereon. The auditor may be required, if requested by the CITY, financial advisor and/or the underwriter, to issue a

"consent and citation of expertise," as well as any necessary "comfort letters."

E. Work Paper Retention and Access to Work Papers

All work papers and reports must be retained, at the auditor's expense, for a minimum of five (5) years, unless the auditor is notified in writing by the CITY of the need to extend the retention period. The auditor will be required to make the work papers available, upon request, to representatives of federal and state agencies and the CITY.

In addition, the auditor shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review work papers relating to matters of continuing accounting significance.

F. Conferences

The following conferences are to be conducted with the City Manager, Director of Finance & IT, and/or other CITY personnel as needed:

- 1) Entrance conference prior to interim work.
- 2) Exit conference at conclusion of interim work.
- 3) Entrance conference at beginning of fieldwork.
- 4) Progress conferences during fieldwork.
- 5) Exit conference at end of fieldwork.
- 6) Conference when draft copy of management letter is prepared.
- 7) Presentation to City Council and the respective Board.

III. DESCRIPTION OF THE GOVERNMENT

A. Entity Description

The City of Kennedale was incorporated in 1947. After an election in July of 1947, the Town of Kennedale was incorporated with a population of 300 people. By 1950, the population had increased to 500 residents and a petition to the State of Texas was approved which changed the Township into a recognized City.

The City of Kennedale is located at the apex of the southeast corner of Fort Worth and the southwest border of Arlington in south Tarrant County. The City currently occupies a land area of 7 square miles and serves a population of 6,763. The City is empowered to levy property tax on both real and business personal properties located within its boundaries. It also is empowered by state statute to extend its corporate limits by annexation, which occurs periodically, when deemed appropriate by the City Council.

The City operates under a Council/Manager form of government with a City Council comprised of the Mayor and five Council members. The term of office is two years with the terms of the Mayor and two of the Council members' terms expiring in even-numbered years and the other terms of the three Council members expiring in odd-numbered years. The City Council is responsible for enacting ordinances, resolutions, and regulations governing the City, as well as appointing the members of various statutory and advisory boards, the City Manager, City Secretary, and Municipal Judges. The City Manager is the chief administrative officer of the government and is responsible for the enforcement of laws and ordinances, the appointment and supervision of the executive directors, and heads of departments, and the performance of functions within the municipal organization.

Kennedale is becoming one of Tarrant County's fastest growing cities. Fronted by the major highways of 1-20 and 287, the City provides an excellent location for major retail and professional businesses. This transportation corridor provides quick and easy access to the Dallas Fort Worth Intercontinental Airport, downtown Fort Worth just 15 minutes to the west, and downtown Dallas just 20-25 minutes to the east. Furthermore, the City of Kennedale is within just a short drive to major entertainment venues including, but not limited to, Six Flags over Texas, Hurricane Harbor, Texas Motor Speedway, the Ballpark at Arlington, home of the Texas Rangers baseball team, and Cowboy Stadium home of the Dallas Cowboys football team.

Kennedale has experienced steady population growth in the last decade. Beautiful Village Creek slowly winds through the City and provides a tranquil feeling throughout the community. Current and future subdivisions are designed on oversized lots, which result in spacious residential areas that compliment the coveted rural setting. Currently, the City is approximately 7 square miles with the vast majority of this land undeveloped. This allows for selective locations for the incoming developments and pulls the citizen away from the crowds and traffic congestion of a major metropolitan city. As the economy continues to grow and expand into North Texas, Kennedale will be the leading choice for businesses and families alike.

The Kennedale Economic Development Corporation (KEDC) was formed in 1996 to spearhead the anticipated growth of the City. The KEDC is funded by a voter approved, half cent sales tax, which is used to offer grants and other economic incentives to existing and new businesses. The KEDC has successfully upgraded and improved the infrastructure of the City in preparation for commercial and retail businesses locating in Kennedale. The KEDC worked with the City, Tarrant County and the Kennedale Independent School District (KISD) to acquire tax delinquent properties, clear properties and recruit business investment. These partnerships will continue through the coming years to strengthen and expand the City's industrial base. Retail business development will be focused at the TownCenter, and the redevelopment of Oak Crest. The KEDC commitment and involvement is essential.

The CITY provides the following services:

CITY OF KENNEDALE, TEXAS

Administration	Municipal Court
Community Development	Parks & Recreation
Debt Service	Planning & Zoning
Fire/EMS	Police
Information Technology	Storm Sewer
Library	Water/Wastewater

KENNEDALE ECONOMIC DEVELOPMENT CORPORATION 4B
Economic Development Projects

B. Fund Structure

The CITY'S accounting records are maintained in accordance with GAAP as promulgated by the Governmental Accounting Standards Board (GASB). Accordingly, the CITY has maintained general, debt service, and capital projects governmental fund types; general fixed assets and general long-term debt account groups.

C. Budget

The annual budget serves as the foundation for the City of Kennedale's financial planning and control. All agencies of the City of Kennedale are required to submit requests for appropriation to the City Manager on or before June of each year. These requests are used to develop a proposed budget. The proposed budget is then presented to the City Council for review on or before August. The City Council is required to hold public hearings on the proposed budget and to adopt a final budget no later than September 30, the close of the City of Kennedale's fiscal year. The appropriated budget is prepared by fund, function (e.g. public safety), and department (e.g. police). Transfer of appropriations within a department and within funds may be made with approval from the City Manager. Transfers between funds or additional appropriation require the approval of the City Council. The budget, as well as all revenues, appropriations, and encumbrances are recorded in the accounting records.

The City's Proposed and Adopted Budgets can be found on our website under the Finance Department. The CITY participates in the Texas Municipal Retirement System (TMRS).

D. Accounting Process – Related Systems

The CITY'S accounting records for general governmental operations are maintained on a modified accrual basis, and revenues are recorded when available and measurable and expenditures are recorded when the services or goods are received and the liabilities are incurred.

E. Computer Systems

The general ledger accounting system is operated and maintained on a comprehensive financial enterprise system developed by STW Inc. The system supports full reporting and inquiry functions.

F. Organizational Responsibility for the Accounting Function

The Accounting function falls under the general supervision of the Director of Finance & IT, who reports to the City Manager. The present accounting staff members assigned to the audit includes the Accounting & Payroll Specialist, and the Accounts Payable Clerk.

IV. GENERAL PROPOSAL REQUIREMENTS

A. Required Information

The CITY proposal packet contains various sections requiring completion. All forms herein must be completed prior to the date and time set for proposal opening and included with the proposal or the auditor may be found non-responsive. Responding auditors may be required to complete and supply all information contained in a "supplemental information" packet at a date after proposal opening. Failure to complete "supplemental information" requirements in a timely manner, prior to award, may be used by the CITY in determining a respondent's responsibility.

B. Instructions

These instructions apply to all proposals and become a part of terms and conditions of any proposal packet submitted.

C. Knowledge of Conditions

Auditors submitting proposals should carefully examine all terms, conditions, specifications and related documents. Should discrepancies in or omission from the specifications or related documents, or should there be doubt as to their meaning, the principal contact should be notified immediately for clarification prior to submitting the proposal. In the event of any conflict between the terms and provisions of these requirements and the specifications, the specifications shall govern. In the event of any conflict of interpretation of any part of this overall document, the CITY'S interpretation shall govern.

D. Exceptions

All proposals must clearly and specifically detail all exceptions to the exact requirements imposed by this document. Such exceptions must be explained in the auditor's proposal. Otherwise, the CITY shall consider the subject proposal as being made in strict compliance with this document.

E. Late Proposals

Proposals received after the submission deadline will be returned unopened, and unsigned proposals will be rejected as non-responsive. The CITY is not responsible for lateness or non-delivery of mail, carrier, etc., and the date/time stamp at the designated location shall be the official time receipt.

F. Altering Proposals

Proposals cannot be altered or amended after submission deadline. Any alterations or erasures made before the opening time must be initialed by the signer of the proposal, thus guaranteeing authenticity.

G. Withdrawal of Proposals

Any proposals may be withdrawn prior to the scheduling time for the opening. Notice to withdraw the proposal must be in writing and submitted to the CITY prior to the scheduled time for opening proposals. Any proposal withdrawal notice, which is received after the deadline for receiving proposals, shall not be considered.

H. Sales Tax

The CITY is exempt by law from payment of Texas Sales Tax and Federal Excise Tax. Do not include tax in the proposal.

I. Pricing

Prices for all goods and/or services shall be firm for the duration of this contract. Prices shall be all inclusive. Additional charges not shown in the proposal will not be honored.

J. Preparation Costs

The CITY will not be liable for any costs associated with the preparation, transmittal, or presentation of any proposals or material submitted in response to this RFP.

K. Duration

The auditor must agree, in writing, that all information contained in the submitted proposal is valid for at least ninety (90) days from the date of submittal or until a final contract is approved, whichever occurs first.

L. Proposal Opening

All proposals submitted will be read at the CITY scheduled proposal opening for the designated project. However, the reading of a proposal at such opening should not be construed as a comment on the responsiveness of proposal bid or as any indication that the CITY accepts such proposal as responsive.

M. Rejection of Proposals

The CITY may choose to reject all proposals and not award any contract. If the aforementioned does not award a contract within ninety (90) days following the date specified for the opening of proposals, all proposals are deemed to be rejected by the CITY.

N. Contract Award

If a contract is awarded, the auditor will be selected on a rational basis using the proposal evaluation criteria and results of subsequent negotiations. The CITY has a right to award a contract upon the conditions, terms and specifications contained in a proposal submitted to the CITY for a period of up to ninety (90) days following the date specified for the opening of proposals. *The CITY contract form shall be used in the negotiation process.*

O. Addenda

Any interpretations, corrections or changes to this proposal packet will be made by addenda. Addenda will be sent to all who are known to have received a copy of this proposal packet. Auditors shall acknowledge receipt of all addenda or they may be declared non-responsive.

P. Minor Defects

The CITY reserves the right to waive any minor defect, irregularity, or informality in any bid.

Q. Funding

The CITY are governmental entities operated and funded on an October 1 to September 30 basis; accordingly, the CITY reserves the right to terminate, without liability to them, any contract for which funding is not available.

R. Insurance

The auditor shall comply with all insurance requirements as specified in the contract and proposal documents. Failure to meet such requirements shall disqualify the auditor from award. The auditor shall submit an Insurance Requirements Affidavit (Appendix I) certifying that the insurance requirements have been reviewed and that auditor is able to provide the insurance as required.

S. Subcontracting

No subcontracting will be allowed without the express prior written consent of the CITY.

T. Conflicts of Interest

No officer or employee of the CITY shall have a financial interest, direct or indirect, in any contract with the CITY.

U. Ethics

The auditor shall not offer or accept gifts or anything of value or enter into any business arrangement with any employee, official or agent of the CITY. More than one proposal on any one contract from a firm or auditor under different names shall be grounds for rejection of all proposals in which the firm or auditor has an interest. One or all proposals will be rejected if there is any reason to believe that collusion exists between auditors.

V. Indemnification

The auditor shall indemnify, defend, and hold the CITY, its officers, agents and employees harmless from any liability, claims, suits, actions, causes of action, costs, expenses, charges or fees, including attorney's fees, for injury to any person (including death) or damage to or destruction of any property; and, any act of omission of auditor, its contractors, subcontractors, suppliers, or agents, in connection with or arising out of, whether directly or indirectly, this agreement.

W. Ownership

All responses and accompanying documentation will become the property of the CITY.

X. Proprietary Information

Information construed as proprietary by a submitting auditor must be marked as such and will be so regarded by the CITY. Subject to Texas Open Records Act, Texas Government Code, Chapter 552, the CITY will treat such information as confidential to the extent permitted by law and the CITY agrees to withhold any such information and request an opinion from the Attorney General should another party request such data. The CITY shall abide by the decision of the Attorney General. Such information should be submitted in a separate folder attached to the proposal and referred to appropriately in the proposal. For a proposal to be valid, however, all information must be available for review by approval bodies as required by the CITY. Viewing of information designated as proprietary by such bodies will not be construed to violate the constraints of proprietary information.

Y. References

Auditors submitting proposals shall submit the names, addresses, contact persons, phone numbers, and dates of a minimum of three (3) current and three (3) previous governments in which the auditor has provided similar services (Appendix E).

V. SPECIFIC PROPOSAL REQUIREMENTS

A. Deadline and Distribution

All proposals must be received by the CITY on or before 3:00 PM, Friday, May 18, 2012. Proposals may be delivered or mailed to:

City of Kennedale
Professional Auditing Services Proposal
Attention: Sakura Moten-Dedrick, Director of Finance & IT
405 Municipal Drive
Kennedale, TX 76060

Proposals must be signed by the auditor, with his or her signature in full. When an auditor is a partnership, the proposal shall be signed in the name of the partnership by one or more of the partners. When an auditor is a corporation, the officer signing shall sign his name and give the title of his office.

Auditors will submit one (1) original and two (2) copies of all proposals and associated documentation. Price quotes must be signed by a duly authorized official of the auditor organization and notarized.

B. Inquiries

All inquiries regarding this RFP should be directed to the Principal Contact:

Sakura Moten-Dedrick, Director of Finance & IT
405 Municipal Drive, Kennedale, TX 76060
(817) 985-2110 Phone
(817) 483-0720 Fax
sdedrick@cityofkennedale.com

C. Submission of Proposal

To simplify the review process and obtain the maximum degree of comparison, the proposal should be organized in the following manner:

- 1) Title Page
 - a) Show the RFP subject, the name of the auditor's firm, address, telephone number, name of contact person, and the date.
- 2) Table of Contents
 - a) Include a clear identification of the material by section and by page number.
- 3) Letter of Intent
 - a) A signed letter of intent briefly stating the auditor's understanding of the work to be performed and a positive commitment to perform the work within the time period required should be included. Such letter of intent should also state why the auditor believes itself to be best qualified to perform the engagement and that the proposal is a firm and irrevocable offer for at least ninety (90) days from the date of submittal or until a final contract is approved, whichever occurs first.
- 4) Detailed Proposal
 - a) The detailed proposal should follow the order set forth in Section V: Specific Proposal Requirements.

D. Technical Proposal

The purpose of the proposal is to demonstrate the qualifications, competence, and capacity of the auditors seeking to undertake an independent audit of the CITY in conformity with the requirements of the RFP. As such, the substance of proposals will carry more weight than their form or manner of presentation. The proposal should demonstrate the qualifications of the auditor and of the particular staff to be assigned to

this engagement. It should also specify an audit approach that will meet the RFP requirements.

Interested auditors are encouraged to use their own preferred style and format in preparing a proposal. However, it is suggested that the proposal include at least the following arranged accordingly. ***There should be no dollar units or total costs included in the Technical Proposal document.***

The Technical Proposal should address all the points outlined in the RFP, excluding any cost information, which should only be included in the Compensation Proposal document. The proposal should be prepared simply and economically, providing a straightforward and concise description of the auditor's capabilities to satisfy the requirements of the RFP. While additional data may be presented, the following subjects, item No. 1 through 10, must be included. They represent the criteria against which the proposal will be evaluated.

1) Independence

- a) The audit must be made by an independent auditor or auditors. An "independent auditor" means a public auditor who meets the independence standards specified by the GAO and AICPA.
- b) The auditor should provide an affirmative statement that it is independent of the CITY as to relationships between the CITY and its management and members of your firm, and with regard to any other work performed by the firm for the CITY that might impair the firm's independence and objectivity.
- c) The auditor should also list and describe its professional relationships involving the CITY or any of its agencies for the past five (5) years, together with a statement explaining why such relationships do not constitute a conflict of interest relative to performing the proposed audit.

2) License to Practice in Texas

- a) An affirmative statement should be included indicating that the auditor and all assigned key professional staff are properly licensed to practice in Texas.

3) Auditor Qualifications and Experience

- a) The proposal should state the size of the firm, the size of the firm's governmental audit staff, the location of the office from which the work on this engagement is to be performed and the number and nature of the professional staff to be employed in this engagement on a full-time and a part-time basis. State the number of partners, managers, supervisors, seniors, and other professional staff employed at the local office. Describe the range of activities performed by the local office, such as auditing, accounting, tax service, or management advisory services. Describe the local office's capability to audit computerized systems, including the number and classification of personnel skilled in computer science who will work on the audit.
- b) The auditor should demonstrate a commitment to governments by participation in Special Review Committees of the GFOA Certificate of Achievement program and active participation in the governmental accounting standards process.
- d) The auditor is also required to submit a copy of the report on its most recent external quality control review, with a statement as to whether that quality control review included a review of specific government engagements.

- e) The auditor shall also provide information on the results of any federal or state desk reviews or field reviews of its audits during the past three (3) years. In addition, the auditor shall provide information on the circumstances and status of any disciplinary action taken or pending against the auditor during the past three (3) years with state regulatory bodies or professional organizations. Please identify any litigation involving the local office.
- h) Describe why the CITY would be important to your firm and to the local office as a client. Discuss your policies regarding staff education and development.
- 4) Partner, Supervisory and Staff Qualifications and Experience
 - a) The auditor should identify the principal supervisory and management staff, including engagement partners, managers, other supervisors, and specialists who would be assigned to the engagement and indicate whether each such person is licensed to practice as a CPA in Texas. Indicate areas of specialty: audit, tax, management advisory services, etc. Indicate the ratio of audit managers and other staff to audit partners in the local office.
 - b) The auditor should provide information on the governmental auditing experience of each person, including information on relevant continuing professional education for the past three (3) years and membership in professional organizations relevant to the performance of this audit. Include resumes as an appendix. Clearly indicate what specific responsibility each individual will have. Provide information as to what time commitment or workload is presently assigned to each person who will be working on this engagement. The auditor should also indicate how the quality of staff over the term of the agreement would be assured.
 - c) Indicate your firm's policy in rotating partners and managers. Indicate what commitments your firm will make to the CITY management and financial employees with respect to accessibility of the partners and managers assigned to this engagement.
- 5) Assignment of Auditing Staff and Changes in Assigned Staff
 - a) It is understood by the CITY that the individuals specified in the auditor's proposal are the individuals who will actually perform the work associated with the CITY'S audit. The CITY reserves the right to approve or deny any change to the assigned staff named in the proposal, whether such change occurs prior to or during the engagement. The CITY shall be provided with a resume of any proposed substitute and shall be given the opportunity to interview that person prior to its decision to approve or disapprove.
- 6) Prior Engagements with the CITY
 - a) The auditor should list separately any and all engagements performed for the CITY within the last five (5) years. For each engagement, the auditor should indicate the scope of work, date, engagement, partners, total hours, and the location of the firm's office from which the engagement was performed.
- 7) Similar Engagements with Other Governmental Entities
 - a) The auditors must list the most significant engagements (maximum of 5) performed in the last five (5) years that are similar to the engagement described in the RFP. These engagements should be ranked on the basis of total staff hours. Indicate the scope of work, date of engagement, partners, total hours, and the name and telephone number of the principal client contact. Auditors desiring to keep this list confidential or that do not want these past or present clients

contacted should so state next to each engagement listed. The CITY will comply with confidentiality requests to the full extent allowed by federal and State of Texas freedom of information statutes. Auditors should be advised that failure to provide evidence satisfactory to the CITY of any listed engagement may result in that engagement being disallowed for bid evaluation purposes.

8) Specific Audit Approach

The proposal should set forth a work plan, including an explanation of the audit methodology to be followed to perform the services required in Section II of the RFP. In developing the work plan, reference should be made to such sources of information as the CITY budgets and related materials, organizational charts, manuals and programs, and financial and other management information systems.

- a) Proposed segmentation of the engagement.
- b) Level of staff and number of hours to be assigned to each proposed segment of the engagement.
- c) Sample sizes and the extent to which statistical sampling is to be used in the engagement.
- d) Type and extent of analytical procedures to be used in the engagement.
- e) Approach to be taken to gain and document an understanding of the CITY'S internal control structure.
- f) Approach to be taken in determining laws and regulations that will be subject to audit test work.
- g) Approach to be taken in drawing audit samples for purposes of tests of compliance.

9) Identification of Anticipated Potential Audit Problems

- a) The proposal should identify and describe any anticipated potential audit problems, the auditor's approach to resolving these problems, and any special assistance that will be requested from the CITY.

10) Additional Information

- a) Any additional information the auditor considers essential to the proposal should be included in this section.

E. Compensation Proposal

1) Total All-Inclusive Maximum Price

- a) The proposal should contain all pricing information relative to performing the audit engagement as described in the RFP. The Total All-Inclusive Maximum Price to be bid is to contain all direct and indirect costs, including all out-of-pocket expenses.

2) Rates by Partner, Supervisory, Staff Level, and Time Hours Anticipated for Each

- a) Include a schedule of professional fees and expenses that support the Total All-Inclusive Maximum Price. The cost of special services described in the RFP should be disclosed as separate components of the Total All-Inclusive Maximum Price.

3) Rates for Additional Professional Services

- a) If it should become necessary for the CITY to request the auditor to render any additional services to either supplement the services requested in the RFP or to perform additional work as a result of the specific recommendations included in any report issued during this engagement, then such additional work shall be performed only if set forth in an addendum to the contract between the CITY and

the auditor. Any such additional work agreed to between the CITY and the auditor shall be performed at the same rates set forth in the schedule of fees and expenses.

- 4) Manner of Payment
 - a) An initial payment of 25% of the total contract price will be made upon completion of the interim fieldwork. A second payment of 50% of the total contract price will be made at the end of the fieldwork. The final 25% of the total contract price will be paid upon issuance of the final reports.
- 5) Subsequent Year Fees
 - a) A proposed fee adjustment method for future contract years should be submitted.

VI. ASSISTANCE PROVIDED TO THE AUDITOR AND REPORT PREPARATION

A. Finance Department and Clerical Assistance

The Finance Department staff and responsible management personnel will be available during the audit to assist the auditor by providing information, documentation, and explanations. The preparation of confirmations will be the responsibility of the CITY. Clerical support will be made available to the auditor for the preparation of routine letters, confirmations and memoranda.

B. Electronic Data Processing (EDP) Assistance

Any requirements for computer time and/or system documentation will be coordinated through the Director of Finance & IT.

C. Prior Audit

Patillo, Brown & Hill, located at 115 South Church Street, P.O. Box 475, in Hillsboro, Texas conducted the audit of the financial records for the fiscal years ended September 30, 2001 through 2011. Patillo, Brown & Hill has agreed to make their work papers available to the successor auditor at their offices. Requests concerning inspection of previous work papers should be submitted to Greg Shropshire at (254) 582-2583 or gshropshire@pbhcpa.com.

D. Work Area, Telephones, Photocopying and Facsimile Machines

The CITY shall provide the space and facilities necessary for the auditor to conduct the examination. In addition, all information, data, reports, and records necessary for carrying out the work shall be furnished to the auditor and the CITY shall cooperate with the auditor in every reasonable way to ensure timely completion of the audit. The auditor will also be provided with access to one telephone line, photocopying facilities, and a facsimile machine.

VII. EVALUATION PROCESS

A. Schedule

RFP Published	April 20 / April 27
Pre-Proposal Conference (Not Required, 9:00 AM)	May 4
Proposal Submission Deadline (3:00 PM)	May 18
Proposal Opening (3:15 PM)	May 18
Oral Presentations (City Discretion)	May 21 – June 1
Recommendation to Governing Bodies	June 14*
Selection Notified/Contract Execution	June 15 – June 30*

*Indicates Tentative Dates

C. Pre-Proposal Conference

A pre-proposal conference will be conducted in the CITY boardroom room at 9:00 AM, Friday, May 4, 2012. The boardroom is located at 405 Municipal Drive, Kennedale, Texas 76060. The purpose of the conference is to answer any questions prospective auditors may have relating to the RFP. *Attendance at the conference is not mandatory for submitting proposals nor will non-attendance be a factor in our selection.*

D. Evaluation Criteria

Proposals will be evaluated using the following weighted criteria:

Audit Approach	50%
Experience and Quality of Personnel	30%
Compensation Proposal	<u>20%</u>
TOTAL	100%

E. Oral Presentations

During the evaluation process, the City Manager and/or Director of Finance & IT, at its discretion, may request any one or all auditors to make oral presentations. Such presentations will provide auditors an opportunity to elaborate on their written proposals and answer questions.

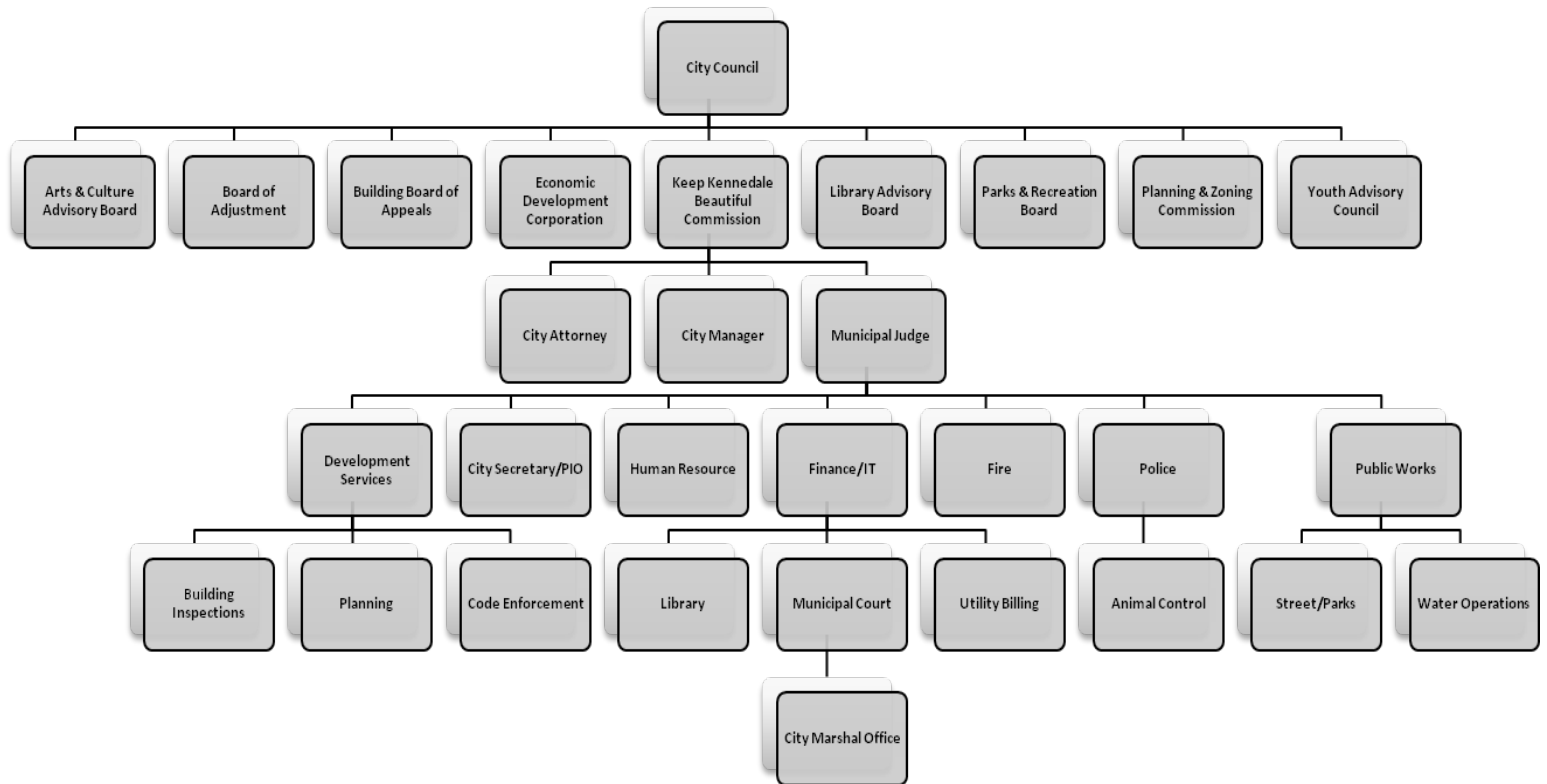
F. Final Selection

The CITY will select an auditor based upon the recommendations of the City Manager and Director of Finance & IT, with the approval of City Council and the respective Boards. Following notification of the auditor selected, it is expected a contract will be executed between both parties within thirty (30) days of approval.

G. Engagement Letter

The auditor shall prepare a written and dated engagement letter, which will identify the specific responsibilities of the CITY and the auditor, along with a list of client prepared documents and delivery dates established within ten (10) days of final selection.

APPENDIX A: ORGANIZATIONAL CHART
CITY OF KENNEDALE, TEXAS



APPENDIX B: LIST OF KEY PERSONNEL AND PHONE NUMBERS

MANAGEMENT TEAM

City Manager	Bob Hart	(817) 985-2102
City Secretary/Communications	Amethyst Cirimo	(817) 985-2104
Director of Development Services	James Cowey	(817) 985-2132
Director Of Finance & IT	Sakura Moten-Dedrick	(817) 985-2110
Director of Human Resources	Kelly Cooper	(817) 985-2106
Director of Planning	Rachel Roberts	(817) 985-2135
Director of Public Works	Larry Ledbetter	(817) 985-2171
Fire Chief	Mike McMurray	(817) 985-2151
Police Chief	Tommy Williams	(817) 985-2161

APPENDIX C: LIST OF OFFICIALS

ELECTED OFFICIALS

Mayor	Bryan Lankhorst
Place 1: Mayor Pro Tem	John Clark
Place 2: Council Member	Liz Carrington
Place 3: Council Member	Brian Johnson
Place 4: Council Member	Kelly Turner
Place 5: Council Member	Frank Fernandez

APPOINTED OFFICIALS

City Manager	Bob Hart
City Attorney	Wayne Olsen
City Secretary & Communications Coordinator	Amethyst Cirno
Municipal Judge	Honorable Bill Lane

BOARDS & COMMISSIONS

Arts & Culture Advisory Board
Board Of Adjustment
Building Board Of Appeals
Economic Development Corporation
Keep Kennedale Beautiful Commission
Library Advisory Board
Parks & Recreation Board
Planning & Zoning Commission
Youth Advisory Council (YAC)

APPENDIX D: SCHEDULE OF PROFESSIONAL FEES AND EXPENSES
(SAMPLE FORMAT)

	HOURS	STANDARD HOURLY RATE	QUOTED HOURLY RATE	2011-12 TOTAL
Partners	_____	_____	_____	_____
Managers	_____	_____	_____	_____
Supervisory Staff	_____	_____	_____	_____
Staff	_____	_____	_____	_____
Other	_____	_____	_____	_____
SUBTOTAL	_____	_____	_____	_____

Out-Of-Pocket Expenses: _____

Other (Specify): _____

TOTAL ALL-INCLUSIVE MAXIMUM PRICE 2011-12 AUDIT: _____

	2012-13 TOTAL	2013-14 TOTAL	2014-15 TOTAL	2015-16 TOTAL
Outyears	_____	_____	_____	_____

NOTE: The rate quoted should not be presented as a general percentage of the standard hourly rate or as a gross deduction from the Total All-Inclusive Maximum Price.

APPENDIX E: CURRENT AND PREVIOUS REFERENCES
(SAMPLE FORMAT)

1. COMPANY NAME: _____

ADDRESS: _____

CITY / STATE / ZIP: _____

PHONE: _____

CONTACT / TITLE: _____

DATES: _____

2. COMPANY NAME: _____

ADDRESS: _____

CITY / STATE / ZIP: _____

PHONE: _____

CONTACT / TITLE: _____

DATES: _____

3. COMPANY NAME: _____

ADDRESS: _____

CITY / STATE / ZIP: _____

PHONE: _____

CONTACT / TITLE: _____

DATES: _____

APPENDIX F: INSURANCE & INDEMNITY

PLEASE REVIEW THIS SECTION CAREFULLY WITH YOUR INSURANCE AGENT
--

1. General Insurance Requirements

- 1.1 The auditor/vendor/supplier (hereinafter called "auditor") shall not start work under this contract until the auditor has obtained at his own expense all of the insurance called for here under and such insurance has been approved by the CITY; nor shall the auditor allow any subcontractor to start work on any subcontract until all insurance required of the subcontractor has been so obtained and approved by the auditor. Approval of insurance required of the auditor and subcontractors for the CITY will be granted only after submission to the CITY of original, signed certificates of insurance or, alternately, at the CITY'S request, certified copies of the required insurance policies.
- 1.2 The auditor shall require all subcontractors to maintain during the term of this agreement, Commercial General Liability insurance, Business Automobile Liability insurance, and Workers' Compensation and Employer's Liability insurance, in the same manner as specified for the auditor. The auditor shall furnish subcontractors' certificates of insurance to the CITY immediately upon request.
- 1.3 All insurance policies required hereunder shall be endorsed to include the following provision:
 - 1.3.1 "It is agreed that this policy is not subject to cancellation, non-renewal, material change, or reduction in coverage until ten (10) days prior written notice has been given to the CITY".

NOTE: The words "endeavor to" and "but failure to mail such notice shall impose no obligation to liability of any kind upon the company, its agents or representatives" are to be eliminated from the cancellation provision of standard ACORD certificates of insurance.

- 1.3.2 The CITY shall be named as additional insured on all policies, except for Auditor Liability and Workers Compensation.
 - 1.3.3 The CITY shall be provided with Waiver of Subrogation on Workers' Compensation or Alternative program if applicable.
- 1.4 No acceptance and/or approval of any insurance by the CITY shall be construed as relieving or excusing the auditor, or the surety, or its bond, from any liability or obligation imposed upon either or both of them by the provisions of the contract documents.
- 1.5 The CITY (including its elected and appointed officials, agents, volunteers, and employees) is to be named as an additional insured under all coverages except Workers' Compensation and Automobile Liability, and the certificate of insurance, or the certified policy, if requested, must so state. Coverage afforded under this paragraph shall be primary as respects the CITY, its elected and appointed officials, agents and employees.
 - 1.5.1 The following definition of the term "CITY" applies to all policies issued under the contract:

The Entities Council of the CITY and any affiliated or subsidiary Board, Authority, Committee, or Independent Agency (including those newly constituted), provided that such affiliated or subsidiary Board, Authority, Committee, or Independent Agency is either a Body Politic created by the Entities Council of the CITY, or one in which controlling interest is vested in the CITY; and CITY Constitutional Officers.

- 1.6 INDEMNITY. The auditor covenants to release, defend, hold harmless and indemnify the CITY and all of its elected or appointed officials, agents and employees from and against any and all claims, loss, damage, injury, cost (including court costs and attorney's fees), charges, liability or exposure, however caused, resulting from or arising out of or in any way connected with the auditor's negligent performance or non-performance of the terms of the contract documents or its obligations under the contract. This indemnification shall continue in full force and effect until the auditor completes all of the work required under the contract, except that indemnification shall continue for all claims involving auditor services after final acceptance of the work by the CITY for which the CITY gives notice to the auditor after the CITY'S final acceptance of the work.**
- 1.7 The auditor shall be responsible for the work performed under the contract documents and every part thereof, and for all materials, tools, equipment, appliances, and property of any and all descriptions used in connection with the work. The auditor assumes all risks for direct and indirect damage or injury to the property or persons used or employed on or in connection with the work contracted for, and of all damage or injury to any person property wherever located, resulting from any action, omission, commission or operation under the contract, or in connection in any way whatsoever with the contracted work, until final acceptance of the work by the CITY.
- 1.8 Insurance coverage required in these specifications shall be in force throughout the contract term. Should the auditor fail to provide acceptable evidence of current insurance within seven (7) days of written notice at any time during the contract term, the CITY shall have the absolute right to terminate the contract without any further obligation to the auditor, and the auditor shall be liable to the CITY for the entire additional cost of procuring performance and the cost of performing the incomplete portion of the contract at time of termination.
- 1.9 Contractual and other liability insurance provided under this contract shall not contain a supervision, inspection or engineering services exclusion that would preclude the CITY from supervising or inspecting the project as to the end result. The auditor shall assume all on-the-job responsibilities as to the control of persons directly employed by it and of the subcontractors and any persons employed by the subcontractor.
- 1.10 Nothing contained in the specifications shall be construed as creating any contractual relationship between any subcontractor and the CITY. The auditor shall be as fully responsible to the CITY for the acts and omissions of the subcontractors and of persons employed by them as it is for acts and omissions of persons directly employed by it.
- 1.11 Precaution shall be exercised by the auditor at all times for the protection of persons, (including employees) and property. All existing structures, utilities, roads, services, trees and shrubbery shall be protected against damage or interruption of service at all times by the auditor and its subcontractors during the term of the contract, and the auditor

shall be held responsible for any damage to property occurring by reason of its operation on the property.

- 1.12 Written requests for consideration of alternate coverages must be received by the CITY at least ten (10) working days prior to the date set for receipt of bids or proposals. If the CITY denies the request for alternative coverages, the specified coverages will be required to be submitted.
- 1.13 All required insurance coverages must be acquired from insurers authorized to do business in the State of Texas and acceptable to the CITY. The CITY prefers that all insurers also have a policyholder's rating of "A-" or better, and a financial size of "Class VI" or better in the latest edition of A.M. Best, or A or better by Standard and Poors, unless the CITY grants specific approval for an exception, in the same manner as described in 1.13 above.
- 1.14 The CITY will consider deductible amounts as part of its review of the financial stability of the bidder. Any deductibles shall be disclosed in the auditor's proposal and all deductibles will be assumed by the auditor. Auditor may be required to provide proof of financial ability to cover deductibles, or may be required to post a bond to cover deductibles.

2. Auditor's Insurance - "Occurrence" Basis; Except as Specifically Provided

- 2.1 The Auditor shall purchase the following insurance coverages:
 - 2.1.1 Commercial General Liability - Such Commercial General Liability policy shall include the following:
 - i. General aggregate limit is to apply per project.
 - ii. Premises/Operations.
 - iii. Actions of Independent Contractors.
 - iv. Products/Completed Operations to be maintained for one year. Final completion and acceptance of the work, with evidence of same filed with owner.
 - v. Contractual Liability including protection for the auditor from claims arising out of liability assumed under this contract.
 - vi. Personal Injury Liability including coverage for offenses related to employment.
 - vii. Explosion, Collapse, or Underground (XCU) hazards; if applicable. Coverage required for any and all work involving drilling, excavation, etc.
 - 2.1.2 Business Automobile Liability including coverage for any owned, hired, or non-owned motor vehicles and automobile contractual liability.

2.1.3 Workers' Compensation - statutory benefits as required by the State of Texas, or other laws as required by labor union agreements, including Employers' Liability coverage.

2.2 Auditor Errors and Omissions – Claims Made Basis

Auditor shall carry Auditor Liability insurance which will pay for injuries arising out of errors or omissions in the rendering, or failure to render auditor services under the contract, for the term of the contract documents and up to three (3) years after the contract is completed in the amount following amount:

Auditor Errors and Omissions, Limit \$1,000,000.

APPENDIX G: INSURANCE REQUIREMENTS AFFIDAVIT

TO BE COMPLETED BY APPROPRIATE INSURANCE AGENT AND RETURNED AS PART OF
BID

I, the undersigned agent, certify that the insurance requirements contained in this proposal document have been reviewed by me with the below-identified auditor. If the below-identified auditor is awarded this contract by the CITY, I will be able, within ten (10) working days after being notified of such award, to furnish a valid insurance certificate to the CITY, thus meeting all of the requirements contained in this bid.

Agent Signature

Agent Name (Print or Type)

Name of Insurance Carrier

Address of Agency

City/State/Zip Code

Phone Number

Name of Auditor (Print or Type)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, _____.

Notary Public, State of Texas

NOTE TO AGENT

If this time requirement is not met, the CITY have the right to declare this vendor non-responsible and award the contract to the alternate auditor meeting the specifications. If you have any questions concerning these requirements, please contact the CITY at (817) 985-2110.

APPENDIX H: AUDITOR CHECKLIST

All information included in, attached to, or required by the RFP shall be public record upon delivery to the CITY. Please ensure, at a minimum, that the following have been attached:

- 1) Proposal as outlined in Section V: Specific Proposal Requirements (1 Original, 2 Copies).
- 2) Appendix D: Schedule of Professional Fees and Expenses (Separate Envelope).
- 3) Appendix E: References (3 Current and 3 Previous).
- 4) Appendix G: Insurance Requirements Affidavit.
- 5) If selected, valid insurance certificate, as outlined in Appendix F (Within 10 Days of Selection).
- 6) If selected, Engagement Letter, as outlined in Section VII: Evaluation Process (Within 10 Days of Selection).

APPENDIX I: BASIC FINANCIAL STATEMENTS
CITY OF KENNEDALE, TEXAS

Please refer to the City website under Finance Department for financial reports.

APPENDIX J: BASIC FINANCIAL STATEMENTS
KENNEDALE ECONOMIC DEVELOPMENT CORPORATION

Please refer to the City website under Finance Department for financial reports.

**RFP FOR PROFESSIONAL AUDITING SERVICES
(FY2011 - 2015)**

<u>Prospective Audit Firm</u>	<u>Est. Hours</u>	<u>First Year</u>	<u>Total Five Year</u>	<u>Approach (50 Pts)</u>	<u>Experience (30 Pts)</u>	<u>Approach (20 Pts)</u>	<u>Total (100 Pts)</u>
Patillo, Brown & Hill	280	\$146,500	\$146,500	50	30	8	88
George Morgan & Sneed	275	\$146,200	\$146,200	40	25	11	76
LaFollett & Company	270	\$136,350	\$136,350	40	20	14	74
Vail & Knauth	231	\$119,600	\$119,600	20	20	20	60
Whitley Penn	230	\$173,211	\$173,211	25	30	5	60
Brooks Cardiel	265	\$132,587	\$132,587	25	15	17	57

Date: June 14, 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.

II. Originated by:

Bob Hart, City Manager

III. Summary:

At this time council may enter executive session to discuss any issues related to the agenda.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments: