

**KENNEDALE CITY COUNCIL AGENDA
REGULAR MEETING VIA VIDEOCONFERENCE
DECEMBER 15, 2020 AT 5:30 PM**

**MEMBERS OF THE PUBLIC MAY JOIN BY VISITING
WWW.CITYOFKENNEDALE.COM/JOINMEETING AND/OR BY DIALING
1-877-853-5257 (TOLL-FREE) AND USING ACCESS CODE 76060-76060**

I. CALL TO ORDER

*The public may join this meeting via the information provided above. Please leave yourself on mute unless you are called upon by the Mayor and are actively speaking. Toggle between mute and unmute by pressing *6 on your keypad. **Anyone wishing to address the Mayor and City Council regarding any item on this agenda may do so as the item is considered.** If you would like to speak, please indicate as much by pressing *9 on your telephone keypad or the "Raise Hand" button under the "Participants" tab on your computer or smart device. If you have joined via telephone only, the Mayor may call upon you using the last four digits of your phone number. If you have joined by browser or app, ensure that you enter your name as you would like to be recognized. Speakers should begin by stating their name and address, will be allotted three (3) minutes, should limit their comments to the current item, and should address the Council as a whole, rather than individual Councilmembers or staff.*

II. WORK SESSION

A. WORK SESSION REPORTS

1. Review of applicants, discussion of the board appointment process, and/or discussion of potential appointments to the Board of Adjustment/Building Board of Appeals, Keep Kennedale Beautiful Commission, Kennedale Economic Development Corporation, Parks and Recreation Board, Planning and Zoning Commission, Library Advisory Board, Utility and Infrastructure Board, TownCenter Development District, and the Tax Increment Reinvestment Zone

B. REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA

III. EXECUTIVE SESSION

The City Council reserves the right to meet in Executive Session at any time during this meeting pursuant to the below cited sections of the Texas Government Code:

- A. PURSUANT TO §551.071** — *Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion of any item posted on the agenda or legal issues regarding the Open Meetings Act*

IV. REGULAR SESSION

A. ROLL CALL

B. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

C. VISITOR AND CITIZEN FORUM

At this time, any person may address the City Council about items not on the agenda. The rules and procedures for addressing the Council during a remote meeting are included under "I. CALL TO ORDER". Neither formal action nor discussion may occur at this time. Those wishing, instead, to speak on an agenda item should indicate their desire to speak as the Council considers that item.

D. REPORTS AND ANNOUNCEMENTS

In addition to any items below, the Mayor and Council may give or receive reports regarding items of community interest, including, but not limited to, recognition of officials, citizens, staff, or departments; information regarding holiday schedules; and upcoming or attended events.

1. Updates from the City Council
2. Updates from the Mayor

3. Updates from the City Manager

4. Financial Reports for the City

E. CONSENT AGENDA

These matters have appeared on previous agendas, require little or no deliberation, or are considered routine or ministerial tasks. If discussion is desired, items may be removed for separate consideration.

1. Approval of the minutes from the November 17, 2020 special meeting at 5:00 p.m.
2. Approval of the minutes from the November 17, 2020 regular meeting at 5:30 p.m.
3. Consider authorizing the Mayor to sign an Interlocal Agreement with the Fort Worth Transportation Authority ("Trinity Metro") for Administrative Cost Funding for Section 5310 Program

F. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider appointment of a Mayor Pro Tem
2. Consider approval of an Ordinance, amending Section 22-48 "No Parking Zones" of Chapter 22 "Traffic and Motor Vehicles" of the Kennedale City Code by establishing a no parking, stopping, or standing zone on a portion of Mistletoe Drive (from Paula Lane to Reeves Lane)
3. Consider approval of an Ordinance authorizing the issuance, sale, and delivery of approximately \$1,555,000 in aggregate principal amount of City of Kennedale, Texas General Obligation Refunding Bond, Series 2020A; securing the payment thereof by authorizing the levy of an annual ad valorem tax; and approving and authorizing the execution of all instruments and procedures related thereto including an escrow agreement, a paying agent/registrant agreement and a purchase contract and investment letter

G. PUBLIC HEARINGS

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

V. ADJOURNMENT

Pursuant to the March 16, 2020 Proclamation issued by Governor Abbott suspending various provisions of Chapter 551, VTCA, Government Code, this meeting will not allow for attendance in-person by the public. However, the public may join this meeting via VideoConference and/or TeleConference, in compliance with the Texas Open Meetings Act and under provisions provided by the Governor in conjunction with the Declaration of Disaster enacted March 13, 2020. Virtual meetings are aimed at advancing social distancing by limiting in-person interaction to slow the spread of COVID-19. If you should have questions, please contact the City Secretary at 817-985-2104 or citysecretary@cityofkennedale.com.

CERTIFICATION

I DO HEREBY CERTIFY THAT THE DECEMBER 15, 2020 KENNEDALE CITY COUNCIL AGENDA WAS POSTED INSIDE THE MAIN ENTRANCE OF CITY HALL (405 MUNICIPAL DRIVE), IN A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES; AND THAT SAID AGENDA WAS POSTED AT LEAST SEVENTY-TWO (72) HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING, IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOVERNMENT CODE.


LESLIE E. GALLOWAY, CITY SECRETARY

In compliance with the Americans with Disabilities Act (ADA), the City of Kennedale will provide for reasonable accommodations for persons attending meetings. This facility is wheelchair accessible and accessible parking spaces are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meeting by calling 817-985-2104 or (TTY) 1-800-735-2989.

CREATED 7/31/2020 10:52 AM

POSTED _____ (DATE) _____ (TIME)

MEETING DATE: DECEMBER 15, 2020

AGENDA ITEM NUMBER: WORK SESSION ITEM II.A.1.

SUBJECT

Review of applicants, discussion of the board appointment process, and/or discussion of potential appointments to the Board of Adjustment/Building Board of Appeals, Keep Kennedale Beautiful Commission, Kennedale Economic Development Corporation, Parks and Recreation Board, Planning and Zoning Commission, Library Advisory Board, Utility and Infrastructure Board, TownCenter Development District, and the Tax Increment Reinvestment Zone

ORIGINATED BY

George Campbell, City Manager

SUMMARY

At this time, the Council may discuss applications received, the board appointment process, and/or potential appointments to various Advisory Boards and Commissions. The attached document reflects all applications received as of the time of packet publication.

RECOMMENDATION

ATTACHMENTS

1.	01. Membership Summary 2020	01. Membership Summary 2020.pdf
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Boards, Councils, and Commissions that are Advisory to Council

ADVISORY BOARDS

These boards provide feedback, updates, and recommendations to Council on projects, actions, and other relevant topics:

- Keep Kennedale Beautiful Commission (KKB)
- Parks and Recreation Board
- Planning and Zoning Commission (P&Z)
- Utility and Infrastructure Board
- Youth Advisory Council (YAC)
(YAC is appointed in the spring)

Advisory to staff only, but appointed by Council:

- Library Advisory Board

QUASI-JUDICIAL

These boards enforce public policy and issue legally-binding decisions based on their authority under state law:

- Board of Adjustment (BOA)
- Building Board of Appeals (BBA)

**While these are, indeed, two separate boards, for the purposes of the City of Kennedale, all BOA members shall automatically serve as members of BBA as well.*

SEPARATE ENTITY BOARDS

These boards oversee an affiliate organization that is a separate legal entity from the City:

- Kennedale Economic Development Corporation (EDC or KEDC) Board
- TownCenter Development District Board (TDD) (Municipal Management District)
- Tax Increment Reinvestment Zone (TIRZ) Board of Directors

ELIGIBILITY REQUIREMENTS

- 1+ year of residency (and continued residency for the entirety of service)
- Registered to vote in the City of Kennedale
- No felony convictions
- Ability to effectively communicate with public, board members, Council, and staff

Members serve two-year terms (no term limits). Even-numbered places are reappointed in even years; odd-numbered places in odd years.

Mayor and Council,

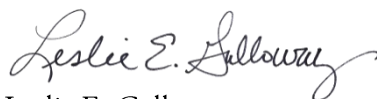
The purpose of this document is to inform you of what places on each board will be up for consideration. Terms on our Advisory Boards are two years in length, with half of the members coming up for reappointment each year, and no term limits. Even places expire this fall, and appointments are typically made by Council at the October Regular Meeting. However, this year, we held off until following the election so that any newly-elected members of the Council could be a part of the process.

In this document, you will find a listing of current board members and notes about the responsibilities, relevant bylaws, or unique characteristics of each board. You can read more about the boards at cityofkennedale.com/boards.

Staff will, during the November 17 Work Session, offer the Council a draft calendar regarding proposed dates in the appointment process. We will continue to compile all applications received and would expect to present them for Council's consideration during the December meeting. Input from each of you regarding length of application period and/or ways to facilitate this process is, as always, appreciated.

Places that are expiring, vacant, or are being vacated by a member's choice are shaded orange.

Vacancies can be filled by incumbents, new applicants, or other persons recommended by Councilmembers.



Leslie E. Galloway
City Secretary & Communications Coordinator
lgalloway@cityofkennedale.com
817-985-2104 office
682-215-6164 cell

cityofkennedale.com/boards

UPDATED 12.02.2020

The City of Kennedale maintains several advisory boards and commissions that are composed of qualified, engaged residents who are relied upon to provide their unique perspectives, insights, experiences, and expertise. These boards augment the knowledge and perspectives of elected officials and staff, making their contributions invaluable to the process of establishing workable, responsive, and effective governance.

Most boards serve in an advisory capacity, working alongside staff to formulate knowledgeable policy recommendations for consideration by the Council. Other boards serve in a quasi-judicial fashion, with the power to make official decisions and rulings. Board members receive a nominal fee of \$1.00 per meeting attended.

TYPICAL DUTIES

- Proactively solicit resident input in the development of policy
- Influence the development of a “pride of place” in Kennedale
- Recommend and periodically update long-range plans
- Maintain active and positive relationships with community organizations
- Coordinate activities and/or events with other boards or staff

EXPECTATIONS OF MEMBERS

- Understand the role and scope of board members’ responsibilities
- Be informed of the individual board’s purpose and of its operating procedures
- Perform functions in the best interest of the residents as a whole, never self-interest or special interest group(s)
- Serve as liaison between city government and residents, aiming to reconcile opposing viewpoints and build consensus around goals and objectives
- Refrain from presenting personal views as those of the board or commission as a whole
- Review agendas and their corresponding packets prior to meetings to make the best use of limited board time
- Avoid all legal impropriety — even the appearance of impropriety — in the performance of public duties

We’ve begun advertising for Board and Commission applicants. If you know of anyone in the community who might be interested, here are the links:

- Facebook Post: <https://www.facebook.com/kennedale/posts/3803062313038912>
- Twitter Post: <https://twitter.com/CityofKennedale/status/1324066198112403456>
- Nextdoor Post: <https://nextdoor.com/city/feed/?post=166945355>
- Information on these Boards: www.cityofkennedale.com/boards
- Direct link to the Application: www.cityofkennedale.com/boardapp

BOA/BBA | Board of Adjustment/Building Board of Appeals (Quasi-Judicial)

ORANGE = VACANT; EXPIRING; MEMBER DOES NOT WISH TO CONTINUE; OR HAS MINIMAL/NO ATTENDANCE

NOTE: While these are, indeed, two separate boards, all BOA members automatically serve as members of the BBA as well.

PLACE	CURRENT MEMBER	TERM END	NOTES AND/OR NOMINATION FOR THIS PLACE
1	Azam Shaikh	2021	
2	Jeff Nevarez, Chair	2020	<i>Application Received.</i>
3	Kelli Rod	2021	
4	Martin Young, Vice Chair [DOES NOT WISH TO CONTINUE SERVICE]	2020	
5	Lana Sather	2021	
6	Jeremy Johnson, Alternate	2020	<i>Application Received.</i>
7	Jessica Virnoche, Alternate	2021	
8	Thelma Kobeck, Alternate	2020	<i>Application Received.</i>
9	Patrick Vader, Alternate	2021	

NEW APPLICANTS: Perry Clementi, Julie Jacobson, Myron Jones, Andrew Malkowski

POWERS AND DUTIES

The BOA hears resident requested appeals regarding decisions made by staff in their interpretation of the city's planning and zoning ordinances, hears appeals on zoning boundary disputes, issues decisions on nonconforming uses, and makes decisions on when to allow variances to the development regulations. In order to meet these responsibilities, board members must develop expertise in the formation and/or enforcement of ordinances.

The BBA hears appeals on alleged errors in staff decisions, enforces provisions of the Substandard Building Ordinance, and carries out the functions established by that ordinance to abate substandard buildings. In order to meet these responsibilities, members are expected to have some experience in the various fields of building construction and building standards, including building construction, mechanical design, plumbing systems, or electrical systems.

ESTABLISHING AND GOVERNING DOCUMENTS

BOA: Authorized by State Law and [Section 8.03 of the Charter](#); Created by Ordinance 63-10 (1963); Amended via Ordinance 90-03 (1990), Ordinance 479 (2011), Ordinance 529 (2013), Ordinance 531 (2013); **Quorum=4**; See [Section 29.5](#) (page 29-5) of the Unified Development Code (UDC). **Council appoints the Chair and Vice Chair.** **BBA:** Authority and actions discussed in [Sections 15-52, 15-53, and 15-54](#) of the Code. Created by Ordinance 86 (1995); Amended via Ordinance 479 (2011), Ordinance 531 (2013); **Quorum=4**;

BOA/BBA www.cityofkennedale.com/boa 6:00 p.m., second Tuesdays (if there are cases to be heard)														
FY2019-20 OCTOBER 1, 2019 - SEPTEMBER 30, 2020														
PLACE	Month Date	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	Attendance Summary
		8	-	-	-	11	-	-	-	23	-	11	8	PRESENT ABSENT % # Meetings
1	Azam Shaikh	P	X	X	X	A	X	X	X	P	X	P	P	4 1 80% 5
2	Jeff Nevarez, Chair	P	X	X	X	P	X	X	X	P	X	P	P	5 0 100% 5
3	Kelli Rod	P	X	X	X	P	X	X	X	P	X	P	P	5 0 100% 5
4	Martin Young, Vice Chair	P	X	X	X	P	X	X	X	P	X	P	P	5 0 100% 5
5	Lana Sather	P	X	X	X	P	X	X	X	A	X	P	A	3 2 60% 5
6 ^A	Jeremy Johnston, Alternate	P	X	X	X	A	X	X	X	A	X	A	A	1 4 20% 5
7 ^A	Jessica Virnoche, Alternate	A	X	X	X	A	X	X	X	A	X	A	A	0 5 0% 5
8 ^A	Thelma Kobeck, Alternate	A	X	X	X	P	X	X	X	A	X	P	A	2 3 40% 5
9 ^A	Patrick Vader, Alternate	A	X	X	X	A	X	X	X	P	X	P	A	2 3 40% 5

Staff Liaison(s) Melissa Dailey, Director of Planning and Economic Development
Secretary Lindy Middleton, Permits Clerk

EDC | Economic Development Corporation (Separate Entity)

ORANGE = VACANT; EXPIRING; MEMBER DOES NOT WISH TO CONTINUE; OR HAS MINIMAL/NO ATTENDANCE

PLACE	CURRENT MEMBER	TERM END	NOTES AND/OR NOMINATION FOR THIS PLACE
1	Johnny Trevino, Vice President	2021	
2	Cesar Guerra [HAS NOT YET REAPPLIED]	2020	
3	Andrew Schaffer	2021	
4	Darold Tippey [HAS NOT YET REAPPLIED]	2020	
5	Mayor Pro Tem Sandra Lee [RESIGNED]	2021	
6	Mark Yeary, President	2020	Application Received.
7	April Coltharp	2021	

NEW APPLICANTS: Alex Daniels, Bobby Goff, Mark Green (*appears to live in unincorporated Tarrant County and would not be eligible*), Julie Jacobson, Myron Jones, Andrew Malkowski, Marcel Terry

POWERS AND DUTIES

The EDC is responsible for the development and implementation of a comprehensive economic development plan. Responsibilities include (but are not limited to) industrial, retail, tourism, and commercial development for the City, including proactively soliciting businesses, organizational, and resident input in the development of Kennedale and ensure the coordination of economic development activities with the Kennedale Chamber of Commerce, Dallas Chamber of Commerce, and other regional and state economic development related entities. Members of the EDC may have additional time commitments, including time spent visually inspecting sites under consideration for funding assistance, participation in trade shows, and attendance at training related to 4A and 4B sales tax cities.

ESTABLISHING AND GOVERNING DOCUMENTS

At a Special Election on August 10, 1996, voters approved a 4B sales tax of 0.5% of collected sales and use taxes to fund economic development. This tax is levied pursuant to Ordinance 110 (1996) to fund activities of the EDC. The EDC was created by Resolution 62 (1996); Quorum = simple majority (currently 4). The EDC operates under Articles of Incorporation and Bylaws (on file with the City Secretary). The Bylaws have been amended twice (via Resolution 68 (1997); and Resolution 244 (2008)). A Certificate of Incorporation was issued by the Secretary of the State of Texas on December 2, 1996. Membership elects the President and Vice President.

EDC www.cityofkennedale.com/edc 7:00 p.m., fourth Tuesdays																		
FY2019-20 OCTOBER 1, 2019 - SEPTEMBER 30, 2020														Attendance Summary				
		Month	OCT	NOV	JAN	JAN	FEB	FEB	MAR	APR	MAY	JUN	AUG	SEPT	PRESENT	ABSENT	%	# Meetings
PLACE	Date		22	18	7*	28	12*	26	24	13		23	4	22	<< * Denotes a Special Meeting			
1	Johnny Trevino, Vice President		C	A	P	P	P	C	C	P	C	P	A	C	5	2	71%	7
2	Cesar Guerra		C	P	P	P	A	C	C	P	C	P	P	C	6	1	86%	7
3	Andrew Schaffer		C	P	P	P	P	C	C	P	C	A	P	C	6	1	86%	7
4	Darold Tippey		C	A	P	P	P	C	C	P	C	P	P	C	6	1	86%	7
5	Sandra Lee, Mayor Pro-Tem		C	P	P	P	P	C	C	P	C	P	P	C	7	0	100%	7
6	Mark Yeary, President		C	P	P	P	P	C	C	P	C	P	P	C	7	0	100%	7
7	April Coltharp		C	P	P	P	P	C	C	P	C	P	A	C	6	1	86%	7

Staff Liaison(s) George Campbell, City Manager
Melissa Dailey, Director of Planning and Economic Development

Secretary Rosie Ericson Administrative Assistant

KKB | Keep Kennedale Beautiful

ORANGE = VACANT; EXPIRING; MEMBER DOES NOT WISH TO CONTINUE; OR HAS MINIMAL/NO ATTENDANCE

NOTE: Up to 3 places may be filled by those demonstrating a strong commitment to KKB's mission, **regardless of residency.**

PLACE	CURRENT MEMBER	TERM END	NOTES AND/OR NOMINATION FOR THIS PLACE
1	Cesar Guerra	2021	
2	Darlene Winters [NOT REAPPLYING]	2020	
3	VACANT	2021	
4	Lauren Warn [NOT REAPPLYING]	2020	
5	Wilda Turner	2021	
6	Kenneth Michels, Vice Chair	2020	Application Received.
7	Linda Miller	2021	
8	Laurie Sanders, Chair	2020	Application Received.
9	Heather Hicks [NO ATTENDANCE]	2021	

NEW APPLICANTS: Kimberly Courtney, Bobby Goff, Mark Green (appears to live in unincorporated Tarrant County, but WOULD* be eligible for this board), Joann Huckabee, Julie Jacobson, Kimberly Kincaid-Smith, Andrew Malkowski

POWERS AND DUTIES

KKB engages residents and businesses to take greater responsibility for improving the community's appearance and environment. They also develop and coordinate beautification-related programming, outreach, and events, and serve as the Tree Board (pursuant to Ordinance 484) and Tree City USA liaison. In order to accomplish these duties, this board may establish subcommittees, as necessary, whose membership shall be chosen by the members of the KKB.

ESTABLISHING AND GOVERNING DOCUMENTS

Established via Ordinance 438 (2009); Amended via Ordinance 479 (2011), Ordinance 485 (2011), Ordinance 525 (2013), Ordinance 531 (2013), Ordinance 551 (2014); See [Section 16-95 to 16-98](#) of the Code. Membership elected chair and vice chair. *Up to three (3) places on the Commission may be filled by individuals who demonstrate a strong commitment to the mission of the Commission, regardless of residency.

KKB

www.cityofkennedale.com/kkb

6:00 p.m., second Tuesdays

FY2019-20 | OCTOBER 1, 2019 - SEPTEMBER 30, 2020

															Attendance Summary			
		Month	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	PRESENT	ABSENT	%	# Meetings
PLACE	Date	8	12	11	14	11	10	14	12	9	14	11	8	<< * Denotes a Special Meeting				
1	Cesar Guerra	A	A	C	P	P	P	C	C	C	C	C	C	3	2	60%	5	
2	Darlene Winters	P	P	C	P	P	P	C	C	C	C	C	C	5	0	100%	5	
3	Jessica Vimoche	A	A	C	RESIGNED									0	2	0%	2	
4	Lauren Warn	P	A	C	A	P	A	C	C	C	C	C	C	2	3	40%	5	
5	Wilda Turner	P	P	C	P	P	A	C	C	C	C	C	C	4	1	80%	5	
6	Kenneth Michels, Vice Chair	P	P	C	P	P	P	C	C	C	C	C	C	5	0	100%	5	
7	Linda Miller	A	P	C	A	A	A	C	C	C	C	C	C	1	4	20%	5	
8	Laurie Sanders, Chair	P	P	C	P	P	P	C	C	C	C	C	C	5	0	100%	5	
9	Heather Hicks	A	A	C	A	A	A	C	C	C	C	C	C	0	5	0%	5	

Staff Liaison(s)

Larry Hoover, Public Works Superintendent

Secretary

Mary Goza, Public Works Administrative Assistant

LAB | Library Advisory Board (Advisory to Staff Only)

ORANGE = VACANT; EXPIRING; MEMBER DOES NOT WISH TO CONTINUE; OR HAS MINIMAL/NO ATTENDANCE

PLACE	CURRENT MEMBERSHIP	TERM END	NOTES AND/OR NOMINATION FOR THIS PLACE
1	Susan Dalrymple	2021	
2	Josh Virnoche [HAS NOT YET REAPPLIED]	2020	<i>Wishes to continue service.</i>
3	VACANT	2021	
4	Troy Brannon [HAS NOT YET REAPPLIED]	2020	<i>Wishes to continue service.</i>
5	VACANT	2021	

NEW APPLICANTS: Bobby Goff, Julie Jacobson, Andrew Malkowski

POWERS AND DUTIES

LAB advises and formulates recommendations to city staff for all facets of library operations and planning. These responsibilities include but are not limited to the development of the library, library programs, literacy programs, community events, and maintaining relationships with regional library partners and private groups. This board typically meets quarterly, but times and dates vary. The last meeting was December 12, 2018.

ESTABLISHING AND GOVERNING DOCUMENTS

Established via Ordinance 149 (1998); Amended via Ordinance 524 (2013, Ordinance 531 (2013)); See [Section 16-60 to 16-63](#) of the Code. Chair and Vice Chair elected by membership by November, annually (for one-year terms).

Staff Liaison(s) Amanda King, Library Director

Secretary Amanda King, Library Director

PRB | Parks & Recreation Board

ORANGE = VACANT; EXPIRING; MEMBER DOES NOT WISH TO CONTINUE; OR HAS MINIMAL/NO ATTENDANCE

PLACE	CURRENT MEMBERSHIP	TERM END	NOTES AND/OR NOMINATION FOR THIS PLACE
1	VACANT	2021	
2	Jeff Nevarez, Vice Chair	2020	Application received.
3	Kenneth Michels	2021	
4	Gary Swan [HAS NOT YET REAPPLIED]	2020	Wishes to continue service.
5	VACANT	2021	
6	Jeremy Johnston	2020	Application received.
7	Ann Beck	2021	
8	VACANT, Alternate	2020	
9	David Green, Alternate [NO ATTENDANCE]	2021	

NEW APPLICANTS: Bobby Goff, Mark Green (appears to live in unincorporated Tarrant County and would not be eligible), Corey Hines, Joann Huckabee, Julie Jacobson, Andrew Malkowski

POWERS AND DUTIES

Advises and formulates recommendations to Council for the use, improvement, and growth of parks and recreation activities and community events in Kennedale. This includes (but is not limited to) park planning, grant acquisition, rules, regulations fees, park and open space beautification, maintenance, and expansion, and development and implementation of events. In order to accomplish these duties, this board may establish subcommittees, as necessary, whose membership shall be chose by the members of Parks Board.

ESTABLISHING AND GOVERNING DOCUMENTS

Authorized by [Section 8.04](#) of the Charter; Established via Ordinance 77-2 (1977); Amended via Ordinance 48 (1994), Ordinance 396 (2008), Ordinance 438 (2009), Ordinance 479 (2011), Ordinance 523 (2013), Ordinance 531 (2013), Ordinance 556 (2014), Ordinance 610 (2016), Ordinance 634 (2017), Ordinance 676 (2019); See [Section 16-10 to 13](#) of the Code. Membership elects Chair and Vice Chair. Quorum = 4.

PARKS www.cityofkennedale.com/prb 7:00 p.m., first Wednesdays

FY2019-20 | OCTOBER 1, 2019 - SEPTEMBER 30, 2020

														Attendance Summary			
Month		OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	PRESENT	ABSENT	%	# Meetings
PLACE	Date	25-Sep	6	4	8	5	4	1	6	3	1	5	2	<< * Denotes a Special Meeting			
1	David Deaver, Chair	P	P	A	A	C	A	C	C	C	C	C	C	2	3	40%	5
2	Jeff Nevarez, Vice Chair	P	P	P	A	C	P	C	C	C	C	C	C	4	1	80%	5
3	Kenneth Michels	P	P	P	P	C	P	C	C	C	C	C	C	5	0	100%	5
4	Gary Swan	P	A	P	A	C	P	C	C	C	C	C	C	3	2	60%	5
5	Phil Wallace	A	P	P	P	C	P	C	C	C	C	C	C	4	1	80%	5
6	Jeremy Johnston	P	P	P	P	C	A	C	C	C	C	C	C	4	1	80%	5
7	Ann Beck	P	P	A	P	C	P	C	C	C	C	C	C	4	1	80%	5
8*	VACANT, Alternate													0	0	0%	0
9*	David Green, Alternate	A	A	A	A	C	A	C	C	C	C	C	C	0	5	0%	5

Staff Liaison(s) Larry Hoover, Public Works Superintendent

Secretary Mary Goza, Public Works Administrative Assistant

P&Z | Planning & Zoning Commission

ORANGE = VACANT; EXPIRING; MEMBER DOES NOT WISH TO CONTINUE; OR HAS MINIMAL/NO ATTENDANCE

PLACE	CURRENT MEMBERSHIP	TERM END	NOTES AND/OR NOMINATION FOR THIS PLACE
1	Greg Adams	2021	
2	Martha Dibella, Chair	2020	<i>Application Received.</i>
3	Austin Degenhart	2021	
4	Kayla Hughes	2020	<i>Application Received.</i>
5	VACANT	2021	
6	Billy Don Gilley	2020	
7	Mark Perkins	2021	
8	Brent Jones, Alternate	2020	<i>Application Received.</i>
9	Perry Clementi, Alternate	2021	

NEW APPLICANTS: Alex Daniels, Mark Green (appears to live in unincorporated Tarrant County and would not be eligible), Julie Jacobson, Myron Jones, Andrew Malkowski, Chad McConnell, Derrick Rubin, Marcel Terry

POWERS AND DUTIES

The Planning and Zoning Commission advises and formulates recommendations to Council for the development of land in the city, with regard to changes in zoning districts, approval of plats, and other applicable policy areas. Areas of responsibility include, but are not limited to, the development and advancement of city facilities, layouts, and appearances, active awareness of land use and development of land bordering the city, consultation with private property owners pertaining to location and erection of private structures and zoning to ensure compliance with the comprehensive plan, planning for streets and routes of transportation, approving or rejecting plans, plats or re-plats of additions, holding appropriate public hearings, establishment of zoning, promoting health and safety, and generally making recommendations to Council regarding the above topics. Members of the Planning & Zoning Commission may have additional time commitments, including time spent visually inspecting sites.

ESTABLISHING AND GOVERNING DOCUMENTS

Authorized by [Local Government Code Chapter 211](#) and [Section 8.02](#) of the Charter. See [Section 29.3](#) (page 29-2) of the Unified Development Code (UDC). **Council appoints the Chair and Vice Chair.**

P&Z www.cityofkennedale.com/pz 6:00 p.m., second Thursdays															
FY2019-20 OCTOBER 1, 2019 - SEPTEMBER 30, 2020															
PLACE	Month Date	OCT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	Attendance Summary
		10*	17	7	2	16	-	-	-	21	-	16	13	10	PRESENT ABSENT % # Meetings
1	Greg Adams (05.21.19)	A	A	A	P	A	X	X	X	P	X	P	P	P	5 3 63% 8
2	Martha Dibella, Chair (05.21.19)	P	P	P	P	P	X	X	X	P	X	P	P	P	8 0 100% 8
3	Austin Degenhart (09.13.19)	P	P	P	P	A	X	X	X	P	X	P	P	P	7 1 88% 8
4	Kayla Hughes	P	P	P	P	P	X	X	X	P	X	P	P	P	8 0 100% 8
5	David Green, (09.13.19)	A	A	A	P	P	X	X	X	P	X	A	A	A	3 5 38% 8
6	Billy Don Gilley	P	P	P	P	P	X	X	X	A	X	A	A	A	4 4 50% 8
7	Mark Perkins (09.13.19)	P	P	P	P	A	X	X	X	P	X	P	P	P	7 1 88% 8
8 ^A	Brent Jones, Alternate	A	P	P	P	A	X	X	X	P	X	A	P	A	5 3 63% 8
9 ^A	Perry Clementi, Alternate (09.13.19)	P	P	P	P	P	X	X	X	A	X	A	P	A	5 3 63% 8

Staff Liaison(s) Melissa Dailey, Director of Planning and Economic Development
Secretary Lindy Middleton, Permits Clerk

TIRZ | Tax Increment Reinvestment Zone Board (Separate Entity)

ORANGE = VACANT; EXPIRING; MEMBER DOES NOT WISH TO CONTINUE; OR HAS MINIMAL/NO ATTENDANCE

NOTE: Each taxing unit other than the City that levies taxes on real property in the TIRZ may, but is not required to, appoint one member to the Board of Directors; After each taxing unit other than the City designates either the member that the taxing unit wishes to appoint or the fact that the taxing unit wishes to waive its right to appoint, Council shall appoint whatever number of members are necessary to fill the remaining positions. Council designates the Chair; the board designates the Vice Chair.

PLACE	CURRENT MEMBERSHIP	TERM END	NOTES AND/OR NOMINATION FOR THIS PLACE
1	Darold Tippey	2021	
2	VACANT	2020	
3	Chris Pugh	2021	
4	Council Member Chad Wandel	2020	<i>Wishes to continue service.</i>
5	Devan Allen* (Tarrant County)	<i>Staff will contact the current members to determine if they will continue service or if another representative will take their place.</i>	Tarrant County Precinct 2 Commissioner
6	Jill "J.R." Labbe* (TC Hospital District)		Vice President, Communications & Community Affairs for JPS Health Network
7	Dr. Eugene Giovannini, Proxy: Susan Alanis* (Tarrant County College)		Tarrant County College Chancellor Proxy: Chief Operating Officer

* Member appointed by a participating taxing unit

NEW APPLICANTS: Joann Huckabee, Julie Jacobson, Andrew Malkowski

POWERS AND DUTIES

Tax Increment Reinvestment Zones (TIRZ) are special zones created to attract investment in an area. These zones help finance costs of redevelopment and promote growth in areas that would otherwise not attract sufficient market development in a timely manner. Taxes attributable to new improvements (tax increments) are set-aside in a fund to finance public improvements within the boundaries of the zone.

The TIRZ Board makes recommendations to Council concerning the administration, management, and operation of the TIRZ (#1: New Hope Road). The Board shall prepare and adopt a project plan and a reinvestment zone financing plan for the zone and submit such plans to the Council for its approval. The board shall perform all duties imposed upon it by Chapter 311 of the Texas Tax Code and all other applicable laws. The board shall not be authorized to ⁽ⁱ⁾ issues bonds; ⁽ⁱⁱ⁾ impose taxes or fees; ⁽ⁱⁱⁱ⁾ exercise the power of eminent domain, or ^(iv) give final approval to the zone's project plan and financing plan.

This board typically meets once, annually. The last meeting was November 2, 2018.

ESTABLISHING AND GOVERNING DOCUMENTS

Created via Ordinance 506 (2012); No quorum specified; assumed to be a simple majority (currently 4 members).

Staff Liaison(s)	George Campbell, City Manager
Secretary	Rosie Ericson, Administrative Assistant

TDD | TownCenter Development District (Separate Entity) Board of Directors

ORANGE = VACANT; EXPIRING; MEMBER DOES NOT WISH TO CONTINUE; OR HAS MINIMAL/NO ATTENDANCE

NOTE: Membership on this board is based on membership on other boards as follows:

- Place 1: EDC President (CHAIR)
- Place 2: EDC Board Member
- Place 3: Mayor (VICE CHAIR)
- Place 4: City Councilmember
- Place 5: City Councilmember

PLACE	CURRENT MEMBERSHIP	TERM END	NOTES AND/OR NOMINATION FOR THIS PLACE
1	EDC President Mark Yeary, Chair (Automatically filled by EDC President)	2021	EDC President
2	EDC Member April Coltharp (Must be filled by an EDC Member)	2020	EDC Member
3	Mayor Brian Johnson, Vice Chair (Automatically filled by Mayor)	2021	Mayor
4	Mayor Pro Tem Sandra Lee [Must be filled by a Council Member]	2020	Council
5	Council Member Linda Rhodes (Must be filled by a Council Member)	2021	Council
-	NON-VOTING Staff to Serve as Ex Officio (Advisory) Director	SEE NOTE**	

NEW APPLICANTS: Mark Green (appears to live in unincorporated Tarrant County and would not be eligible), Julie Jacobson, Andrew Malkowski

POWERS AND DUTIES

The TDD functions as the oversight board for the Kennedale Municipal Management District (MMD) created in 2009 by the Texas State Legislature to assist in the development of the Kennedale TownCenter. The terms (MMD and TDD) are used interchangeably. This board typically meets once, annually. The last meeting was October 15, 2018.

ESTABLISHING AND GOVERNING DOCUMENTS

On January 8, 2009, the City Council approved submission, by the EDC, of state legislation to create a Municipal Management District (MMD). The EDC adopted a supporting Resolution on January 20, 2009. HB No. 1300, authorizing this MMD, was passed by the Texas House on April 9, 2009; and by the Senate on May 14, 2009. No quorum specified; assumed to be a simple majority (currently 3 members).

****Per HB1300, the Council may, if desired, appoint one non-voting member to serve for a term prescribed by the governing body. This nonvoting member must be an employee of the City and shall serve as an ex officio member in an advisory capacity to provide assistance on matters in the district that involve the City.**

Staff Liaison(s)	George Campbell, City Manager
Secretary	Rosie Ericson, Administrative Assistant

UIB | Utility & Infrastructure Board

ORANGE = VACANT; EXPIRING; MEMBER DOES NOT WISH TO CONTINUE; OR HAS MINIMAL/NO ATTENDANCE

NOTE: Membership on this board is based on membership on other boards as follows:

Places 1-2: P&Z Commissioner; 3-4: Parks Board Member; 5-6: EDC Member; and Places 7-9: any resident.

PLACE	CURRENT MEMBERSHIP	TERM END	NOTES AND/OR NOMINATION FOR THIS PLACE
1	P&Z Commissioner Austin Degenhart	2021	P&Z
2	P&Z Chair Martha Dibella	2020	P&Z
3	Parks Board Vice Chair Jeff Nevarez	2021	PARKS
4	Parks Board Member Kenneth Michels	2020	<i>Application Received.</i> PARKS
5	EDC Board Member Darold Tippey	2021	EDC
6	EDC Board Member Andrew Schaffer	2020	EDC
7	Jeff Gregory	2021	
8	Parks Board Member David Green, Alternate	2020	
9	EDC Board Member Johnny Trevino, Alternate	2021	

NEW APPLICANTS: ~~Mark Green~~ (appears to live in unincorporated Tarrant County and would not be eligible), Julie Jacobson, Andrew Malkowski

POWERS AND DUTIES

This board only meets at the request/direction of the Council. The last meeting was March 12, 2019. The board is advisory only (no decision-making authority), and shall have the following duties (at the request of the Council):

- To make studies and project plans for the city's water and wastewater system; solid waste collection system; streets/transportation system; and stormwater utility system, including erosion controls and improvements along Village Creek tributaries and improvements to the main branch of Village Creek;
- To aid and assist the city in the procuring of financial and other aids and assistance for the city from the state and federal governments and their agencies for each and all the purposes herein enumerated;
- To act with and assist all other municipal boards, governmental agencies, regional associations and the city council in formulating proper plans for utility infrastructure development;
- To plan and recommend capital improvement projects (CIP) related to the water and wastewater utility, stormwater utility, streets and transportation, and solid waste utility; and
- To recommend general rules and regulations governing use of water and wastewater utilities, stormwater utility, streets and transportation, and solid waste collection.

To accomplish these duties, the board may establish subcommittees. Any subcommittee shall be chaired by a UIB member, and an unspecified number of community volunteers may be chosen by the board as working subcommittee members.

ESTABLISHING AND GOVERNING DOCUMENTS

Created via Ordinance 656 (2018); Amended via Ordinance 684 (2019); *Quorum: 4 members. See [Section 23-33](#) of the Code.*
Council appoints (by November or as soon as practicable) the Chair and Vice Chair annually for a term of one year.

Staff Liaison(s)	George Campbell, City Manager Larry Hoover, Public Works Director
Secretary	Rosie Ericson, Administrative Assistant

MEETING DATE: DECEMBER 15, 2020

AGENDA ITEM NUMBER: REPORTS AND ANNOUNCEMENTS ITEM IV.D.1.

SUBJECT

Updates from the City Council

ORIGINATED BY

George Campbell, City Manager

SUMMARY

Updates and information from each of the Councilmembers, if any.

RECOMMENDATION

ATTACHMENTS

MEETING DATE: DECEMBER 15, 2020

AGENDA ITEM NUMBER: REPORTS AND ANNOUNCEMENTS ITEM IV.D.2.

SUBJECT

Updates from the Mayor

ORIGINATED BY

George Campbell, City Manager

SUMMARY

Updates and/or Proclamations from Mayor Brian Johnson, if any.

RECOMMENDATION

ATTACHMENTS

MEETING DATE: DECEMBER 15, 2020

AGENDA ITEM NUMBER: REPORTS AND ANNOUNCEMENTS ITEM IV.D.3.

SUBJECT

Updates from the City Manager

ORIGINATED BY

George Campbell, City Manager

SUMMARY

Updates and information from City Manager George Campbell, if any.

RECOMMENDATION

ATTACHMENTS

MEETING DATE: DECEMBER 15, 2020

AGENDA ITEM NUMBER: REPORTS AND ANNOUNCEMENTS ITEM IV.D.4.

SUBJECT

Financial Reports for the City

ORIGINATED BY

Lakeita Sutton, Director of Finance and Information Technology

SUMMARY

Please see the attached financial reports for the City (for the month ending 11/31/2020).

Director of Finance and Information Technology Lakeita Sutton will discuss highlights, if any, and be available to answer questions from the Council.

RECOMMENDATION

ATTACHMENTS

1.	2020_11 Monthly Financials	2020_11 Monthly Financials.pdf
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**Revenues & Expenditures - Budget & Actual Summary
FOR THE MONTH ENDED NOVEMBER 30, 2020**

GENERAL FUND REVENUES			
Budget	AMENDED	Actual	Actual Budget %
\$ 7,314,655	\$ -	\$ 736,625	10.1%

GENERAL FUND EXPENDITURES			
Budget	AMENDED	Actual	Actual Budget %
\$ 7,624,096	\$ -	\$ 949,171	12.4%

STREETS FUND REVENUES			
Budget	AMENDED	Actual	Actual Budget %
\$ 877,615		\$ 62,595	7.1%

STREETS FUND EXPENDITURES			
Budget	AMENDED	Actual	Actual Budget %
\$ 1,015,670		\$ 105,140	10.4%

WATER/SEWER FUND REVENUES			
Budget	AMENDED	Actual	Actual Budget %
\$ 4,447,316	\$ -	\$ 400,265	9.0%

WATER/SEWER FUND EXPENDITURES			
Budget	AMENDED	Actual	Actual Budget %
\$ 4,504,700	\$ -	\$ 610,122	13.5%

STORMWATER FUND REVENUES			
Budget	AMENDED	Actual	Actual Budget %
\$ 323,152	\$ -	\$ 22,153	6.9%

STORMWATER FUND EXPENDITURES			
Budget	AMENDED	Actual	Actual Budget %
\$ 561,929	\$ -	\$ 9,573	1.7%

GENERAL FUND
FOR THE MONTH ENDED NOVEMBER 30, 2020
FY 2020-21 WITH PRIOR YEAR COMPARISON

16.7%

	CURRENT FISCAL YEAR							PRIOR FISCAL YEAR				
	BUDGET		ACTUAL			PROJECTED		BUDGET		FY ACTUAL		
	FY 2020-2021		M-T-D	Y-T-D	Y-T-D	FY 2020-2021		FY 2019-2020		FY 2019-2020		
	Adopted Budget	Amended Budget			%		%	Original Budget	Amended Budget	M-T-D Nov-19	Y-T-D Nov-19	Y-T-D % Budget
Revenues:			Nov-20	Nov-20	Budget	Oct-20	Budget					
Property Taxes	\$ 4,629,418		\$ 321,067	\$ 560,041	12.1%	\$ 771,570	16.7%	\$ 4,210,532	\$ 4,210,532	\$ 299,560	\$ 439,708	10.4%
Sales / Beverage Tax	1,438,404		550	1,083	0.1%	239,734	16.7%	1,402,458	1,369,909	562	1,111	0.1%
Grants / Contributions	65,000		1,750	42,747	65.8%	10,833	16.7%	85,100	147,445	2,500	22,653	15.4%
Licenses / Permits	191,605		5,139	18,470	9.6%	31,934	16.7%	175,070	153,360	5,488	78,261	51.0%
Fines / Fees	106,718		2,259	7,420	7.0%	17,786	16.7%	179,700	105,300	8,237	18,381	17.5%
Charge for Services	205,500		3,162	26,366	12.8%	34,250	16.7%	181,225	193,225	15,262	30,868	16.0%
Investment Earnings	24,017		184	392	1.6%	4,003	16.7%	24,017	24,017	1,746	4,044	16.8%
Miscellaneous Income	5,250		1,068	1,404	26.7%	875	16.7%	5,500	5,500	261	555	10.1%
Intergovernmental	647,243		39,341	78,702	12.2%	107,874	16.7%	652,475	652,475	40,623	81,249	12.5%
Surplus / Sales Rentals	1,500		-	-	0.0%	250	16.7%	3,500	3,500	168	263	7.5%
Total Revenues	\$ 7,314,655	\$ -	\$ 374,520	\$ 736,625	10.1%	\$ 1,219,109	16.7%	\$ 6,919,577	\$ 6,865,263	\$ 374,407	\$ 677,093	9.9%
Expenditures:												
City Manager	\$ 316,473		\$ 24,262	\$ 37,928	12.0%	\$ 52,745.50	16.7%	\$ 323,076	\$ 323,076	\$ 28,158	\$ 44,425	13.8%
Mayor and City Council	140,525		(7,070)	(5,076)	-3.6%	23,421	16.7%	186,444	186,444	14,351	17,009	9.1%
City Secretary	175,454		18,922	24,355	13.9%	29,242	16.7%	179,811	178,540	8,885	27,122	15.2%
Municipal Court	98,215		5,289	13,243	13.5%	16,369	16.7%	112,701	111,868	8,722	17,009	15.2%
Human Resources	125,229		9,035	14,225	11.4%	20,872	16.7%	132,128	132,129	8,731	13,279	10.1%
Finance	438,148		40,624	53,599	12.2%	73,025	16.7%	393,017	389,826	20,829	36,072	9.3%
Police	2,660,845		149,676	332,586	12.5%	443,474	16.7%	2,563,035	2,499,599	204,900	406,139	16.2%
Police SRO	178,016		14,635	21,901	12.3%	29,669	16.7%	156,513	156,513	15,319	24,745	15.8%
Fire	2,208,977		98,543	183,780	8.3%	368,163	16.7%	2,386,910	2,203,129	155,482	268,792	12.2%
Community Development	387,924		30,580	46,477	12.0%	64,654	16.7%	465,735	438,146	44,921	66,089	15.1%
Senior Citizen Center	38,376		994	1,536	4.0%	6,396	16.7%	63,376	63,376	4,441	7,310	11.5%
Library	275,755		21,366	31,278	11.3%	45,959	16.7%	305,042	275,895	23,069	38,522	14.0%
Non-Departmental	580,159		107,402	193,339	33.3%	96,693	16.7%	514,734	564,058	15,027	207,008	36.7%
Total Expenditures	\$ 7,624,096	\$ -	\$ 514,258	\$ 949,171	12.4%	\$ 1,270,683	16.7%	\$ 7,782,522	\$ 7,522,599	\$ 552,835	\$ 1,173,521	15.6%
Total Revenues Over (Under) Exp	\$ (309,441)	\$ -	\$ (139,738)	\$ (212,546)		\$ (51,574)		\$ (862,944)	\$ (657,336)	\$ (178,428)	\$ (496,428)	
Other Financing Sources (Uses):												
	-	-	-	-		-		-	-	-	-	
Non-cash Transactions:												
Capital lease proceeds	-		-			-		-	-	-	-	
Capital expenditures	-		-	-		-		-	-	-	-	
Transfers In (Out):	-							-	-	-	-	
	-									-	-	
Net Change in Fund Balance	\$ (309,441)	\$ -		\$ (212,546)				\$ (862,944)	\$ (657,336)			
Total Unassigned Fund Balance - BOY	940,257			940,257				1,480,503	1,597,593			
Ending Fund Balance Sept. 30	\$ 630,816	\$ -		\$ 727,711				\$ 617,559	\$ 940,257			
Less: Commitments for Specific Use	-	-		-								
Less: Assigned for Specific Use	-	-		-				-				
Ending Fund Balance - Unassigned	\$ 630,816	\$ -		\$ 727,711				\$ 617,559	\$ 940,257			
AVERAGE DAILY EXPENDITURES	20,888	-		2,600				21,322	20,610			

NUMBER OF DAYS IN RESERVE	30	280	29	46
FUND BALANCE AS A % OF EXPENDITURES	8.3%	76.67%	7.94%	12.50%

STREETS FUND
FOR THE MONTH ENDED NOVEMBER 30, 2020
FY 2020-21 WITH PRIOR YEAR COMPARISON

16.7%

	CURRENT FISCAL YEAR							PRIOR FISCAL YEAR				
	BUDGET		ACTUAL			PROJECTED		BUDGET		FY ACTUAL		
	FY 2020-2021		M-T-D	Y-T-D	Y-T-D	FY 2020-2021		FY 2019-2020		FY 2019-2020		
	Original Budget	Amended Budget	Nov-20	Nov-20	% Budget	Nov-20	% Budget	Original Budget	Amended Budget	M-T-D Nov-19	Y-T-D Nov-19	Y-T-D % Budget
Revenues:												
Franchise Fees Telephone	\$ 36,256		\$ 200	\$ 400	1.1%	\$ 6,042.67	16.7%	\$ 36,622	\$ 36,622	\$ 200	\$ 400	1%
Franchise Fees Garbage	68,607		6,258	6,258		11,435	16.7%	69,300	69,300	2,443	2,443	
Franchise Fees Gas	64,469					10,745	16.7%	65,120	65,120			
Franchise Fees Electricity	312,427					52,071	16.7%	315,583	315,583			
Franchise Fees Cable	53,906					8,984	16.7%	54,450	54,450			
Franchise Fees Water Sew	311,312		25,943	51,885	16.7%	51,885	16.7%	267,106	267,106	22,258	44,518	17%
Investment Income	6,930		19	42	0.6%	1,155	16.7%	7,000	7,000	-	-	0%
TexDot Connecting Kennedale										450	1,034	
Misc. Income			-	170								
Admin Charge - Strm Water	19,995					3,333	16.7%	19,995	19,995			
Park Pavilion Rental	3,663					611	16.7%	3,700	3,700	-	240	6%
Ballfield Rental	50					8	16.7%	50	50			
Sale of Parts/Assets			-	3,840								
Transfer In Park Dedication												
Transfer In TIF Fund												
Transfer In Donation Fund												
Total Revenues	\$ 877,615	\$ -	\$ 32,420	\$ 62,595	7.1%	\$ 146,269	16.7%	\$ 838,926	\$ 838,926	\$ 25,351	\$ 48,635	6%
Expenditures:												
Street Maintenance	\$ 868,448		\$ 68,202	\$ 100,930	11.6%	\$ 144,741	16.7%	\$ 850,176	\$ 849,397	\$ 65,145	\$ 105,158	12%
Park Maintenance	122,920		3,912	4,210	3.4%	20,487	16.7%	122,920	122,920	2,485	4,918	4%
Capital Projects	24,302					4,050	16.7%	79,057	79,058			
Total Expenditures	\$ 1,015,670	\$ -	\$ 72,114	\$ 105,140	10.4%	\$ 169,278	16.7%	\$ 1,052,153	\$ 1,051,375	\$ 67,630	\$ 110,076	10%
Total Revenues Over (Under) Exp	\$ (138,055)	\$ -	\$ (39,694)	\$ (42,545)		\$ (23,009)		\$ (213,227)	\$ (212,449)	\$ (42,279)	\$ (61,441)	
Other Funding Sources (Uses):												
Non-cash transactions:												
Capital lease proceeds	-											
Capital expenditures	-											
Transfers In (Out):												
Debt Service Payments	-											
Net Change in Fund Balance	\$ (138,055)	\$ -		\$ (42,545)				\$ (213,227)	\$ (212,449)			
Total Unassigned Fund Balance - BOY	341,246			341,246				345,652	553,695			
Ending Fund Balance Sept. 30	\$ 203,191	\$ -		\$ 298,701				\$ 132,425	\$ 341,246			
Less: Commitments for Specific Use				-							-	
Less: Assigned for Specific Use				-							-	
Ending Fund Balance - Unassigned	\$ 203,191	\$ -		\$ 298,701				\$ 132,425	\$ 341,246			
AVERAGE DAILY EXPENDITURES	2,226	-		(530)				2,520	1,946			
NUMBER OF DAYS IN RESERVE	91			(563)				53	175			
FUND BALANCE AS A % OF EXPENDITURES	20.0%			284.1%				12.6%	32.5%			

WATER & SEWER FUND
FOR THE MONTH ENDED NOVEMBER 30, 2020
FY 2020-21 WITH PRIOR YEAR COMPARISON
FOR THE MONTH ENDED MARCH 31, 2020

16.7%

	CURRENT FISCAL YEAR					
	BUDGET		ACTUAL			PROJECTED
	FY 2020-2021		M-T-D	Y-T-D	Y-T-D	FY 2020-2021
	Budget	Budget	Nov-20	Nov-20	Budget	Nov-20 Budget
Revenues:						
Water Service	\$ 2,128,290		\$ -	\$ 225,303	10.6%	\$ 354,715 16.7%
Sewer Service	1,700,194		-	141,519	8.3%	283,366 16.7%
Sewer Surcharge	2,705					451 16.7%
Penalties	13,231					2,205 16.7%
Administrative Fees	3,762		134	259	6.9%	627 16.7%
Water Tap Fees	2,856					476 16.7%
Meter Purchase / Install	3,645					608 16.7%
Sewer Tap Fees	1,768					295 16.7%
Engineer Review Fees	6,120					1,020 16.7%
Sanitation Billing Fees	15,507		1,431	1,431		2,585 16.7%
Other Fees Water/Sewer	1,984					331 16.7%
Sales Tax	139		11	23	16.5%	23 16.7%
Arlington Operator Cost	354,500					59,083 16.7%
Investment Income	19,179		209	426	2.2%	3,197 16.7%
Miscellaneous Income	4,911		50	50		819 16.7%
Cash Over/Under						
Sale of Parts/Assets	1,000					167 16.7%
Transfer In - Water Impact Fund			-	-		
Transfer In - Sewer Impact Fund						
Transfer In-Roadway Impact Fund	187,525		15,627	31,254	16.7%	15,627
Total Revenues	\$ 4,447,316	\$ -	\$ 17,462	\$ 400,265	9.0%	\$ 725,592 16.3%

Expenditures:						
Utility Billing	\$ 1,460,295		\$ 24,987	\$ 48,567	3.3%	\$ 243,383 16.7%
Operations	1,375,369		332,207	423,354	30.8%	229,228 16.7%
Debt Service	358,559					59,760 16.7%
Capital Projects	600,000		4,125	4,125		100,000 16.7%
Non-Departmental	710,477		76,610	134,076	18.9%	118,413 16.7%
Total Expenditures	\$ 4,504,700	\$ -	\$ 437,929	\$ 610,122	13.5%	\$ 750,783 16.7%

Total Revenues Over (Under) Exp	\$ (57,384)	\$ -	\$ (420,467)	\$ (209,857)	\$ (25,191)
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Other Funding Sources (Uses):					
Debt service - bond payments					
Non-cash transactions:					
Capital lease proceeds					
Capital expenditures					

Net Change in Fund Balance	\$ (57,384)	\$ -		\$ (209,857)	
Total Unrestricted Fund Balance - BOY	2,076,297			2,076,297	

Total Fund Balance - EOY	\$ 2,018,913	\$ -		\$ 1,866,440	\$ -
Less: Commitments for Specific Use				-	-
Less: Assigned for Specific Use				-	-

Ending Fund Balance - Unrestricted	\$ 2,018,913	\$ -		\$ 1,866,440	\$ -
AVERAGE DAILY EXPENDITURES	157	-		575	

PRIOR FISCAL YEAR					
BUDGET		FY ACTUAL			
FY 2019-2020		FY 2019-2020			
Budget	Budget	Nov-19	Nov-19	% Budget	
\$ 1,941,782	\$ 1,941,782	\$ 143,992	\$ 388,646	20%	
1,669,203	1,669,203	133,706	273,904	16%	
11,978	11,978	867	1,990	17%	
50,873	14,450	4,104	9,729	67%	
15,150	4,500	1,520	2,680	60%	
5,050	5,050	-	1,050		
11,933	11,933	-	546	5%	
5,050	5,050	-	1,750		
6,924	6,924			0%	
16,798	16,798	1,628	1,628	10%	
10,423	10,423	605	1,445	14%	
101	101	11	23	23%	
	300,874	17,827	17,827		
37,814	37,814	2,515	5,638		
31,718	31,718				
-					
1,010	37,750				
152,524	152,525				
60,000	35,000				
\$ 4,028,331	\$ 4,293,873	\$ 306,775	\$ 706,856	16%	

\$ 1,518,390	\$ 1,719,049	\$ 17,357	\$ 217,357	13%	
1,385,154	1,522,435	278,467	398,325	26%	
354,505	354,505				
415,000	415,000	101,061	101,061		
677,889	677,889	54,994	120,479	18%	
\$ 4,350,938	\$ 4,688,878	\$ 451,879	\$ 837,222	18%	

\$ (322,607)	\$ (395,005)	\$ (145,104)	\$ (130,366)		
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\$ (322,607)	\$ (395,005)				
1,682,545	2,471,302				

\$ 1,359,938	\$ 2,076,297				
-					
-					

\$ 1,359,938	\$ 2,076,297				
884	1,082				

NUMBER OF DAYS IN RESERVE	12,842	3,246	1,539	1,919	
FUND BALANCE AS A % OF EXPENDITURE	44.8%	306%	31%	44%	PAGE 4

STORMWATER FUND
FOR THE MONTH ENDED NOVEMBER 30, 2020
FY 2020-21 WITH PRIOR YEAR COMPARISON
FOR THE MONTH ENDED MARCH 31, 2020

16.7%

	CURRENT FISCAL YEAR						
	BUDGET		ACTUAL			FY PROJECTED	
	FY 2020-2021		M-T-D	Y-T-D	Y-T-D	FY 2020-2021	
	Budget	Budget	Nov-20	Nov-20	% Budget	Oct-20	% Budget
Revenues:							
Penalties	\$ 1,200					\$ 200	16.7%
Grant Revenue							
Drainage Fees	320,952		-	22,087	6.9%	53492	16.7%
Investment Income	1,000		30	66	6.6%	167	16.7%
Miscellaneous Income							
Total Revenues	\$ 323,152	\$ -	\$ 30	\$ 22,153	6.9%	\$ 53,859	16.7%
Expenditures:							
Stormwater Utility	561,929		\$ 4,273	\$ 9,573	1.7%	\$ 93,655	16.7%
Total Expenditures	\$ 561,929	\$ -	\$ 4,273	\$ 9,573	1.7%	\$ 93,655	16.7%
Total Revenues Over (Under) Exp	\$ (238,777)	\$ -	\$ (4,243)	\$ 12,580		\$ (39,796)	
Other Financing Sources (Uses):							
Capital grant contributions	-	-	-	-			
Net Change in Fund Balance	\$ (238,777)	\$ -		\$ 12,580			
Total Unrestricted Fund Balance - BOY	(151,838)			(151,838)			
Total Fund Balance - EOY	\$ (390,615)	\$ -		\$ (139,258)			
Less: Commitments for Specific Use	-	-		-		-	
Ending Fund Balance - Unrestricted	\$ (390,615)	\$ -		\$ (139,258)			

PRIOR FISCAL YEAR				
BUDGET		FY ACTUAL		
FY 2019-2020		FY 2019-2020		
Budget	Budget	Nov-19	Nov-19	% Budget
\$ 3,200	\$ 3,200	\$ 173	\$ 402	12.6%
-				
297,200	265,000	22,113	44,433	16.8%
500	500	77	148	29.6%
-				
\$ 300,900	\$ 268,700	\$ 22,363	\$ 44,983	17%

585,316	\$ 619,316	\$ 6,580	\$ 16,562	2.7%
\$ 585,316	\$ 619,316	\$ 6,580	\$ 16,562	3%

\$ (284,416)	\$ (350,616)	\$ 15,783	\$ 28,421	
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-	-	-	-	
\$ (284,416)	\$ (350,616)			
	\$ 198,778			

	\$ (151,838)			
-	-			

\$ -	\$ (151,838)			
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**OTHER FUNDS: MONTHLY FINANCIALS
FOR THE MONTH ENDED NOVEMBER 30, 2020**

FUND		BUDGET					Y-T-D ACTUAL						
		Revenues	Expenditures	Change in Fund Balances	Fund Balance Beginning of Year	Fund Balance End of Year	Revenues	% Budget	Expenditures	% Budget	Change in Fund Balances	Fund Balance Beginning of Year	Y-T-D Fund Balance Projection
DEBT SERVICE FUND													
2	Debt Service Fund	\$ 1,644,815	\$ 1,538,873	\$ 105,942	\$ 573,006	\$ 678,948	\$ 184,403	11%	\$ 150	0%	\$ 184,253	\$ 573,006	\$ 757,259
OTHER GENERAL FUNDS													
5	Capital Replacement Fund	\$ 98,402	\$ 180,414	\$ (82,012)	\$ 150,817	\$ 68,805	\$ 22	0%	\$ 30,069	17%	\$ (30,047)	\$ 150,817	\$ 120,770
12	Court Security Fund	2,300	-	2,300	23,864	26,164	217	9%	-	0%	217	23,864	24,081
16	Court Technology Fund	1,320	875	445	15,886	16,331	197	15%	-	0%	197	15,886	16,083
18	Juvenile Case Manager Fund	2,150	-	2,150	(10,367)	(8,217)	72	3%	-	0%	72	(10,367)	(10,295)
21	TIF 1 (New Hope Rd) Fund	162,734	-	162,734	(393,825)	(231,091)	62	0%	-	0%	62	(393,825)	(393,763)
34	Lease Fund	1,740	1,650	90	2,012	2,102	1,699	98%	-	-	1,699	2,012	3,711
83	Tree Reforestation Fund	500	-	500	70,923	71,423	14	3%	-	17%	14	70,923	70,937
		\$ 269,146	\$ 182,939	\$ 86,207	\$ (140,690)	\$ (54,483)	\$ 2,283		\$ 30,069		\$ (27,786)	\$ (140,690)	\$ (168,476)
CAPITAL FUNDS													
4	Capital Projects Fund	\$ 83,250	\$ 103,157	\$ (19,907)	\$ (58,700)	\$ (78,607)	\$ 10,583	13%	\$ -	0%	\$ 10,583	\$ (58,700)	\$ (48,117)
13	Capital Bond Fund	6,008,000	2,991,176	3,016,824	1,187,265	4,204,089	465	0%	9,957	0%	(9,492)	1,187,265	\$ 1,177,773
14	Park Dedication Fund	800	170	630	54,885	55,515	820	103%	-	0%	820	54,885	\$ 55,705
32	Library Building Fund	160	-	160	(2,489)	(2,329)	53	33%	-	-	53	(2,489)	\$ (2,436)
45	Roadway Impact Fee Fund	15,000	197,525	(182,525)	489,910	307,385	1,381	9%	31,254	16%	(29,873)	489,910	\$ 460,037
61	Water Impact Fee Fund	54,238	-	54,238	(165,667)	(111,429)	-	-	-	-	-	(165,667)	(165,667)
62	Sewer Impact Fee Fund	18,505	-	18,505	20,306	38,811	9	0%	-	-	9	20,306	20,315
		\$ 6,179,953	\$ 3,292,028	\$ 2,887,925	\$ 1,525,510	\$ 4,413,435	\$ 13,311		\$ 41,211		\$ 1,091	\$ 1,128,565	\$ 1,129,656
EDC 4B FUNDS													
15	EDC 4B Fund	\$ 723,940	\$ 607,014	\$ 116,926	\$ 770,219	\$ 887,145	\$ 23,257	3%	\$ 69,422	11%	\$ (46,165)	\$ 770,219	\$ 724,054
		\$ 723,940	\$ 607,014	\$ 116,926	\$ 770,219	\$ 887,145	\$ 23,257		\$ 69,422		\$ (46,165)	\$ 770,219	\$ 724,054
SPECIAL REVENUE FUNDS													
30	Hotel/Motel Tax Fund	\$ 5,050	\$ -	\$ -	\$ 5,927	\$ 5,927	\$ 2		\$ -		\$ 2	\$ 5,927	\$ 5,929
35	Disaster Recovery Fund	100	420,850	(420,750)	420,750	-	65		263,444		\$ (263,379)	\$ 420,750	\$ 157,371
		5,150	420,850	(420,750)	426,677	5,927	67		263,444		(263,377)		\$ 163,300

MEETING DATE: DECEMBER 15, 2020

AGENDA ITEM NUMBER: CONSENT AGENDA ITEM IV.E.1.

SUBJECT

Approval of the minutes from the November 17, 2020 special meeting at 5:00 p.m.

ORIGINATED BY

Leslie E. Galloway, City Secretary & Communications Coordinator

SUMMARY

Please see the attached minutes for your approval.

RECOMMENDATION

Approve

ATTACHMENTS

1.	2020_11.17 Special Meeting Minutes _ Canvass _ DRAFT	2020_11.17 Special Meeting Minutes _ Canvass _ DRAFT.pdf
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**KENNEDALE CITY COUNCIL MINUTES
SPECIAL MEETING VIA VIDEOCONFERENCE
NOVEMBER 17, 2020 AT 5:00 PM**

**MEMBERS OF THE PUBLIC MAY JOIN BY VISITING
WWW.CITYOFKENNEDALE.COM/JOINMEETING AND/OR BY DIALING
1-877-853-5257 (TOLL-FREE) AND USING ACCESS CODE 76060-76060**

I. CALL TO ORDER

Mayor Brian Johnson called the meeting to order at 5:01 p.m.

II. ROLL CALL

Participating via VideoConference: Mayor Brian Johnson; Chris Pugh, Place 2; Mayor Pro Tem Lee, Place 3; Linda Rhodes, Place 4; Chad Wandel, Place 5; Gary Mitchell, newly elected to Place 2,

Absent: Josh Altom, Place 1. **Staff Participating via VideoConference:** City Manager George Campbell, City Secretary and Communications Coordinator Leslie E. Galloway, City Attorney Drew Larkin, Fire Chief James Brown, Library Director Amanda King

III. REPORTS AND ANNOUNCEMENTS

A. Recognition of outgoing Councilmembers

Mayor Johnson recognized Chris Pugh and Mayor Pro Tem Sandra Lee for their service on the Council. Mayor Pro Tem Lee was elected as Tarrant County Constable, representing Precinct 7 in the November 3 election.

IV. ELECTION BUSINESS

A. Certification of official returns by the City Secretary

City Secretary and Communications Coordinator Leslie E. Galloway certified the official elections returns to the Council, stating that in the November 3, 2020 election, 4,125 valid and legal votes were cast, of which 3,708 were cast early and 417 were cast on Election Day.

For the office of Mayor, incumbent Brian Johnson received 2,355 (or 67.90% of the votes cast), and challenger Jerick "J.D." Drayden received 1,130 (or 32.10%), noting that there were 640 under-votes in this race. For the office of City Council Place 2, challenger Gary Mitchell received 1,818 (or 54.63%) and incumbent Chris Pugh received 1,510 (or 45.37%), noting that there were 797 under-votes. For the office of City Council Place 4, incumbent Linda Rhodes was uncontested, and received 2,871 (or 100.00%), noting that there were 1,254 under-votes.

Galloway concluded that, as a result of these tabulations, the following appeared to be elected: Brian Johnson, Mayor; Gary Mitchell, Council Place 2; and Linda Rhodes, Council Place 4.

Motion Approve. Action Approve acknowledgment of the Council's receipt of the certification of these official returns for the election held Tuesday, November 3, 2020; and approving that they be filed within the City's election register as page 74, **Moved By Wandel, Seconded By Rhodes.**

Motion passes unanimously.

B. Consider approval of Resolution 578, canvassing the returns and declaring the results of the General Election held on November 3, 2020, for the purpose of electing a Mayor and Council Members Places 2 and 4 for the City of Kennedale

Motion Approve. Action Approve Resolution 578, canvassing the returns and declaring the results of the General Election held on November 3, 2020, for the purpose of electing a Mayor and

Council Members Places 2 and 4 for the City of Kennedale, **Moved By Rhodes, Seconded By Wandel. Motion passes unanimously.**

C. Oath of Office for Brian Johnson, Mayor (2020-2022)

D. Oath of Office for Gary Mitchell, City Council Place 2 (2020-2022)

E. Oath of Office for Linda Rhodes, City Council Place 4 (2020-2022)

Brian Johnson (Mayor), Gary Mitchell (Council Place 2), and Linda Rhodes (Council Place 4) individually read aloud both the Statement of Elected Official and the Oath of Office, thus formally affirming and/or swearing to each.

V. ADJOURNMENT

Motion Adjourn. Action Adjourn Moved By Rhodes, Seconded By Wandel. Motion passed unanimously.

Mayor Johnson adjourned the meeting at 5:09 p.m.

APPROVED:

ATTEST:

BRIAN JOHNSON, MAYOR

LESLIE E. GALLOWAY, CITY SECRETARY

MEETING DATE: DECEMBER 15, 2020

AGENDA ITEM NUMBER: CONSENT AGENDA ITEM IV.E.2.

SUBJECT

Approval of the minutes from the November 17, 2020 regular meeting at 5:30 p.m.

ORIGINATED BY

Leslie E. Galloway, City Secretary & Communications Coordinator

SUMMARY

Please see the attached minutes for your approval.

RECOMMENDATION

Approve

ATTACHMENTS

1.	2020_11.17 Regular Meeting Meetings _ DRAFT	2020_11.17 Regular Meeting Meetings _ DRAFT.pdf
----	---	---

**KENNEDALE CITY COUNCIL MINUTES
REGULAR MEETING VIA VIDEOCONFERENCE
NOVEMBER 17, 2020 AT 5:30 PM**

**MEMBERS OF THE PUBLIC MAY JOIN BY VISITING
WWW.CITYOFKENNEDEALE.COM/JOINMEETING AND/OR BY DIALING
1-877-853-5257 (TOLL-FREE) AND USING ACCESS CODE 76060-76060**

I. CALL TO ORDER

Mayor Brian Johnson called the meeting to order at 5:00 p.m.

II. WORK SESSION

A. WORK SESSION REPORTS

1. Discussion, if desired, of the 2020 Board and Commission appointment process

Mayor Johnson noted that this would likely be a part of the discussion during the special meeting scheduled for November 21. There was no further discussion at this time.

B. REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA

There was no discussion at this time.

Mayor Johnson recessed to Executive Session from 5:32 to 5:38 p.m.

III. EXECUTIVE SESSION

- A. PURSUANT TO §551.071** — Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion of any item posted on the agenda, legal issues regarding the Open Meetings Act, and the following:

1. Discussion with the City Attorney regarding salvage yards and special exception/special use permits
2. Discussion with the City Attorney regarding a settlement agreement between Abs 1 Auto Parts, Josie Jaime, Martin Marquez, and the City of Kennedale

- B. PURSUANT TO §551.072** — Deliberation regarding the purchase, exchange, lease, or value of real property:

1. 1001 W Kennedale Pkwy, Fort Worth, TX 76140

IV. REGULAR SESSION

Mayor Johnson opened the Regular Session at 5:40 p.m.

Motion Approve. Action Approve authorizing the City Manager to execute the settlement agreement with Abs 1 Auto Parts, Josie Jaime, and Martin Marquez. **Moved By** Wandel, **Seconded By** Mayor Pro Tem Lee. **Motion passed 4-0-1, with Mitchell abstaining.**

A. ROLL CALL

Participating via VideoConference: Mayor Brian Johnson; Josh Altom, Place 1; Gary Mitchell, Place 2; Mayor Pro Tem Lee, Place 3; Linda Rhodes, Place 4; Chad Wandel, Place 5; **Absent:**

NONE. Staff Participating via VideoConference: City Manager George Campbell, City Secretary and Communications Coordinator Leslie E. Galloway, City Attorney Drew Larkin, Director of Finance and Information Technology Lakeita Sutton, Public Works Director Larry Hoover, Fire Chief James Brown, Police Chief Tommy Williams, Library Director Amanda King, Director of Human Resources and Administrative Services Danielle Clarke, Director of Planning and Economic Development Melissa Dailey

B. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

The invocation and pledges were not carried out due to the meeting being held remotely.

C. VISITOR AND CITIZEN FORUM

- **Joe Palmer**, 4017 Sanguinet Court, Fort Worth, on behalf of KABO, congratulated Mayor Pro Tem Lee and Councilmember Mitchell on their elections; and spoke about taxes and representation by the Council.

D. REPORTS AND ANNOUNCEMENTS

1. Updates from the City Council

- **Gary Mitchell**, Place 2, had no updates at this time.
- **Chad Wandel**, Place 5, reminded everyone to support local charities and businesses.
- **Linda Rhodes**, Place 4, thanked the outgoing Councilmembers, congratulated Mayor Pro Tem Lee on her election to Constable of Precinct 7, and stated that she looks forward to working with newly-elected and standing Councilmembers.
- **Josh Altom**, Place 1, reminded everyone to support local charities, including the KPFFA Angel Tree, congratulated everyone on the election, and noted that he had spoken to several residents about water billing.
- **Mayor Pro Tem Sandra Lee**, Place 3, thanked the Police and Fire Departments for working through this pandemic, and noted that she enjoyed her time on the Council.

2. Updates from the Mayor

Mayor Brian Johnson proclaimed Friday, November 20, as Arbor Day in the City of Kennedale.

3. Updates from the City Manager

City Manager George Campbell had no updates at this time.

4. Financial Reports for the City and the EDC

Director of Finance Lakeita Sutton noted that these were the first financials of the fiscal year.

E. CONSENT AGENDA

1. Approval of the minutes from the October 20, 2020 regular meeting

2. **CASE #PZ 20-14** — Approval of a request by Magnolia Hills Lot Venture Ltd. for approval of a final plat for the Magnolia Hills subdivision, located at 1118 and 1132 Kennedale Sublett Road, J. M. Home Estes Tracts Addition, Lots 4R1 and 3B1, City of Kennedale, Tarrant County, Texas

Mayor Johnson noted that the plat approval was a ministerial function.

Motion Approve. **Action** Approve the Consent Agenda, **Moved By** Rhodes, **Seconded By** Wandel. **Motion passes unanimously.**

F. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consider an Ordinance amending the school zone times and designating a portion of Mistletoe Drive as a one-way street from Paula Lane to Reeves Lane on school days

City Manager George Campbell stated that this ordinance was postponed during the October 20 meeting, but staff had since met with KISD and Fellowship Academy staff as well as Councilmembers Wandel and Pugh to discuss options, and that staff would now recommend approval. There was some discussion about school zones on a state highway and the intent of staff to bring forward an Ordinance prohibiting parking on this portion of Mistletoe at all times.

Motion Approve. **Action** Approve Ordinance 718, amending the school zone times and designating a portion of Mistletoe Drive as a one-way street from Paula Lane to Reeves Lane during school zone times on school days, **Moved By** Altom, **Seconded By** Mitchell. **Motion**

passes unanimously.

2. Consider authorizing the City Manager to award a contract for physical access control (keyless entry) system equipment and services

City Manager George Campbell stated that staff recommended awarding a contract to STS360, noting that this would be funded via CARES to protect the health of the public and employees at the City's facilities. There was some discussion of timing, the facilities that would be upgraded, other uses of the CARES funding, and recurring costs.

Motion Approve. **Action** Approve authorizing the City Manager to award a contract for physical access control system equipment and services to STS360 in amount of \$115,409.15, **Moved By** Wandel, **Seconded By** Mayor Pro Tem Lee **Motion passes unanimously.**

G. PUBLIC HEARINGS

1. **CASE #PZ 20-13** — Conduct a public hearing and consider an Ordinance regarding a request by the Kennedale Economic Development Corporation (EDC) for a rezoning from "C2" Commercial to "UV" Urban Village for approximately 3 acres located at 600 W Kennedale Parkway, Lot 8, Block 1, Woodlea Acres Addition, City of Kennedale, Tarrant County, Texas

Director of Planning and Economic Development Melissa Dailey noted that this property was owned by the Economic Development Corporation (EDC), and gave an overview of the characteristics of the property, the current land use, surrounding uses, requirements of the requested zoning, and the property's designation in the future land use plan. There was some discussion of the proposed development, notices sent to nearby property owners, the replatting the property to exclude the roadway, and potential entrances. Dailey noted that staff and the EDC Board recommended approval and the Planning and Zoning (P&Z) Commission also unanimously recommended approval. Joel Beal, developer, stated that he believed that the UV zoning would allow the best mix of single family houses within the requirements.

Mayor Johnson opened the public hearing at 6:21 p.m.

- **Joe Palmer**, 4017 Sanguinet Court, Fort Worth, spoke against.
- **Jeff Nevarez**, 1009 Estates Drive, spoke in favor.

Mayor Johnson closed the public hearing at 6:28 p.m.

Motion Approve. **Action** Approve Ordinance 719 regarding a request by the Kennedale Economic Development Corporation (EDC) for a rezoning from "C2" Commercial to "UV" Urban Village for approximately 3 acres located at 600 W Kennedale Parkway, Lot 8, Block 1, Woodlea Acres Addition, City of Kennedale, Tarrant County, Texas, **Moved By** Altom, **Seconded By** Wandel. **Motion passes 3-2 with Mitchell and Rhodes voting against.**

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

This item was taken out of order. The Council acted on an Executive Session item immediately after Mayor Johnson called the Regular Session to order.

V. ADJOURNMENT

Motion Adjourn. **Action** Adjourn, **Moved By** Wandel, **Seconded By** Rhodes. **Motion passed unanimously.**

Mayor Johnson congratulated Mayor Pro Tem Lee and Councilmembers Mitchell and Rhodes on their elections before adjourning the meeting at 6:48 p.m.

APPROVED:

ATTEST:

BRIAN JOHNSON, MAYOR

LESLIE E. GALLOWAY, CITY SECRETARY

MEETING DATE: DECEMBER 15, 2020

AGENDA ITEM NUMBER: CONSENT AGENDA ITEM IV.E.3.

SUBJECT

Consider authorizing the Mayor to sign an Interlocal Agreement with the Fort Worth Transportation Authority ("Trinity Metro") for Administrative Cost Funding for Section 5310 Program

ORIGINATED BY

Leslie E. Galloway, City Secretary & Communications Coordinator

SUMMARY

This is an annual agreement, between the City of Kennedale and the Fort Worth Transportation Authority (FWTA / "Trinity Metro"), that allows for Tarrant County Transportation Services (TCTS) paratransit services to provide transportation of older adults (65+) and other qualified persons to and from a variety of venues for purposes including shopping, medical, and recreational for a fare of \$2.50 per trip (one-way).

This is pursuant to a Federal grant to FWTA to serve persons in cities without transportation services and which are not members of a transportation authority. This is designated as a Section 5310 program, under Title 49, Section 5310, US Code.

There are two contracts attached, at a total annual cost of \$1,288.00. If approved, the contracted services will be provided through December 31, 2021, and are provided for under the "Special Services" line item in the Mayor/Council budget. The first is for the original program (for which the City pays a grant administration fee of \$1,288.00 to participate); and a supplemental contract (at no additional cost) for an extra day of service that began in October 2018. There is also a 2020 ridership report included, showing a total value of services provided through the program of 9,153.80 for the 229 trips taken by Kennedale residents last year.

RECOMMENDATION

Approve

ATTACHMENTS

1.	TCTS Kennedale Ridership FY20	TCTS Kennedale Ridership FY20.pdf
2.	TCTS ILA Kennedale 2021	TCTS ILA Kennedale 2021.pdf
3.	TCTS ILA Kennedale Enhancement Grant 2021	TCTS ILA Kennedale Enhancement Grant 2021.pdf

**Tarrant County Transportation Service
City of Kennedale
Section 5310 Program Ridership
October 2019 - September 2020**

Month	Tuesday One-Way Trips	Approx. Cost to Provide	Friday One-Way Trips	Approx. Cost to Provide
Oct 2019	21	\$834.54	7	\$278.18
Nov	25	\$993.50	4	\$158.96
Dec	21	\$834.54	9	\$357.66
Jan 2020	16	\$635.84	11	\$437.14
Feb	12	\$476.88	1	\$39.74
Mar	13	\$516.62	5	\$198.70
Apr	4	\$158.96	1	\$39.74
May	6	\$238.44	8	\$317.92
June	5	\$198.70	4	\$158.96
July	4	\$158.96	4	\$158.96
Aug	10	\$406.29	12	\$488.31
Sept	14	\$574.14	12	\$492.12
Total	151	\$6,027.41	78	\$3,126.39

TOTAL 2020 TRIPS	229
APPROXIMATE TOTAL COST FOR TCTS TO PROVIDE SERVICE	\$ 9,153.80
COST OF CONTRACT	\$ 1,288.00
ADDED VALUE VIA PARTNERSHIP	\$ 7,865.80

**INTERLOCAL AGREEMENT
FOR ADMINISTRATIVE COSTS FUNDING FOR
SECTION 5310 PROGRAM
BETWEEN
THE FORT WORTH TRANSPORTATION AUTHORITY
AND
THE CITY OF KENNEDALE, TEXAS**

The Fort Worth Transportation Authority (“Trinity Metro”) and the City of Kennedale, Texas (“City”) are both local governmental entities as that term is used in Chapter 791, Interlocal Cooperation Contracts, V.T.C.A., Government Code. They shall sometimes be referred to collectively as the “Parties”.

WHEREAS, the City of Kennedale desires to provide door-to-door paratransit services for elderly and persons with disabilities within Tarrant County and does not have a transportation service nor is it a member of a transportation authority; and

WHEREAS, Trinity Metro is a federal grantee of the Federal Transit Administration and the Federal Transit Administration provides funding to States under Section 5310 of Title 49 of the United States Code, and the goal of the Section 5310 program is to provide transportation for elderly and disabled persons residing in cities that do not have public transportation available to them; and

WHEREAS, the Texas Department of Transportation (TxDOT) asked Trinity Metro to develop and implement a Section 5310 Tarrant County Transportation Services (TCTS) program for otherwise underserved communities in Tarrant county; and

WHEREAS, Trinity Metro has been awarded the grant for this area and the City of Kennedale is contributing a total of \$1,288.00 towards the administrative costs of the Section 5310 service (TCTS) for the period from January 1, 2021 through December 31, 2021; and

WHEREAS, the monies will support a portion of administrative costs for the transportation services to the described peoples during a 12-month period;

Now, therefore, the parties pursuant to City of Kennedale action and Trinity Metro action, agree as follows:

1. This program is called Tarrant County Transportation Services (TCTS). This transportation is provided for a variety of purposes such as medical appointments, shopping, recreation, school or work. The City of Kennedale will be allocated one day (Tuesday), each week as their primary designated day for transportation. On that day, all available vehicles will be provided for service to qualified Kennedale residents. On the remaining days of the week, rides are available subject to the priority requests from other cities on a first-come basis.

2. Each party represents to the other that the delegated costs of the project under the Agreement, as well as any payments made by it pursuant to this Agreement, will be made from current revenues and/or specified grant funds. Further, each Party warrants and represents to the other party that each Party has been authorized by its respective governing body to do so. Each party further represents and warrants to the other Party that any renewal of, deletion, or change to this Agreement will be in writing and authorized by its respective governing body.
3. Trinity Metro will administer transportation services to the citizens of the City of Kennedale under the program known as Tarrant County Transportation Services from January 1, 2021 through December 31, 2021.
4. Trinity Metro will administer demand responsive transportation services for the seniors and persons with disabilities of Kennedale according to the federal requirements of the Section 5310 grant and according to the relevant State of Texas statutes.
5. The City of Kennedale will pay the authorized amounts to Trinity Metro within 30 days of receipt of invoice. The payment will be for the period from January 1, 2021 through December 31, 2021.
6. Trinity Metro will provide access upon request to the Section 5310 records to the City of Kennedale.
7. Parties will comply with all applicable State of Texas and federal statutes and regulations as required by their status as a federal grantee and transit authority of the State of Texas, and federal grantee and municipality of the State of Texas, respectively.
8. The term of this agreement will begin January 1, 2021 and end December 31, 2021.
9. The City of Kennedale will be considered a participating community and the qualifying residents of Kennedale will be entitled to ride TCTS for a one-way trip fare of \$2.50.

CITY OF KENNEDALE, TEXAS

**FORT WORTH
TRANSPORTATION AUTHORITY:**

By: _____
Mayor Brian Johnson

By: _____
Bob Baulsir
President/CEO

ATTEST:

City Secretary Leslie E. Galloway

**INTERLOCAL AGREEMENT
FOR
SECTION 5310 ENHANCEMENT PROGRAM
BETWEEN
THE FORT WORTH TRANSPORTATION AUTHORITY
AND
THE CITY OF KENNEDALE, TEXAS**

The Fort Worth Transportation Authority (“Trinity Metro”) and the City of Kennedale, Texas (“City”) are both local governmental entities as that term is used in Chapter 791, Interlocal Cooperation Contracts, V.T.C.A., Government Code. They shall sometimes be referred to collectively as the “Parties”.

WHEREAS, the City of Kennedale currently has an agreement with Trinity Metro for the provision of Tarrant County Transportation Service (TCTS), a door-to-door paratransit services for elderly and persons with disabilities within Tarrant County; and

WHEREAS, Trinity Metro is a federal grantee of the Federal Transit Administration and the Federal Transit Administration provides funding under Section 5310 of Title 49 of the United States Code, and the goal of the Section 5310 program is to provide transportation for elderly and disabled persons residing in cities that do not have public transportation available to them; and

WHEREAS, Trinity Metro has been awarded an additional grant for the enhancement of TCTS and the City of Kennedale is interested in an additional guaranteed day of service for the period from January 1, 2021 through December 31, 2021

Now, therefore, the parties pursuant to City of Kennedale action and Trinity Metro action, agree as follows:

1. This program is called Tarrant County Transportation Services (TCTS). This transportation is provided for a variety of purposes such as medical appointments, shopping, recreation, school or work. The City of Kennedale is currently allocated one day, Tuesday, each week as their primary designated day for transportation. The additional guaranteed day of service through this ILA will be Friday.
2. Each party represents to the other that the delegated costs of the project under the Agreement, as well as any payments made by it pursuant to this Agreement, will be made from current revenues and/or specified grant funds. Further, each Party warrants and represents to the other party that each Party has been authorized by its respective governing body to do so. Each party further represents and warrants to the other Party that any renewal of, deletion, or change to this Agreement will be in writing and authorized by its respective governing body.

3. Trinity Metro will administer the additional day of transportation services to the citizens of the City of Kennedale under the program known as Tarrant County Transportation Services Enhancement Program from January 1, 2021 through December 31, 2021.
4. Trinity Metro will administer demand responsive transportation services for the seniors and persons with disabilities of Kennedale according to the federal requirements of the Section 5310 grant and according to the relevant State of Texas statutes.
5. Trinity Metro will provide access upon request to the Section 5310 records to the City of Kennedale.
6. Parties will comply with all applicable State of Texas and federal statutes and regulations as required by their status as a federal grantee and transit authority of the State of Texas, and federal grantee and municipality of the State of Texas, respectively.
7. The term of this agreement will begin January 1, 2021 and end December 31, 2021, contingent on available funding.
8. The City of Kennedale will be considered a participating community and the qualifying residents of Kennedale will be entitled to ride TCTS for a one-way trip fare of \$2.50.

CITY OF KENNEDALE, TEXAS

**FORT WORTH
TRANSPORTATION AUTHORITY:**

By: _____
Mayor Brian Johnson

By: _____
Bob Baulsir
President/CEO

ATTEST:

City Secretary Leslie E. Galloway

MEETING DATE: DECEMBER 15, 2020

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM IV.F.1.

SUBJECT

Consider appointment of a Mayor Pro Tem

ORIGINATED BY

George Campbell, City Manager

SUMMARY

At this time the Council may consider appointing a member to serve as Mayor Pro Tem. Councilmember Sandra Lee, Place 3, has served as Mayor Pro Tem since June 18, 2018, but was recently elected as Tarrant County Constable for Precinct 7, and will not be able to continue service on the Council once she is sworn into that office.

NOTE: This item normally would have appeared on the June agenda, following the May election. However, because the 2020 election was postponed until November, this appointment would be for less than one year (through the first regular meeting following the next regular election or as soon thereafter as practicable), assuming the Council wishes to maintain the historically utilized appointment cycle.

From Section 3.03 of the Charter

Mayor and Mayor Pro Tem

The Mayor shall preside at City Council meetings, and shall be recognized as head of the City government. The Mayor shall have the right to vote only in the event of a tie. The Mayor shall also have veto power. The City Council shall elect one of its members Mayor Pro Tem. The Mayor Pro Tem shall act as Mayor in the absence of the Mayor and shall have the same duties and power as the Mayor except veto power. The Mayor Pro Tem shall retain the right to vote as a Council member.

RECOMMENDATION

ATTACHMENTS

MEETING DATE: DECEMBER 15, 2020

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM IV.F.2.

SUBJECT

Consider approval of an Ordinance, amending Section 22-48 "No Parking Zones" of Chapter 22 "Traffic and Motor Vehicles" of the Kennedale City Code by establishing a no parking, stopping, or standing zone on a portion of Mistletoe Drive (from Paula Lane to Reeves Lane)

ORIGINATED BY

Larry Hoover, Public Works Director

SUMMARY

As the Council is aware, James A. Arthur Intermediate School is located on Mistletoe Drive, leading to increased traffic flow.

During the November 17 regular meeting, the Council approved Ordinance 718, which gives staff the latitude to update school zone times (at the request of the schools) without the need for an amending ordinance; and designating Mistletoe Drive as one-way (between Paula Lane and Reeves Lane) during school zone times on school days.

At that time staff indicated an intent to bring forward for Council's consideration an Ordinance (attached) designating this same portion of Mistletoe Drive as an enforceable no parking, stopping, or standing zone at all times; and providing the Public Works Director with the authority to add the appropriate signage to the area.

Staff believes this Ordinance will help calm the school zone traffic and allow for an increase in safety for pedestrians and vehicular traffic along Mistletoe Drive and would recommend approval.

RECOMMENDATION

Approve

ATTACHMENTS

1.	O721_Mistletoe Drive No Parking Zone	O721_Mistletoe Drive No Parking Zone.pdf
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ORDINANCE NO. 721

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS, AMENDING SECTION 22-48 "NO PARKING ZONES" OF CHAPTER 22 "TRAFFIC AND MOTOR VEHICLES" OF THE KENNEDALE CITY CODE BY ESTABLISHING A NO PARKING ZONE ON A PORTION OF MISTLETOE DRIVE; DIRECTING THE ERECTION OF SIGNS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City has previously enacted ordinances now codified in Chapter 22 of the Kennedale City Code regulating the movement of traffic and motor vehicles; and

WHEREAS, vehicle parking on a portion of Mistletoe Drive from Paula Street to Reeves Lane has caused traffic and safety issues for nearby residents and school children; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens to establish a no parking zone on such portion of Mistletoe Drive; and

WHEREAS, the City Council has determined that this amendment to the Kennedale City Code will advance the health, safety, and general welfare of the citizens of the City of Kennedale.

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

SECTION 1.

Section 22-48 "No parking zones" of Chapter 22 "Traffic and Motor Vehicles" of the Kennedale City Code is hereby amended to read as follows:

Sec. 22-48. - No parking zones.

- (a) No person shall stop, stand, or park any vehicle upon or along:
 - (1) The west side of the 1300 block of West Kennedale Parkway, from the south curb line of the 1-20 Access Road, ending at a point nine hundred ninety (990) feet south of that boundary at the Oak Crest Drive intersection.
 - (2) The east side of the 1300 block of West Kennedale Parkway, from the south curb line of the 1-20 Access Road, ending at a point one thousand three hundred fifty (1,350) feet south of that boundary at the Gilman Road intersection.

- (3) Mistletoe Drive on both sides of such roadway from Paula Street to Reeves Lane.

SECTION 2.

The Director of Public Works is hereby directed to ensure that appropriate signs giving notice of the requirements adopted in this ordinance are erected and maintained.

SECTION 3.

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

SECTION 4.

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 a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect 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 the invalid or unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of the Kennedale City Code or any other ordinances regulating parking which 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.

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 Hundred Dollars \$200.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

The City Secretary of the City of Kennedale is hereby directed to publish this ordinance as required by law.

SECTION 8.

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 BY THE CITY COUNCIL OF THE CITY OF
KENNEDEALE, TEXAS, THIS THE 15TH DAY OF DECEMBER, 2020.

APPROVED:

MAYOR BRIAN JOHNSON

[CITY SEAL]

ATTEST:

CITY SECRETARY LESLIE E. GALLOWAY

APPROVED AS TO FORM AND LEGALITY:

EFFECTIVE DATE:

MEETING DATE: DECEMBER 15, 2020

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM IV.F.3.

SUBJECT

Consider approval of an Ordinance authorizing the issuance, sale, and delivery of approximately \$1,555,000 in aggregate principal amount of City of Kennedale, Texas General Obligation Refunding Bond, Series 2020A; securing the payment thereof by authorizing the levy of an annual ad valorem tax; and approving and authorizing the execution of all instruments and procedures related thereto including an escrow agreement, a paying agent/registrar agreement and a purchase contract and investment letter

ORIGINATED BY

Lakeita Sutton, Director of Finance and Information Technology

SUMMARY

During the Council's October 20 Work Session, the City's Financial Advisors, SAMCO Capital, presented an opportunity to achieve debt service savings on an outstanding debt obligation. At that time, Council provided the approval to proceed with advertisement to gain insight into the success of such a sale.

SAMCO obtained bids on the sale and found that the refunding would be advantageous. The refunding/refinancing of the 2011 Certificates of Obligation (COs) would produce a significant savings over the next ten years (estimated at \$171,000 during the October meeting), assuming rates stay at or near their current levels. The outcome of the sale and the actual expected savings will be presented during this meeting.

The debt savings would be realized within the General Debt Service Fund by reducing the expenditure, thus improving the budgeted fund balance. This refunding opportunity accelerates efforts by the City to realize cash savings and maintain its credit rating.

Accordingly, the General Obligation Refunding Bond Series 2020A Ordinance 720 is now offered for consideration by the Council, and staff is recommending approval. A draft of the Ordinance is attached, and a final version will be distributed to the Council prior to the meeting.

RECOMMENDATION

Approve

ATTACHMENTS

1.	Ordinance 720 - 2020A City of Kennedale Refunding Bonds-DRAFT	Ordinance 720 - 2020A City of Kennedale Refunding Bonds-DRAFT.pdf
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ORDINANCE NO. ____

ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$_____ IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF KENNEDALE, TEXAS GENERAL OBLIGATION REFUNDING BOND, SERIES 2020A; SECURING THE PAYMENT THEREOF BY AUTHORIZING THE LEVY OF AN ANNUAL AD VALOREM TAX; AND APPROVING AND AUTHORIZING THE EXECUTION OF ALL INSTRUMENTS AND PROCEDURES RELATED THERETO INCLUDING AN ESCROW AGREEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT AND INVESTMENT LETTER

DATE OF APPROVAL: DECEMBER 15, 2020

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SIGNATURES

Exhibit A	Form of Paying Agent/Registrar Agreement
Exhibit B	Written Procedures Relating to Continuing Compliance with Federal Tax Covenants
Exhibit C	Form of Escrow Agreement
Exhibit D	Form of Notice of Redemption
Exhibit E	Form of Purchase Contract and Investment Letter

ORDINANCE NO. ____

ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$_____ IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF KENNEDALE, TEXAS GENERAL OBLIGATION REFUNDING BOND, SERIES 2020A; SECURING THE PAYMENT THEREOF BY AUTHORIZING THE LEVY OF AN ANNUAL AD VALOREM TAX; AND APPROVING AND AUTHORIZING THE EXECUTION OF ALL INSTRUMENTS AND PROCEDURES RELATED THERETO INCLUDING AN ESCROW AGREEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT AND INVESTMENT LETTER

THE STATE OF TEXAS
COUNTY OF TARRANT
CITY OF KENNEDALE

§
§
§

WHEREAS, the CITY OF KENNEDALE, TEXAS (the "**City**") in Tarrant County, Texas, is a political subdivision of the State of Texas operating as a home-rule city pursuant to the Texas Local Government Code and its City Charter, which was originally approved by the qualified voters of the City on January 17, 1998, and which was most recently amended by the qualified voters of the City on May 4, 2019; and

WHEREAS, among numerous series of bonds and certificates of obligation of the City which are secured by the full faith and credit of the City and a pledge by the City to levy ad valorem taxes sufficient to pay principal of and interest on such bonds or certificates of obligations as they become due, there are specifically outstanding the *City of Kennedale, Texas Combination Tax and Revenue Certificates of Obligation, Series 2011*, dated June 1, 2011, maturing on February 1 in each of the years 2021, 2023, 2025, 2027, 2029 and 2031, and currently outstanding in the aggregate principal amount of \$1,635,000 (the "**Series 2011 Certificates**"); and

WHEREAS, the City now desires to refund all of the outstanding Series 2011 Certificates which mature on and after February 1, 2023, which are referred to herein as the "**Refunded Obligations**" and are more specifically described as maturing in the years and in the respective principal amounts (aggregating \$1,515,000 in principal amount) and bearing interest as shown in the following table:

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SERIES 2011 CERTIFICATES TO BE REFUNDED

MATURITY (FEB. 1)	PRINCIPAL AMOUNT MATURING IN YEAR (\$)	PRINCIPAL AMOUNT REFUNDED (\$)	STATED INTEREST RATE (%)	CUSIP No. 489332
2023	255,000	255,000	4.000	HF6
***	***	***	***	***
2025	275,000	275,000	4.000	HG4
***	***	***	***	***
2027	305,000	305,000	4.000	HH2
***	***	***	***	***
2029	325,000	325,000	4.000	HJ8
***	***	***	***	***
2031	<u>355,000</u>	<u>355,000</u>	4.000	HK5
Totals	<u>1,515,000</u>	<u>1,515,000</u>		

WHEREAS, all of the Refunded Obligations mature or are subject to redemption prior to maturity within 20 years of the date of the bond hereinafter authorized; in particular, the Refunded Obligations and the ordinance which authorized the issuance of the Refunded Obligations provide that the Series 2011 Certificates maturing on and after February 1, 2023 may be called at the option of the City on February 1, 2021, or any date thereafter, at par; and

WHEREAS, Chapter 1207, Texas Government Code, as amended ("**Chapter 1207**"), authorizes the Issuer to issue refunding bonds and to deposit the proceeds from the sale thereof, and any other available funds or resources, directly with a place of payment (paying agent) for the Refunded Obligations, or with another trust company or commercial bank that does not act as a depository for the City, in an amount sufficient to provide for the payment and/or redemption of the Refunded Obligations, and such deposit, if made before such payment dates, shall constitute the making of firm banking and financial arrangements for the discharge and final payment or redemption of the Refunded Obligations; and

WHEREAS, Chapter 1207 (specifically Section 1207.062, Texas Government Code) further authorizes the City to enter into an escrow agreement with (i) any paying agent for the Refunded Obligations, or (ii) another trust company or commercial bank that does not act as a depository for the Board and is named in the proceedings authorizing such escrow agreement, with respect to the safekeeping, investment, reinvestment, administration and disposition of any such deposit, upon such terms and conditions as the City and such paying agent, trust company or commercial bank may agree; provided that such deposits may be invested and reinvested in:

- (i) direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by the United States,

(ii) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council of the City adopts or approves this Ordinance, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, and

(iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City Council of the Issuer adopts or approves this Order, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent,

and all of which must mature and bear interest payable at such times and in such amounts as will be sufficient to provide for the scheduled payment or redemption of the Refunded Obligations; and

WHEREAS, BOKF, NA currently serves as the paying agent for the Series 2011 Certificates, and the Escrow Agreement hereinafter authorized between the City and BOKF, NA constitutes an escrow agreement of the kind authorized and permitted by Chapter 1207; and

WHEREAS, the City Council of the City hereby finds and declares a public purpose and deems it advisable and in the best interests of the City to issue a bond (defined in Section 3 hereof as the "**Bond**"), the proceeds of which will be used to pay costs of issuance and refund the Refunded Obligations in order to achieve a gross debt service savings and a net present value debt service savings for the benefit of the taxpayers of the City; and

WHEREAS, such refunding of the Refunded Obligations will result in a gross debt service savings of \$_____ and a net present value debt service savings of \$_____ (i.e., _____% of the principal amount of the Refunded Obligations); and

WHEREAS, the Bond hereinafter authorized and designated is to be issued and delivered pursuant to Chapter 1207 and Chapter 1201, Texas Government Code; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

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

SECTION 1. AMOUNT AND PURPOSE OF THE BOND. The City's general obligation refunding bond (hereinafter sometimes called the "**Bond**") is hereby authorized to be issued in the aggregate principal amount of \$_____ **FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND A PORTION OF THE CITY'S GENERAL OBLIGATION INDEBTEDNESS AND PAY COSTS OF ISSUANCE.**

SECTION 2. DESIGNATION. The Bond authorized to be issued by this Ordinance shall be designated the **CITY OF KENNEDALE, TEXAS GENERAL OBLIGATION REFUNDING BOND, SERIES 2020A.**

SECTION 3. DATE, DENOMINATIONS, NUMBERS, MATURITY, AND INSTALLMENT PAYMENTS OF THE BOND.

(a) Initially there shall be issued, sold, and delivered hereunder one fully registered Bond, without interest coupons, dated December 15, 2020, in the denomination and principal amount of \$_____, numbered R-1, with any bond issued in replacement thereof being in the denomination and principal amount hereinafter stated and numbered consecutively from R-2 upward, payable in installments to the registered owner thereof, or to the registered assignee of said bond (in each case, the "**Registered Owner**").

(b) Principal of the Bond shall mature and be payable in installments on the dates and in the principal installment amounts and shall bear interest at the per annum rate set forth in the following schedule:

Payment Date (February 1)	Principal Installment Amount (\$)	Interest Rate (%)
2022		
2023		
2024		
2025		
2026		
2027		
2028		
2029		
2030		
2031		
Total		***

The term "Bond" as used in this Ordinance shall mean and include collectively the bond initially issued and delivered pursuant to this Ordinance, as well as all other substitute bonds and replacement bonds issued pursuant hereto.

SECTION 4. INTEREST. The Bond shall bear interest from the dates specified in the FORM OF BOND set forth in this Ordinance to date of maturity at the rate per annum set forth above. Said interest shall be payable in the manner provided and on the dates stated in the FORM OF BOND set forth in this Ordinance.

SECTION 5. CHARACTERISTICS OF THE BOND.

(a) Registration and Transfer; Authentication. The City shall keep or cause to be kept at the designated corporate trust or commercial banking office (currently located in _____, Texas) of _____ (the "**Paying Agent/Registrar**"), books or records for the registration of the transfer of the Bond (the "**Registration Books**"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations and transfers as herein provided within three days of presentation in due and proper form. Attached hereto as Exhibit A is a copy of the Paying Agent/Registrar Agreement between the City and the Paying Agent/Registrar which is hereby approved in substantially final form, and the Mayor or Mayor Pro-Tem and the City Secretary of the City are hereby authorized to execute the Paying Agent/Registrar Agreement and approve any changes in the final form thereof.

The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Bond to which payments with respect to the Bond shall be mailed, as herein provided; but it shall be the duty of the Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer and delivery of a substitute Bond or Bond. Registration of assignment and transfer of a Bond shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

Except as provided in Section 5(c) hereof, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign said Bond, and no such Bond shall be deemed to be issued or outstanding unless such Bond is so executed. The Paying Agent/Registrar promptly shall cancel the paid Bond or a Bond surrendered for transfer. No additional ordinances, orders or resolutions need be passed or adopted by the governing body of the City or any other body or person so as to accomplish the foregoing, and the Paying Agent/Registrar shall provide for the printing, execution and delivery of the substitute Bond in the manner prescribed herein. Pursuant to Subchapter D, Chapter 1201, Texas Government Code, the duty of transfer of the Bond as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Bond, the transferred Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bond which initially was issued and delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(b) Payment of Bond and Interest. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bond, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bond, and of all transfers of the Bond, and all replacements of the Bond, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "**Special Record Date**") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of the Registered Owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(c) In General. The Bond (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bond to be payable only to the Registered Owner thereof, (ii) may be transferred and assigned, (iii) shall have the characteristics, (iv) shall be signed, sealed, executed and authenticated, (v) the principal of and interest on the Bond shall be payable, and (vi) shall be administered, and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Bond, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BOND set forth in this Ordinance. The Bond initially issued and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in transfer or replacement for any Bond issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF BOND.

(d) Substitute Paying Agent/Registrar. The City covenants with the registered Owner of the Bond that at all times while the Bond is outstanding the City will provide a competent and legally qualified bank, trust company, financial institution or other agency to act as and perform the services of Paying Agent/Registrar for the Bond under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, but only with the prior written consent of the Registered Owner, change the Paying Agent/Registrar upon not less than 40 days written notice to the Paying Agent/Registrar, to be effective not later than 30 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint, but only upon the prior written consent of the Registered Owner, a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bond, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to the Registered Owner of

the Bond, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to the Paying Agent/Registrar.

(e) On the closing date, one Initial Bond representing the entire principal amount of the Bond, payable in stated installments to the Purchaser, executed by manual or facsimile signature of the Mayor or Mayor Pro-Tem of the City and the City Secretary of the City, approved by the Attorney General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to the Purchaser or its designee. The Paying Agent/Registrar shall insert the date of delivery and deliver the Bond to the Purchaser.

SECTION 6. FORM OF BOND. The form of the Bond, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Bond initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance.

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(a) Form of Bond.

NO. R-1

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTY OF TARRANT
CITY OF KENNEDALE, TEXAS
GENERAL OBLIGATION REFUNDING BOND, SERIES 2020A

PRINCIPAL
AMOUNT
\$ _____

Interest Rate

As shown below

Delivery Date

December __, 2020

Maturity Date

As shown below

REGISTERED OWNER:

PRINCIPAL AMOUNT: ONE MILLION TWO HUNDRED SIXTY THOUSAND DOLLARS

THE CITY OF KENNEDALE, TEXAS (the "*City*"), being a political subdivision and home rule municipality of the State of Texas located in Tarrant County, Texas, for value received, hereby promises to pay, from the sources described herein, to the registered owner specified above, or registered assign (the "*Registered Owner*"), the principal amount from time to time unpaid and to pay interest thereon from the date of delivery of this Bond as specified above, at the rate per annum set forth in the table below, calculated on the basis of a 360-day year of twelve 30-day months. The principal of this Bond shall mature and be paid in installments on the dates and in the amounts set forth in the table below:

Payment Date (February 1)	Principal Installment Amount (\$)	Interest Rate (%)
2022		
2023		
2024		
2025		
2026		
2027		
2028		
2029		
2030		
2031		
Total		***

THE PRINCIPAL OF AND INTEREST ON THIS BOND are payable in lawful money of the United States of America, without exchange or collection charges. The City shall pay interest on the unpaid principal installments of this Bond on August 1, 2021, and on each February 1 and August 1 thereafter to the date of maturity thereof. The last principal installment of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity at the designated corporate trust or commercial banking office of _____ (currently located in _____, Texas), which is the "**Paying Agent/Registrar**" for this Bond. The payment of all other principal installments of and interest on this Bond shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each principal and interest payment date by check or draft, dated as of such principal and interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the ordinance authorizing the issuance of this Bond (the "**Ordinance**") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared on the last business day of the month next preceding each such date (the "**Record Date**") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. In addition, principal and interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner.

THE CITY COVENANTS WITH THE REGISTERED OWNER of this Bond that on or before each principal payment date and interest payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bond, when due.

IF THE DATE FOR THE PAYMENT of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the designated corporate trust or commercial banking office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND IS DATED AS OF DECEMBER 15, 2020, and is authorized and issued pursuant to and in compliance with the Constitution and laws of the State of Texas in the original aggregate principal amount of \$ _____. **FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND A PORTION OF THE CITY'S GENERAL OBLIGATION INDEBTEDNESS AND PAY COSTS OF ISSUANCE.**

THE PRINCIPAL INSTALLMENTS OF THIS BOND ARE NOT SUBJECT TO REDEMPTION PRIOR TO STATED MATURITY.

UPON THE PAYMENT OF ANY OUTSTANDING principal balance of this Bond, the Paying Agent/Registrar shall note in the Bond Registration Books the amount of such payment, the date said payment was made and the remaining unpaid principal balance of this Bond.

THIS BOND IS ISSUED AS A FULLY REGISTERED BOND, without interest coupons, in the denomination of the principal amount thereof. As provided in the Ordinance, this Bond may, at the request of the Registered Owner or the assignee hereof, be assigned or transferred for a like aggregate principal amount of a fully registered Bond in the denomination of the principal amount hereof, without interest coupons, payable to the Registered Owner or assignees as the case may be, having the same denomination, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond. The form of Assignment printed or endorsed on this Bond may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring or exchanging any Bond will be paid by the City. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment or transfer, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date.

IN THE EVENT ANY PAYING AGENT/REGISTRAR FOR THE BOND IS CHANGED by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owner of the Bond.

IT IS HEREBY CERTIFIED, RECITED, AND COVENANTED that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law, and that this Bond does not exceed any constitutional or statutory limitation; that this Bond is an obligation of the City; and that ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Bond, as such interest comes due, and as such principal matures, have been levied and ordered to be levied against all taxable property in the City, and have been pledged for such payment, within the limits prescribed by law, all as provided in the Ordinance authorizing the Bond.

THE CITY HAS RESERVED THE RIGHT to amend the Ordinance as provided therein, and under some (but not all) circumstances amendments thereto must be approved by the Registered Owner of the Bond.

BY BECOMING THE REGISTERED OWNER OF THIS BOND, the Registered Owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the City, and agrees that the terms and provisions of this Bond and the Ordinance constitute a contract between the Registered Owner hereof and the City.

IN WITNESS WHEREOF, the City has caused this Bond to be signed with the manual or facsimile signature of the Mayor or Mayor Pro-Tem of the City and countersigned with the manual or facsimile signature of the City Secretary of the City, and has caused the official seal of the City to be duly impressed, or placed in facsimile, on this Bond.

(signature)
City Secretary
City of Kennedale, Texas

(signature)
Mayor (Pro-Tem)
City of Kennedale, Texas

(SEAL)

(b) Form of Paying Agent/Registrar's Authentication Certificate.

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

(To be executed if this Bond is not accompanied by an executed Registration
Certificate of the Comptroller of Public Accounts of the State of Texas)

It is hereby certified that this Bond has been issued under the provisions of the Ordinance described in the text of this Bond; and that this Bond has been issued in replacement of, or transferred for, a Bond of a Series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated:

Paying Agent/Registrar

By: _____
Authorized Representative

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(d) Form of Assignment.

ASSIGNMENT
(Please print or type clearly)

For value received, the undersigned hereby sells,
assigns and transfers unto: _____

Transferee's Social Security or Taxpayer
Identification Number: _____

Transferee's name and address, including zip code: _____

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints
_____, attorney, to register the transfer of
the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed: _____

NOTICE: Signature(s) must be guaranteed by an
eligible guarantor institution participating in a
securities transfer association recognized signature
guarantee program.

NOTICE: The signature above must correspond with
the name of the Registered Owner as it appears upon
the front of this Bond in every particular, without
alteration or enlargement or any change whatsoever.

(e) Form of Registration Certificate of the Comptroller of Public Accounts:

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

I hereby certify that this Bond has been examined, certified as to validity, and approved by
the Attorney General of the State of Texas, and that this Bond has been registered by the
Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this _____.

Comptroller of Public Accounts
of the State of Texas

(COMPTROLLER'S SEAL)

SECTION 7. INTEREST AND SINKING FUND; TAX LEVY; SECURITY INTEREST.

(a) Interest and Sinking Fund; Tax Levy. A special "***Interest and Sinking Fund***" is hereby created and shall be established and maintained by the City at an official depository bank of the City. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of the City, and shall be used only for paying the interest on and the principal of the Bond. Immediately after the issuance and delivery of the Bond, all accrued interest on the Bond, if any, together with any premium on the Bond that is not used by the City to pay costs of issuance in accordance with the provisions of Section 1201.042(d), Texas Government Code, as amended, shall be deposited to the credit of the Interest and Sinking Fund. In addition, all ad valorem taxes levied and collected for and on account of the Bond shall be deposited, as collected, to the credit of said Interest and Sinking Fund. For each fiscal year while the Bond or interest thereon is outstanding and unpaid, the governing body of the City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on the Bond as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of the Bond as such principal matures (but never less than 2% of the original principal amount of the Bond as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of the City, with full allowance being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in the City for each year while the Bond or interest thereon is outstanding and unpaid; and said tax shall be assessed and collected each such year and deposited to the credit of the Interest and Sinking Fund created by this Ordinance. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of the Bond, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law.

(b) Security Interest. Chapter 1208, Texas Government Code, applies to the issuance of the Bond and the pledge of the ad valorem taxes granted by the City under Section 7(a) of this Ordinance, and is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bond is outstanding and unpaid such that the pledge of the ad valorem taxes granted by the City under Section 7(a) of this Ordinance is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the registered owner of the Bond the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code, and enable a filing to perfect the security interest in said pledge to occur.

SECTION 8. INVESTMENTS. Funds on deposit in the Interest and Sinking Fund shall be secured by the depository bank of the City in the manner and to the extent required by law to secure other public funds of the City and may be invested from time to time in any investment authorized in the Public Funds Investment Act (Chapter 2256, Texas Government Code) and the City's investment policy adopted in accordance with the provisions of the Public Funds Investment Act at the direction of the City Manager or Director of Finance of the City; provided, however, that investments purchased for and held in the Interest and Sinking Fund shall have a final maturity no later than the next principal or interest payment date for which such funds are required. Income and

profits from such investments shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on Bond proceeds which are required to be rebated to the United States of America pursuant to Section 13 hereof in order to prevent the Bond from being an arbitrage bond shall be so rebated and not considered as interest earnings for the purposes of this Section.

SECTION 9. DEFEASANCE OF BOND. (a) The Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "**Defeased Bond**") within the meaning of this Ordinance, except to the extent provided in subsection (d) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other instrument (the "**Future Escrow Agreement**") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment (which sufficiency shall be verified by a certified public accountant or a firm of certified public accountants), and when proper arrangements have been made by the City with the Paying Agent/Registrar for the payment of its services until the Defeased Bond shall have become due and payable. At such time as the Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, the Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem maintenance taxes herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding the foregoing, in the event the funds on deposit in the Future Escrow Agreement are deficient for any reason to pay debt service on the Defeased Bond when due, the City shall remain obligated to pay such deficiency from lawfully available and/or appropriated funds.

(b) Any moneys so deposited with the Paying Agent/Registrar may at the written direction of the City be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Paying Agent/Registrar that is not required for the payment of the Bond and interest thereon, with respect to which such money has been so deposited, shall be turned over to the City, or deposited as directed in writing by the City. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of the Defeased Bond may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in subsection (a)(i) or (ii) of this Section. All income from such Defeasance Securities received by the Paying Agent/Registrar which is not required for the payment of the Defeased Bond, with respect to which such money has been so deposited, shall be remitted to the City or deposited as directed in writing by the City.

(c) The term "***Defeasance Securities***" means (i) direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America., (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date of the purchase thereof are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the governing body of the City adopts or approves the proceedings authorizing the financial arrangements are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, and (iv) any other then authorized securities or obligations under applicable state law that may be used to defease obligations such as the Bond.

(d) Until the Defeased Bond shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for the Defeased Bond the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

SECTION 10. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BOND.

(a) Replacement Bond. In the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bond. Application for replacement of a damaged, mutilated, lost, stolen, or destroyed Bond shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the Registered Owner applying for a replacement Bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on such Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bond. Prior to the issuance of any replacement Bond, the Paying Agent/Registrar shall charge the Registered Owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement Bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a Bond of the City whether or not the lost, stolen, or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any other Bond duly issued under this Ordinance.

(e) Authority for Issuing Replacement Bond. In accordance with Section 1201, Texas Government Code, this Section of this Ordinance shall constitute authority for the issuance of any such replacement Bond without necessity of further action by the City or any other body or person, and the duty of the replacement of such Bond is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such replacement Bond in the form and manner and with the effect, as provided in Section 5(a) of this Ordinance for Bond issued in conversion and exchange of a Bond.

SECTION 11. CUSTODY, APPROVAL, AND REGISTRATION OF BOND; BOND COUNSEL'S OPINION; AND CUSIP NUMBERS. The Mayor of the City is hereby authorized to have control of the Bond initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Bond pending its delivery and its investigation, examination, and approval by the Attorney General of the State of Texas, and its registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bond the Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Bond, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the City's Bond Counsel (with an appropriate certificate pertaining thereto executed by facsimile signature of the City Secretary of the City) and the assigned CUSIP numbers, if any, may, at the option of the City, be printed on the Bond issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owner of the Bond. In addition, if bond insurance is obtained, the Bond may bear an appropriate legend as provided by the insurer.

SECTION 12. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE BOND. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Bond as an obligation described in section 103 of the Internal Revenue Code of 1986, as amended (the "**Code**"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Bond or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do

not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bond, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Bond or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Bond (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Bond being treated as a "private activity bond" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Bond being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Bond, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Bond, other than investment property acquired with –

(A) proceeds of the Bond invested for a reasonable temporary period of 90 days or less until such proceeds are needed for the purpose for which the Bond is issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bond;

(7) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(8) to refrain from using the proceeds of the Bonds or proceeds of any prior bonds to pay debt service on another issue more than 90 days after the date of issue of the Bonds in contravention of the requirements of section 149(d) of the Code (relating to advance refundings); and

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bond) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Bond has been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (8), a "**Rebate Fund**" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Bond. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Bond, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bond under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Bond, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bond under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the Mayor, City Manager and Director of Finance of the City to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bond.

(d) Allocation of, and Limitation on, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 1 of this Ordinance (the "**Project**") on its books and records in accordance with the requirements of the Internal Revenue Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is

paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Internal Revenue Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Bond, or (2) the date the Bond is retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Bond. For purposes hereof, the issuer shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The City covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Bond. For purposes of the foregoing, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(f) Written Procedures. Unless superseded by another action of the City, to ensure compliance with the covenants contained herein regarding private business use, remedial actions, arbitrage and rebate, the City Council hereby adopts and establishes the instructions attached hereto as Exhibit B as the City's written procedures.

(g) Designation as Qualified Tax-Exempt Obligation. The City hereby designates the Bond as a "qualified tax-exempt obligation" as defined in section 265(b)(3) of the Code. In furtherance of such designation, the City represents, covenants and warrants the following: (a) that during the calendar year in which the Bond is issued, the City (including any subordinate entities) has not designated nor will designate bonds, which when aggregated with the Bond, will result in more than \$10,000,000 of "qualified tax-exempt obligations" being issued; (b) that the City reasonably anticipates that the amount of tax-exempt obligations issued, during the calendar year in which the Bond is issued, by the City (or any subordinate entities) will not exceed \$10,000,000; and, (c) that the City will take such action or refrain from such action as necessary, and as more particularly set forth in this Section, in order that the Bond will not be considered a "private activity bonds" within the meaning of section 141 of the Code.

SECTION 13. SALE OF BOND. The Bond is hereby initially sold and shall be delivered to _____ (the "**Purchaser**") for cash for the par value thereof and no accrued interest, pursuant to the *Purchase Contract and Investment Letter*, attached hereto as Exhibit C, dated the date of the final passage of this Ordinance which the Mayor or Mayor Pro-Tem of the City is hereby authorized to execute and deliver. In satisfaction of Section 1201.022(a)(3), Texas Government Code, and upon consultation with the City's Financial Advisor, the City Council hereby determines that the final terms of the Bond as set forth in this Ordinance are in the City's best interests. The Bond initially shall be registered in the name of _____.

SECTION 14. APPROVAL OF ESCROW AGREEMENT; REFUNDING OF REFUNDED OBLIGATIONS. Concurrently with the initial delivery of the Bond the City shall deposit an amount from the proceeds from the sale of the Bond and other available funds of the City, if required, with **BOKF, NA**, as "**Escrow Agent**," sufficient to provide for the refunding of the Refunded Obligations, all in accordance with Chapter 1207. Attached hereto as *Exhibit D* is an Escrow Agreement between the City and the Escrow Agent, which is hereby approved in substantially final form, and the Mayor or Mayor Pro-Tem and City Secretary of the City are hereby authorized, for and on behalf of the City, to approve any changes in the Escrow Agreement from the form attached hereto and to execute the Escrow Agreement in final form.

SECTION 15. NOTICE OF DEFEASANCE AND REDEMPTION OF REFUNDED OBLIGATIONS. There is attached to this Ordinance as *Exhibit E* is a **NOTICE OF DEFEASANCE AND REDEMPTION** with respect to the Refunded Obligations. The Refunded Obligations are hereby called for redemption on the "Redemption Date" set forth in the **NOTICE OF DEFEASANCE AND REDEMPTION**. As soon as practicable after the adoption of this Ordinance, a copy of such **NOTICE OF DEFEASANCE AND REDEMPTION** shall be (i) posted with the MSRB through the EMMA system, and (ii) sent to all registered owners of the respective Refunded Obligations by first class mail postage prepaid, addressed to such registered owners at their respective addresses shown on the registration books of the paying agent/registrar for the Refunded Obligations.

SECTION 16. FURTHER PROCEDURES. The Mayor, Mayor Pro-Tem, City Manager, Director of Finance, and City Secretary of the City are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all other instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Bond, and the sale of the Bond. In case any officer whose signature shall appear on the Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 17. ORDINANCE A CONTRACT; AMENDMENTS. The Ordinance shall constitute a contract with the Registered Owner of the Bond, binding on the City and its successors and assigns, and shall not be amended or repealed by the City as long as any Bond remains outstanding except as permitted in this Section.

(a) The City may from time to time, without the consent of Registered Owner, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the Registered Owner, (ii) grant additional rights or security for the benefit of the Registered Owner, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the Registered Owner, (v) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (iv) make such other provisions in regard to matters or

questions arising under this Ordinance as shall not be materially inconsistent with the provisions of this Ordinance and that shall not, in the opinion of nationally-recognized bond counsel, materially adversely affect the tax-exempt status of the Bond.

(b) Except as provided in paragraph (a) above, the Registered Owner of the Bond shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of the Registered Owner, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Bond so as to:

- (1) Make any change in the maturity of the Bond;
- (2) Reduce the rate of interest borne by the Bond;
- (3) Reduce the amount of the principal of payable on the Bond; or

(4) Modify the terms of payment of principal of or interest on the Bond or impose any condition with respect to such payment.

(c) If at any time the City shall desire to amend this Ordinance under Section 16(a) or (b) above, the City shall send by U.S. mail to the Registered Owner of the Bond a copy of the proposed amendment prior to its effective date.

(d) Whenever at any time within one year from the date of mailing of such notice the City shall receive an instrument or instruments executed by the Registered Owner, which instrument or instruments shall refer to the proposed amendment and which shall specifically consent to and approve such amendment, the City may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the City and Registered Owner of the Bond shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the Registered Owner of the Bond pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the such consent and shall be conclusive and binding upon all future Registered Owners of the Bond during such period. Such consent may be revoked at any time after six months from the date of said consent by the Registered Owner who gave such consent, or by a successor in title, by filing notice with the City, but such revocation shall not be effective if the Registered Owner has, prior to the attempted revocation, consented to and approved the amendment.

(g) For the purposes of establishing ownership of the Bond, the City shall rely solely upon the registration of the ownership of such Bond on the Registration Books kept by the Paying Agent/Registrar.

SECTION 18. REMEDIES IN EVENT OF DEFAULT. In addition to all the rights and remedies provided by the laws of the State of Texas, it is specifically covenanted and agreed particularly that in the event the City (i) defaults in the payment of the principal, premium, if any, or interest on the Bond, (ii) defaults in the deposits and credits required to be made to the Interest and Sinking Fund, or (iii) defaults in the observance or performance of any other of the covenants, conditions or obligations set forth in this Ordinance, the Registered Owner of the Bond shall be entitled to seek a writ of mandamus issued by a court of proper jurisdiction compelling and requiring the governing body of the City and other officers of the City to observe and perform any covenant, condition or obligation prescribed in this Ordinance.

No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient. The specific remedy herein provided shall be cumulative of all other existing remedies, and the specification of such remedy shall not be deemed to be exclusive.

SECTION 19. NO RULE 15c2-12 UNDERTAKING; ANNUAL FINANCIAL STATEMENTS. The City has not made an undertaking in accordance with Rule 15c2-12 of the Securities and Exchange Commission (the "**Rule**") in connection with the issuance of the Bond inasmuch as the Purchaser is not acting as an "underwriter in a primary offering of municipal securities" within the meaning of the Rule. The City is not, therefore, obligated pursuant to the Rule to provide any on-going disclosure relating to the City or the Bond; however, as long as the Bond is outstanding, the City shall provide the following to the Registered Owner:

- (a) Audited financial statements of the City, to be provided within six months after the close of each fiscal year ending on and after August 31, 2020; and
- (b) A copy of the City's annual budget within not more than 30 days after it is adopted by the City's governing body.

SECTION 20. INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the Registered Owners of the Bond, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the Registered Owners of the Bond.

SECTION 21. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

SECTION 22. CHOICE OF LAW. This Ordinance shall be governed by and construed in accordance with the laws of the State of Texas.

SECTION 23. EFFECTIVE DATE. Pursuant to the provisions of Section 1201.028, Texas Government Code, this Ordinance shall become effective immediately after its adoption.

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**ADOPTED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS AT A
REGULAR MEETING HELD ON THE 15TH DAY OF DECEMBER, 2020.**

Mayor, City of Kennedale, Texas

ATTEST:

City Secretary, City of Kennedale, Texas

(SEAL)

EXHIBIT A

THE PAYING AGENT/REGISTRAR AGREEMENT IS OMITTED AT THIS POINT
AS IT APPEARS IN EXECUTED FORM ELSEWHERE IN THIS TRANSCRIPT OF PROCEEDINGS

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EXHIBIT B

WRITTEN PROCEDURES RELATING TO CONTINUING COMPLIANCE WITH FEDERAL TAX COVENANTS

A. Arbitrage. With respect to the investment and expenditure of the proceeds of the Bond, the City's Director of Finance (the "**Responsible Person**") will:

- (i) monitor all amounts deposited into a sinking fund or funds (e.g., the Interest and Sinking Fund), to assure that the maximum amount invested at a yield higher than the yield on the Bond does not exceed an amount equal to the debt service on the Bond in the succeeding 12 month period plus a carryover amount equal to one-twelfth of the principal and interest payable on the Bond for the immediately preceding 12-month period;
- (ii) monitor the actions of the Escrow Agent to ensure compliance with the applicable provisions of the Escrow Agreement, including with respect to reinvestment of cash balances;
- (iii) ensure that the applicable information return (e.g., IRS Form 8038-G, 8038-GC, or any successor forms) is timely filed with the IRS; and
- (iv) assure that, unless excepted from rebate and yield restriction under section 148(f) of the Code, excess investment earnings are computed and paid to the U.S. government at such time and in such manner as directed by the IRS (A) at least every 5 years after the date of delivery of the Bond (the "**Issue Date**"), and (B) within 30 days after the date the Bond is retired.

B. Private Business Use. With respect to the use of the facilities financed or refinanced with the proceeds of the Bond the Responsible Person will:

- (i) monitor the date on which the facilities are substantially complete and available to be used for the purpose intended;
- (ii) monitor whether, at any time the Bond is outstanding, any person, other than the City, the employees of the City, the agents of the City or members of the general public has any contractual right (such as a lease, purchase, management or other service agreement) with respect to any portion of the facilities;
- (iii) monitor whether, at any time the Bond is outstanding, any person, other than the City, the employees of the City, the agents of the City or members of the general public has a right to use the output of the facilities (e.g., water, gas, electricity);

- (iv) monitor whether, at any time the Bond is outstanding, any person, other than the City, the employees of the City, the agents of the City or members of the general public has a right to use the facilities to conduct or to direct the conduct of research;
- (v) determine whether, at any time the Bond is outstanding, any person, other than the City, has a naming right for the facilities or any other contractual right granting an intangible benefit;
- (vi) determine whether, at any time the Bond is outstanding, the facilities are sold or otherwise disposed of; and
- (vii) take such action as is necessary to remediate any failure to maintain compliance with the covenants contained in the Ordinance related to the public use of the facilities.

C. Record Retention. The Responsible Person will maintain or cause to be maintained all records relating to the investment and expenditure of the proceeds of the Bond and the use of the facilities financed or refinanced thereby for a period ending three (3) years after the complete extinguishment of the Bond. If any portion of the Bond is refunded with the proceeds of another series of tax-exempt obligations, such records shall be maintained until the three (3) years after the refunding obligations are completely extinguished. Such records can be maintained in paper or electronic format.

D. Responsible Person. The Responsible Person shall receive appropriate training regarding the City's accounting system, contract intake system, facilities management and other systems necessary to track the investment and expenditure of the proceeds and the use of the facilities financed or refinanced with the proceeds of the Bond. The foregoing notwithstanding, the Responsible Person is authorized and instructed to retain such experienced advisors and agents as may be necessary to carry out the purposes of these instructions.

EXHIBIT C

THE PURCHASE CONTRACT AND INVESTMENT LETTER IS OMITTED AT THIS POINT
AS IT APPEARS IN EXECUTED FORM ELSEWHERE IN THIS TRANSCRIPT OF PROCEEDINGS

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EXHIBIT D

THE ESCROW AGREEMENT IS OMITTED AT THIS POINT
AS IT APPEARS IN EXECUTED FORM ELSEWHERE IN THIS TRANSCRIPT OF PROCEEDINGS

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EXHIBIT E

NOTICE OF DEFEASANCE AND REDEMPTION

To the Holders of the
CITY OF KENNEDALE, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2011
(Maturing on and after February 1, 2023)

NOTICE IS HEREBY GIVEN that the City of Kennedale, Texas (the "**City**"), in Tarrant County, Texas, has deposited cash and authorized investment securities, if any, into an irrevocable trust account in order to pay, and has legally defeased, and all of the City's outstanding COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2011, dated June 1, 2011, which mature on and after February 1, 2023 (the "**Refunded Obligations**"), as more specifically described below:

CITY OF KENNEDALE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2011				
MATURITY (FEB. 1)	PRINCIPAL AMOUNT MATURING IN YEAR (\$)	PRINCIPAL AMOUNT REFUNDED (\$)	STATED INTEREST RATE (%)	CUSIP No. 489332
2023	255,000	255,000	4.000	HF6
***	***	***	***	***
2025	275,000	275,000	4.000	HG4
***	***	***	***	***
2027	305,000	305,000	4.000	HH2
***	***	***	***	***
2029	325,000	325,000	4.000	HJ8
***	***	***	***	***
2031	355,000	355,000	4.000	HK5

NOTICE IS FURTHER GIVEN that all of the Refunded Obligations have been called for redemption on February 1, 2021 (the "**Redemption Date**") at the Redemption Price equal to 100% of par plus accrued interest to the Redemption Date. The Refunded Obligations shall be redeemed and shall become due and payable on the Redemption Date, and the interest thereon shall cease to accrue from and after the Redemption Date.

DUE AND PROPER ARRANGEMENTS have been made to provide BOKF, NA, the Paying Agent/Registrar for the Refunded Obligations, with funds sufficient to pay the redemption price of the Refunded Obligations. Interest thereon shall cease to accrue from and after the Redemption Date.

NOTICE IS FURTHER GIVEN THAT the Refunded Obligations will be payable at and should be submitted either in person or by certified mail to the following address:

BOKF, NA
Global Corporate Trust
111 Fillmore Ave E.
St. Paul, MN 55107
For Questions: 1-800-934-6802

To avoid a backup withholding tax required by Section 3406 of the Internal Revenue Code of 1986, holders must submit a properly completed IRS Form W-9.

* THE ABOVE REFERENCED CUSIP NUMBERS ARE PROVIDED FOR THE CONVENIENCE OF THE HOLDERS. NEITHER THE PAYING AGENT NOR THE CITY ARE RESPONSIBLE FOR ANY ERROR OF ANY NATURE RELATING TO THE CUSIP NUMBERS.