

MINUTES OF A REGULAR CITY COUNCIL MEETING
JULY 2, 2019- 6:00 P.M.
COUNCIL CHAMBERS IN THE RUHMAN C. FRANKLIN MUNICIPAL BUILDING
303 W. MAIN ST., KENEDY, TX. 78119

MEMBERS PRESENT: JAMES D SUTTON (MAYOR), CINDY SAENZ (DISTRICT 1), BRENDA CANO (DISTRICT 2), BRANDON BRIONES (DISTRICT 3) JUSTIN MEYER (DISTRICT 4), LESLIE WYNN (DISTRICT 5)
CITY PRESENT: BARBARA SHAW (CITY MANAGER), AMANDA HINES (CITY SECRETARY), RICHARD ASHE (POLICE CHIEF)

1. Call Meeting to order.

Mayor James D Sutton called the meeting to order at 6:00 P.M and announced a quorum present.

2. Roll Call.

All Councilors were present.

3. Prayer.

4. Pledge of Allegiance.

5. Citizen Comment.

Janie Lerma expressed her concerns about low lying trees on Mixon and Houston Streets. She is concerned about these branches affecting the electrical lines.

Richard Saucedo stated there were many personal attacks at the previous meeting. One person did not purchase the civic center building. The Council as a whole purchased the building. He stated the previous Council should be asked for a truthful explanation of why the building on Escondido Street was not purchased.

6. Consideration and possible action in regard to Resolution 19 – 17 a resolution of the City Council of the City of Kenedy, Texas authorizing publication of notice of intention to issue combination tax and revenue certificates of obligation.

Councilor Leslie Wynn made a motion to open item 6 for discussion. Councilor Justin Meyer seconded the motion.

Dusty Traylor with RBC stated that Resolution 19-17 is a resolution of notice of intention to issue a Combination Tax & Revenue Certificate of Obligation. He stated it is cost effective for the city to be the issuer and avoid setting aside one year of debt services. The City will be entering into an interlocal agreement with the 4B Corporation. He stated he will work with staff to have the City's credit rating updated. The overall savings will be an average of \$15,000 a year, which would be a total of \$800,000 altogether. The issuance of this bond will not affect the City trying to get a bond for the Carrizo Project. Councilor Brandon Briones asked if this will affect the City's credit rating. Dusty stated it shouldn't affect it at all. Councilor Briones asked if the 4B Corporation does not have sufficient funds, who will be responsible. Dusty stated if 4B does not have sufficient

funds, the City will ultimately be responsible. The certificate of obligation will be based on the ad valorem tax rate even though it will not be used for payment.

Councilor Leslie Wynn made a motion to approve Resolution 19-17 authorizing publication of notice of intention to issue combination tax and revenue certificates of obligation. Councilor Brenda Cano seconded the motion. Councilor Justin Meyer voted in favor. Councilors Brandon Briones and Cindy Saenz voted in opposition. Motion passed.

7. **Consideration and possible action in regard to Resolution 19 – 18 a resolution of the City Council of the City of Kenedy approving a Project Funding Agreement Between the City of Kenedy and the Kenedy 4B Corporation in Connection with the Financing of a New Sports Activity Complex for the City.**

Councilor Justin Meyer made a motion to approve Resolution 19-18 a resolution of the City Council of the City of Kenedy approving a Project Funding Agreement between the City of Kenedy and the Kenedy 4B Corporation in connection with the financing of a new sports activity complex for the City. Councilor Leslie Wynn seconded the motion. Councilor Brenda Cano voted in favor. Councilors Brandon Briones and Cindy Saenz voted in opposition. Motion passed.

8. **Consideration and possible action in regard to Ordinance 19 – 3 an Ordinance of the City Council of the City of Kenedy amending the City of Kenedy Code of Ordinances, Chapter 18, Business Regulations by adding Article VII, Regulation of Amusement Redemption Machines; amending Article III Fee Schedule, to add Section 14-65, by providing a permit fee; providing definitions; providing for a penalty; providing for repealing, severability and saving clauses; and providing for publication and an effective date.**

Councilor Justin Meyer made a motion to open item 8 for discussion. Councilor Leslie Wynn seconded the motion.

Councilor Justin Meyer noticed the permit fee was \$250. City Attorney Dan Santee stated the City can't have fees to run game rooms out of town. Councilor Justin Meyer stated the background checks are only for owners. It was previously discussed to do background checks for all employees. What prevents a relative from re-opening a game room? City Manager Barbara Shaw stated anyone opening or re-opening a game room will have to reapply for a Certificate of Occupancy. Councilor Meyer asked if letters will be mailed out to game room owners. City Manager Shaw stated yes. Mayor Sutton stated the City needs to put together a plan. Councilor Brenda Cano asked if the Police Department has a plan together. Chief Ashe stated not yet, the Ordinance will allow them to regulate. Councilor Brenda Cano stated she would like to see an action plan from Chief Ashe in the future.

Councilor Leslie Wynn made a motion to approve Ordinance 19-3 an Ordinance of the City Council of the City of Kenedy amending the City of Kenedy Code of Ordinances, Chapter 18, Business Regulations by adding Article VII, Regulation of Amusement Redemption Machines; amending Article III Fee Schedule, to add Section 14-65, by providing a permit fee; providing definitions; providing for a penalty; providing for repealing, severability and saving clauses; and providing for publication and an effective date. Councilor Justin Meyer seconded the motion. All voted in favor. Motion passed.

9. Consideration and possible action in regard to Ordinance 19 – 4 an Ordinance of the City Council of the City of Kenedy amending Chapter 2, Article 2 of the City of Kenedy Code of Ordinances to provide for Rules of Decorum for the City Council.

Councilor Leslie Wynn made a motion to open item 9 for discussion. Councilor Brandon Briones seconded the motion.

Councilor Justin Meyer asked how the City came up with Section 2.63 in the Ordinance. City Attorney Dan Santee stated it is fairly common. Councilor Justin Meyer requested to leave "A" only is Section 2.63 and to change the time from 12 p.m. to 5 p.m. for final submission of packets to Councilors. Councilor Justin Meyer made a motion to approve Ordinance 19-4 with changes requested. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

10. Consideration and possible action in regard to Ordinance 19 – 5 an Ordinance of the City Council of the City of Kenedy, Texas amending Chapter 14 - Building and Building Regulations Article III - permits and fees of the Kenedy Code of Ordinances; establishing building permit and inspection fees for residential dwellings; commercial, industrial, multi-family, and other buildings to include an administrative overhead cost; providing a severability clause; providing a repealing clause; and establishing an effective date.

Councilor Justin Meyer made a motion to open item 10 for discussion. Councilor Leslie Wynn seconded the motion.

Councilor Leslie Wynn stated he reviewed the fees and it is a better system then what is currently in place. City Manager Barbara Shaw stated the City can't charge fees based on value.

Councilor Leslie Wynn made a motion to approve Ordinance 19 – 5 an Ordinance of the City Council of the City of Kenedy, Texas amending Chapter 14 - Building and Building Regulations Article III - permits and fees of the Kenedy Code of Ordinances; establishing building permit and inspection fees for residential dwellings; commercial, industrial, multi-family, and other buildings to include an administrative overhead cost; providing a severability clause; providing a repealing clause; and establishing an effective date. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

11. Public Hearing to obtain final citizen input on the Federal Emergency Management Agency Karnes- Wilson Counties Multi-jurisdictional Hazard Mitigation Action Plan.

Councilor Justin Meyer made a motion to open the public hearing. Councilor Brandon Briones seconded the motion. All voted in favor. Motion passed.

The public hearing was opened at 7:04 P.M.

City Manager Barbara Shaw stated the plan is a 207-page document. If approved, the plan will be submitted to FEMA to have emergency plan in place. It has been worked on for 2 years and will be good for 5 years.

Councilor Leslie Wynn made a motion to close the public hearing. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

Public Hearing was closed at 7:08 P.M.

12. Consideration and possible action authorizing submission of Karnes-Wilson Counties Multi-jurisdictional Hazard Mitigation Plan to the Federal Emergency Management Agency.

Councilor Justin Meyer made a motion to open item 12 for discussion. Councilor Leslie Wynn seconded the motion.

Councilor Justin Meyer made a motion to authorize the submission of Karnes-Wilson Counties Multi-jurisdictional Hazard Mitigation Plan to the Federal Emergency Management Agency. Councilor Leslie Wynn seconded the motion. All voted in favor. Motion passed.

13. Consideration and possible action to amend the Texas Department of Transportation Airport Project Participation Agreement to expend \$412,469.00 of budgeted funds from the Airport Fund for Airport Improvements defined in Ordinance 18 – 2.

Councilor Leslie Wynn made a motion to open item 13 for discussion. Councilor Justin Meyer seconded the motion.

City Manager Barbara Shaw stated Council's approval is needed to expend \$412,469 of previously budgeted funds back to TXDOT. These funds will be utilized to complete the runway.

Councilor Leslie Wynn made a motion to amend the Texas Department of Transportation Airport Project Participation Agreement to expend \$412,469.00 of budgeted funds from the Airport Fund for Airport Improvements defined in Ordinance 18 – 2. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

14. Consideration and possible action in regard to a Cooperative Procurement Membership Agreement with 1 Government Procurement Alliance (GPA).

Councilor Leslie Wynn made a motion to open item 14 for discussion. Councilor Justin Meyer seconded the motion.

City Manager Barbara Shaw explained 1 Government Procurement Alliance (GPA) is the same as Buy Board. It is a governmental bidding cooperative.

Councilor Justin Meyer made a motion to authorize the City Manager to complete the agreement with 1 Government Procurement Alliance (GPA). Councilor Leslie Wynn seconded the motion. All voted in favor. Motion passed.

15. Consideration and possible action to give staff direction in regard to traffic control on Main Street.

Councilor Brandon Briones made a motion to open item 15 for discussion. Councilor Leslie Wynn seconded the motion.

Councilor Leslie Wynn stated he has seen 18-wheeler trucks traveling at a high rate of speed through Main Street. Mayor Sutton asked what is going to be done about problems on Main Street. Chief Ashe stated 30 mph speed signs can be posted. Councilor Justin Meyer suggested flashing lights and/or bigger signs. Councilor Brandon Briones suggested a police officer dedicated to patrol Main Street and issue citations to those violating the laws. Mayor Sutton asked to make sure this does not get ignored, Main Street needs to be fixed.

Councilor Justin Meyer made a motion to give staff direction to follow up with TxDOT, look into painting crosswalks, and look into how many hours officers spend patrolling Main Street. Councilor Brandon Briones seconded the motion. All voted in favor. Motion passed.

16. Consideration and possible action in regard to discrepancies/complaints within the Kenedy Municipal Court.

Councilor Leslie Wynn made a motion to open item 16 for discussion. Councilor Brenda Cano seconded the motion.

Mayor Sutton stated he has received many complaints regarding the Municipal Court.

Samantha Salinas asked to speak during this agenda item. She stated she was at home with her sons when an officer arrived at her house and arrested her 30-year-old son. She asked the police officer why was her son being arrested and asked to see a copy of the warrant. Upon reviewing the warrant, she realized her son had already served time for it. Her son was taken into custody. A little while later her son returned home and stated he already served time for the warrant presented earlier that day. Ms. Salinas feels that her

son's civil rights were violated. She asked Mayor Sutton if he feels that an investigation should be done within the Municipal Court.

Councilor Brandon Briones made a motion to convene into Closed Session. Councilor Leslie Wynn seconded the motion. All voted in favor. Motion passed.

Council convened into Closed Session at 8:01 P.M.

Pursuant to Section 551.071 of the Texas Government Code, the City of Kenedy will consult in closed session with its attorney and to receive legal advice regarding pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.

Councilor Leslie Wynn made a motion to reconvene into Open Session. Councilor Brandon Briones seconded the motion. All voted in favor. Motion passed.

Council reconvened into Open Session at 8:33 P.M.

The City council will reconvene in Open Session at which time action on the matters discussed in closed session may be considered.

Councilor Justin Meyer asked Ms. Salinas to bring in all the paperwork she has and discuss her son's situation with the City Manager.

17. Consideration and possible action to appoint a Mayor Pro-Tem.

Councilor Justin Meyer made a motion open item 17 for discussion. Councilor Leslie Wynn seconded the motion.

Councilor Cindy Saenz made a motion to nominate Councilor Brandon Briones as Mayor Pro-Tem. Councilor Brandon Briones seconded the motion. Councilor Justin Meyer voted in favor. Councilor Leslie Wynn and Brenda Cano voted in opposition. Motion passed.

18. City Manager's Report.

- **Emergency Expenditure**
- **Consumer Confidence Report**
- **Employee of the Month**
- **Hanson Update**
- **Sunbelt Rentals-Oil and Gas Division**


19. Adjourn.

Councilor Justin Meyer made a motion to adjourn the meeting. Councilor Leslie Wynn seconded the motion. All voted in favor. Motion passed.

Meeting adjourned at 8:37 P.M.



James D Sutton, Mayor



Amanda Hines, City Secretary