

**MINUTES OF A REGULAR CITY COUNCIL MEETING
DECEMBER 18, 2018- 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), ALBERTO BALDARRAMOS (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)

1. Call Workshop to order.

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

2. Roll Call.

3. Prayer.

4. Pledge of Allegiance.

5. Citizen Comment.

No one spoke under this agenda item.

6. Consider/Act on the Consent Agenda:

- A. Airport Board Report**
- B. Animal Control Report**
- C. Attorney Report**
- D. Board of Adjustments Report**
- E. Building Standards Commission Report**
- F. Chamber of Commerce Report**
- G. City Council Minutes**
- H. Community Development Report**
- I. Emergency Management Report**
- J. Financial Report**
- K. Fire Department Report**
- L. Kenedy 4B Corporation Report**
- M. Municipal Court Report**
- N. Parks & Recreation Report**
- O. Planning & Zoning Report**
- P. Police Department Report**
- Q. Street Department Report**
- R. TIRZ No. 2 Report**
- S. Water & Wastewater Report**

Consent Agenda items received as of posting of agenda:A,B,C,D,G,H,J,L,M,N,P,Q,S

Councilor Brandon Briones asked if the Fire Department turns in a report for the Consent Agenda. City Secretary Amanda Hines stated she has not received a report from the Fire Department.

Councilor Brandon Briones made a motion to approve items A, B, C, D, G, H, J, L, M, N, P, Q, S. Councilor Leslie Wynn seconded the motion. All voted in favor. Motion passed.

7. **CLOSED SESSION:**

In accordance with Texas Government Code, Section 551.071, Consultation with Attorney, and Section 551.072, Consultation Regarding Real Property, the Council shall convene in Executive Session to discuss: a proposed lease of groundwater production rights from Control and Instrumentation Holding Company, Ltd. An explanation as to why this property was brought forward will also be provided.

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

8. **OPEN SESSION:**

Reconvene in open session for consideration and any required action for a proposed lease of groundwater production rights from Control and Instrumentation Holding Company, LTD. An explanation as to why this property was brought forward will also be provided.

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

Rene with Texas Land and Right of Way Company, LLC stated he has been negotiating all year with landowners. The land the city acquired is 3,000-acre feet of water in the Carrizo Aquifer with one landowner.

Kaveh with Wetrock Groundwater Services stated the water in the Carrizo Aquifer is fresh water and will not require any treatment. The water will need to be cooled and possibly add chemicals if iron is high.

Councilor Leslie Wynn made a motion to approve the lease of groundwater production rights from Control and Instrumentation Holding Company, LTD. Councilor Brandon Briones seconded the motion. All voted in favor. Motion passed.

9. **Update of City of Kenedy projects with Hanson Professional Services.**

Steve with Hanson stated the Freeny Lift Station project has been awarded. The Wastewater Treatment Plant Phase 1 project will be awarded tonight. Phase 2 is still under design. The sewer lines need to be replaced before the East Main Drainage construction begins. The water treatment plant train 3 is in the bidding phase. The new building for the water treatment plant is being designed. Two high service pumps are under design as well. Hanson is currently helping the city create TCEQ compliant operation manuals. The

booster pump station is in good shape. Maytag area is being examined for drainage issues. Steve also stated the wells don't have emergency generators. Hanson will bring in recommendations. A drone is being flown around the city and aerial photographs are being taken to help with engineering designs.

10. Consideration and possible action in regard to Resolution 18 - 15 a resolution of the City Council of the City of Kenedy, Texas designating The Karnes Countywide Newspaper as the official newspaper for the City of Kenedy.

City Manager Barbara Shaw stated the designation of a newspaper as the official newspaper needs to be renewed annually.

Councilor Brandon Briones made a motion to approve Resolution 18-15 a resolution of the City Council of the City of Kenedy, Texas designating The Karnes Countywide Newspaper as the official newspaper for the City of Kenedy. Councilor Leslie Wynn seconded the motion. All voted in favor. Motion passed.

11. Consideration and possible action in regard to Resolution 18 – 16 a resolution of the City Council of the City of Kenedy, Texas confirming review and approval of the City's Strategy and Investment policy.

Councilor Leslie Wynn made a motion to open item 11 for discussion. Councilor Justin Meyer seconded the motion. All voted in favor. Motion passed.

City Manager Barbara Shaw stated the City's Strategy and Investment policy needs to be reviewed and approved annually.

Councilor Brandon Briones made a motion to approve Resolution 18-16 a resolution of the City Council of the City of Kenedy, Texas confirming review and approval of the City's Strategy and Investment policy. Councilor Leslie Wynn seconded the motion. All voted in favor. Motion passed.

12. Consideration and possible action in regard to Resolution 18 – 17 a resolution of the City Council of the City of Kenedy, Texas, approving the recommendation of the expenditure of funds in an amount not to exceed \$150,000.00 for advertising, promoting and hosting the Kenedy Mayo Music Festival for May 10th – 11th, 2019; and establishing an effective date.

Councilor Brandon Briones made a motion to open item 12 for discussion. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

City Manager Barbara Shaw stated a decision needs to be made about what to do as a city to promote heads in beds. Kenedy Mayo Music Festival will bring in big name musicians to promote just that.

Councilor Brandon Briones made a motion approve Resolution 18-17 a resolution of the City Council of the City of Kenedy, Texas, approving the recommendation of the expenditure of funds in an amount not to exceed \$150,000.00 for advertising, promoting and hosting the Kenedy Mayo Music Festival for May 10th – 11th, 2019; and establishing an effective date. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

13. Consideration and possible action in regard to Resolution 18 – 18 a resolution of the City Council of the City of Kenedy, Texas, authorizing the submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture (TDA) for the Community Development Fund; and authorizing the City Manager to act at the City's Executive Officer and Authorized Representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant (CDBG) Program.

Steve with Hanson stated the grant money can be used to do water and wastewater projects. The maximum grant amount is \$275,000.

Councilor Leslie Wynn made a motion to approve Resolution 18-18 a resolution of the City Council of the City of Kenedy, Texas, authorizing the submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture (TDA) for the Community Development Fund; and authorizing the City Manager to act at the City's Executive Officer and Authorized Representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant (CDBG) Program. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

14. Consideration and possible action to designate an engineering service provider to complete application and project related engineering services for the Texas Department of Agriculture's 2019-2020 TxCDBG Community Development Fund.

Councilor Leslie Wynn made a motion to open item 14 for discussion. Councilor Justin Meyer seconded the motion. All voted in favor. Motion passed.

City Manager Barbara Shaw stated the individuals on the scoring committee were Barbara Shaw, Brandon Briones, and Debra Hahn. The committee recommends to designate 6S Engineering out of Pleasanton, TX.

Councilor Brandon Briones made a motion to designate 6S Engineering to complete application and project related engineering services for the Texas Department of Agriculture's 2019-2020 TxCDBG Community Development Fund. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

15. Consideration and possible action in regard to Ordinance 18 – 16 an ordinance of the City of Kenedy, Texas, amending Ordinance 18-1 relating to fees assessed for solid waste collection and disposal service; establishing fees to become effective January 1, 2019; providing for delinquent payment; containing a saving clause; and repealing all ordinances in conflict herewith.

Councilor Brandon Briones left the meeting at 7:22 P.M.

Councilor Justin Meyer made a motion to open item 15 for discussion. Councilor Leslie Wynn seconded the motion. All voted in favor. Motion passed.

City Manager Barbara Shaw stated there was an increase from \$19.29 to \$19.76. Inside city limits did not receive the increase last year. Councilor Justin Meyer asked that a notice be put in the newspaper and website informing customers of the increase.

Councilor Justin Meyer made a motion to approve Ordinance 18-16 an ordinance of the City of Kenedy, Texas, amending Ordinance 18-1 relating to fees assessed for solid waste collection and disposal service; establishing fees to become effective January 1, 2019; providing for delinquent payment; containing a saving clause; and repealing all ordinances in conflict herewith and to publicize increase in the Countywide newspaper and website. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

16. Consideration and possible action to award the bid for the Wastewater Treatment Plant Improvements Project to J.S. Harren Company, awarding the construction contract for the Base Bid plus Additive Bid A7 (Removal of Solids from the Digester and the Final Disposal of the Solids and Liquids).

Councilor Justin Meyer made a motion to open item 16 for discussion. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

Steve with Hanson stated two bids were received for the Wastewater Treatment Plant Improvements Project. Keystone Construction's bid was for \$2,984,000 and J.S. Harren Company's bid was for \$1,957,000. Hanson recommends awarding the bid to J.S. Harren Company. They will have 365 days to complete the project. Mayor Sutton asked who will be responsible for the oversight of project. Steve stated Hanson or a city employee can provide the oversight.

17. Update from Jaime Albiar with Community Development in regard to the Karnes County Humane Organization (KCHO).

Councilor Leslie Wynn made a motion to open item 17 for discussion. Councilor Justin Meyer seconded the motion. All voted in favor. Motion passed.

Jaime Albiar stated the Karnes County Humane Organization partially passed the inspection on November 8, 2018 for the Certificate of Occupancy. On November 19, 2018, KCHO passed a full inspection.

18. Consideration and possible action in regard to the Contract for Hotel Occupancy Tax Expenditures.

Councilor Leslie Wynn made a motion to open item 18 for discussion. Councilor Justin Meyer seconded the motion. All voted in favor. Motion passed.

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

CLOSED SESSION: In accordance with the Texas Government Code Sections 551.071, Consultation with Attorney, the Council shall convene into Executive Session.

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

Councilor Leslie Wynn made a motion to take no action in regard to the Contract for Hotel Occupancy Tax Expenditures. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

19. CLOSED SESSION:

A. Associate Judge Evaluations:

“Pursuant to Texas Government Code, Section 551.074 (entitled “Personnel Matters”) City Council will convene in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal and/or to hear a complaint or charge about Associate Municipal Judge Johnny Rodriguez.

B. “Pursuant to Section 551.071 of the Texas Government Code, the City of Kenedy will consult in closed session with its attorney to receive legal advice regarding pending or contemplated litigation, a settlement offer, or 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 this chapter”, to include the following matters:

1. Legal briefing on personnel investigation

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

20. OPEN SESSION:

- A. Reconvene in open session for consideration and any required action, including any necessary resolutions, regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Associate Municipal Judge Johnny Rodriguez.**

Councilor Leslie Wynn made a motion to accept the resignation of Associate Municipal Judge Johnny Rodriguez effective 12/31/2018. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

21. Consideration and possible action to accept the resignation of Municipal Court Judge Robert Patton.

Councilor Brandon Briones made a motion to accept the resignation of Municipal Court Judge Robert Patton effective 12/31/2018. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

22. Consideration and possible action to change the regularly scheduled Kenedy City Council meeting date from January 8, 2019 to January 15, 2018.

Councilor Brandon Briones made a motion to open item 22 for discussion. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

Councilor Brandon Briones made a motion to take no action on item 22. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

23. City Manager's Report

-Employee of the Month – Karyn Simpson

-Christmas in K-Town

***Special Thanks for Donations: Alexander Ford, R & J Air Conditioning, and the Kenedy Chamber**

***Special Thanks to Employees: Joel Mead, Brian Barnes, Jeanie Duke, Michael Cantu, Chris Cortez**

24. Adjourn

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

Meeting adjourned at 8:56 P.M.

Amanda Hines

Amanda Hines, City Secretary



James D Sutton, Mayor