

**MINUTES OF A BOARD OF APPEALS MEETING
AND
REGULAR CITY COUNCIL MEETING
FEBRUARY 12, 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), 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. **Public Hearing, discussion and possible action to receive testimony and comments presented from any lienholder, mortgagee, property owner (Allen Wallace Vernon) and City officials or it's representatives regarding the structure located on the property in the JDN Addition; Block 1 Lot 32,34, Pt. of 33,35,36; also known as 160 Graham Rd.; to determine if the structure is in violation of Ordinance 17-3 and should be considered as a dangerous building and possible action and/or abatement of a violation not excluding demolition.**
 - A) **OPEN THE PUBLIC HEARING to hear comments and/or questions to determine if the structure is in violation of Ordinance 17-3 and should be considered as a dangerous building and possible action and/or abatement of a violation not excluding demolition.**

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

Public Hearing opened at 6:00 P.M.

Councilor Brandon Briones made a motion to table the public hearing. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

- B) **CLOSE THE PUBLIC HEARING and to consider/act to determine if the structure is in violation of Ordinance 17-3 and should be considered as a dangerous building and possible action and/or abatement of a violation not excluding demolition.**

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

Public Hearing closed at 6:01 P.M.

Notice is hereby given that a Regular Called Council Meeting of the City Council of the City of Kenedy will be held on February 12, 2019 at 6:00 p.m. immediately following the Board of Appeals Meeting in the Council Chambers of the Ruhman C. Franklin Municipal Building, 303 W. Main St., Kenedy, Texas 78119.

1. Call Meeting to order and announce a quorum is present.

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, D, F, G, I, K, L, N, O, P, R.

Councilor Brandon Briones made a motion to pull Item P from the Consent Agenda. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

Councilor Brandon Briones made a motion to approve the Consent Agenda. Councilor Leslie Wynn seconded the motion. All voted in favor. Motion passed.

Councilor Brandon Briones asked Chief Ashe about 4 wheelers on city streets. Chief Ashe stated as long as the 4 wheelers or bikes are off road it is legal.

Councilor Justin Meyer asked Chief Ashe for more information on the racial profiling report. Chief Ashe stated it is a breakdown of all citation stops.

7. Update on the City of Kenedy projects with Hanson Professional Services.

GIS Data Collection- Ongoing data collection in progress. 75% complete –field training of water department staff in progress during data collection. Estimated 4-6 weeks to complete general data collection.

TCEQ Reporting - TCEQ cleared outstanding violations in January regarding water treatment plant repairs, operations manual revisions, and certain capacity requirements. Outstanding concerns include a corrosion study for the water treatment system, updates to the monitoring plan, ongoing documentation organization for pending CCI, and design plans for elevated tank and pumping to meeting additional capacity requirements.

Wastewater System- Freeny Lift Station: Pre-Construction Meeting is scheduled for February 20th. Expect Construction to begin either late February or Early March depending on when the contractor can mobilize. Wastewater Treatment Plant Improvements: Pre-Construction Meeting is scheduled for February 20th. Expect Construction to begin either late February or Early March depending on when the contractor can mobilize. Wastewater Treatment Plant Improvements Phase II: Received Mixer layout from manufacturer, waiting on spec information. Hanson is currently working on plans and specifications. Chemical Storage Cover: Draft plan set is ready for QC review. This project may be incorporated into the WWTP Phase II for bidding.

Water Treatment Plant and Distribution System Upgrades- WTP annex office: minor changes needed to the civil plans for the 60% set to be completed prior to submittal to Director for review. Brine Line initial work complete, with a change order to add concrete manholes around air release valve risers in progress. Change Order authorized by City on Monday. R.O. Train C pre-booster pump replacement bid opening scheduled for 2/27/2019. Ongoing design for high service pumps currently in progress. Critical path waterline replacement scope has been identified with the water department. This scope and a performance specification for bid will be discussed with the City ensure that TCEQ required tanks can be constructed with minimal disruption to the water system.

East Main St. Drainage/SS Repairs- Date of kick-off construction meeting set for the

end of February. Finalizing sanitary sewer design to be submitted for pricing. Expecting an updated construction schedule from the contractor.

8. **Consideration and possible action in regard to Resolution 19 - 1 a resolution of the City Council of the City of Kenedy, Texas designating March 14, 2019 as the City of Kenedy's Day of Prayer.**

Councilor Justin Meyer made a motion to approve Resolution 19-1, a resolution of the City Council of the City of Kenedy, Texas designating March 14, 2019 as the City of Kenedy's Day of Prayer. Councilor Brandon Briones seconded the motion. All voted in favor. Motion passed.

9. **Consideration and possible action in regard to Resolution 19 - 2 a resolution of the City Council of the City of Kenedy, Texas in recognition of the contributing authors and characters of the children's book *Things Get Sticky for Rickie*.**

City Manager Barbara Shaw stated the children of the community wrote *Things Get Sticky for Rickie* during the summer program. In honor of the hard work and dedication of contributing authors Lola Jane Aragon, Owen Friesen, Jaxson M. Singleton, McKenzie Gonzales, Catherine M. Quintanilla, Ozzy Martinez, Raimani J. Wilcox, Izaiah Maldonado, Wilson Friesen, Nathaniel Friesen, Deven E. Martinez; and characters Shomari G. Wilcox, Chylah Jae Gonzales, Benjamin Arriola, John Friesen that this day February 12, 2019 shall be known as *Things Get Sticky for Rickie* Day in honor of your accomplishment.

Councilor Leslie Wynn made a motion to approve Resolution 19-2, a resolution of the City Council of the City of Kenedy, Texas in recognition of the contributing authors and characters of the children's book *Things Get Sticky for Rickie*. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

10. **Consideration and possible action in regard to Resolution 19 - 3 a resolution of the City Council of the City of Kenedy, Texas requesting grant funds for Level IV body armor for the Kenedy Police Department.**

Councilor Brandon Briones made a motion to approve Resolution 19-3 a resolution of the City Council of the City of Kenedy, Texas requesting grant funds for Level IV body armor for the Kenedy Police Department. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

11. **Consideration and possible action in regard to Resolution 19 - 4 a resolution of the City Council of the City of Kenedy, Texas requesting a National Incident Based Reporting System (NIBRS) grant for the Kenedy Police Department.**

Councilor Leslie Wynn made a motion to approve Resolution 19-4 a resolution of the City Council of the City of Kenedy, Texas requesting a National Incident Based

Reporting System (NIBRS) grant for the Kenedy Police Department. Councilor Brandon Briones seconded the motion. All voted in favor. Motion passed.

12. Consideration and possible action in regard to Resolution 19 – 5 a resolution of the City Council of the City of Kenedy, Texas authorizing the funding of a collaborative effort between the City of Kenedy and the Kenedy Independent School District (KISD) for a recycling program initiative put together by the 3rd, 4th, and 5th grade students.

The students of KISD did a presentation informing the City Council of the project. They must produce one ton of waste. The project will start at the school and try to improve.

City Manager Barbara Shaw stated that local contractors wanted to help the project after hearing about it. The local contractors that donated were: Ron Hyde, Antonio Rodriguez (Rodriguez Remodeling), Leon Payne (SLP Services), Kyle & Barbara Shaw (KB Shaw LLC), David Underbrink (Hanson Professional Services), Melissa Sutton, Oscar & Rachel Garcia, Fortiline, Luke Bingham (Bingham Paving), Jason Smart (R&J Air Conditioning), and Justin Meyer.

Councilor Justin Meyer made a motion to approve Resolution 19-5 a resolution of the City Council of the City of Kenedy, Texas authorizing the funding of a collaborative effort between the City of Kenedy and the Kenedy Independent School District (KISD) for a recycling program initiative put together by the 3rd, 4th, and 5th grade students. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

13. Consideration and possible action in regard to Proclamation 19 – 1 a proclamation of the City Council of the City of Kenedy, Texas acknowledging February, 2019 as American Heart Month (presentation by Marlette Sandoval).

Marlette Sandoval, 2019 Winterfest Top Representative of Victoria, Texas, Karnes County, and surrounding areas stated February is National Heart Disease Awareness Month and its importance.

Councilor Brandon Briones made a motion to approve Proclamation 19-1 a proclamation of the City Council of the City of Kenedy, Texas acknowledging February 2019 as American Heart Month (presentation by Marlette Sandoval). Councilor Leslie Wynn seconded the motion. All voted in favor. Motion passed.

Public Hearing, discussion and possible action to receive testimony and comments presented from any lienholder, mortgagee, property owner (Allen Wallace Vernon) and City officials or it's representatives regarding the structure located on the property in the JDN Addition; Block 1 Lot 32,34, Pt. of 33,35,36; also known as 160 Graham Rd.; to determine if the structure is in violation of Ordinance 17-3 and should be considered as a dangerous building and possible action and/or abatement of a violation not excluding demolition.

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

A) OPEN THE PUBLIC HEARING to hear comments and/or questions to determine if the structure is in violation of Ordinance 17-3 and should be considered as a dangerous building and possible action and/or abatement of a violation not excluding demolition.

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

Public Hearing opened at 7:06 P.M.

The inspector for Bureau Veritas stated the owner of the property was asked permission to conduct a life and safety inspection on October 17, 2018. On October 22, 2018, the inspection was done and failed. There were 12 items that were against the Residential Code. 51 photos were taken. Jaime Albiar stated on December 18, 2018, he received the certified letter sent to owner unclaimed. On January 4, 2019, emailed the Countywide newspaper the notice to put in the paper. February 1, 2019, the second certified letter was sent back unclaimed as well.

Councilor Leslie Wynn asked if the house is safe. The Bureau Veritas inspector stated it is not safe. Mayor James D Sutton asked if this is a risk for others around. He stated yes it is. Councilor Brenda Cano asked where will the owner be housed if in violation. City Attorney Megan Santee stated the City will have to pay housing expenses.

Councilor Leslie Wynn stated Code Compliance needs a more thorough plan.

A) CLOSED SESSION: In accordance with the Texas Government Code Sections 551.071, Consultation with Attorney, the Council shall convene into Closed Session to discuss if the structure is in violation of Ordinance 17-3 and should be considered as a dangerous building and possible action and/or abatement of a violation not excluding demolition.

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

Council convened into Closed Session at 7:34 P.M.

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

Council reconvened into Open Session at 8:06 P.M.

Councilor Justin Meyer made a motion to deem the structure in violation of Ordinance 17-3 and should be considered a dangerous building. Code Compliance will need to come

back in 30 days to report a repair/removal plan. He will also need to furnish housing plan options. Councilor Brandon Briones seconded the motion. All voted in favor. Motion passed.

Councilor Brandon Briones made a motion to close the Public Hearing. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

Councilor Brandon Briones made a motion to reconvene into the Regular Council Meeting. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

14. Consideration and possible action entering into a Clean-Up Agreement with Liberty Tire Recycling for the annual event to be held on July 20, 2019 at a cost of \$250.00 per load or ton.

City Manager Barbara Shaw needs authorization to execute the contract with Liberty Tire Recycling for the annual event to be held on July 20, 2019 at a cost of \$250.00 per load or ton.

Councilor Leslie Wynn made a motion to authorize City Manager Barbara Shaw to enter into a Clean-Up Agreement with Liberty Tire Recycling for the annual event to be held on July 20, 2019 at a cost of \$250.00 per load or ton. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

15. Consideration and possible action authorizing the City Manager to execute a Contract with Kinloch Equipment and Supply, Inc. for a Vactor 750 Gallon Jet Trailer (Single Engine Sewer Cleaner Mounted on a Trailer) in the amount of \$41,500.00.

Councilor Justin Meyer made a motion to authorize the City Manager to execute a Contract with Kinloch Equipment and Supply, Inc, for a Vactor 750 Gallon Jet Trailer (Single Engine Sewer Cleaner Mounted on a Trailer) in the amount of \$41,500.00. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

16. Consideration and possible action in regard to an agreement which specifies the services to be provided by Higginbotham Insurance Agency, Inc. ("Higginbotham COBRA Services") to the City of Kenedy ("Employer" or "Plan Administrator"), in connection with the administration of the Employer's COBRA coverage beginning the 1st day of March 2019.

Councilor Brandon Briones made a motion to enter into an agreement which specifies the services to be provided by Higginbotham Insurance Agency, Inc. ("Higginbotham COBRA Services") to the City of Kenedy ("Employer" or "Plan Administrator"), in connection with the administration of the Employer's COBRA coverage beginning the 1st day of March 2019. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

17. Consideration and possible action to amend the 4B Budget in an amount not to exceed \$100,000 for a water well, water tank, fencing and slab at the Joe Gulley Park.

City Manager Barbara Shaw stated the water well, water tank, fencing, and slab at the Joe Gulley Park were supposed to be completed on last year's budget. They were not able to get it done in time. 4B is asking for the amendment to complete the project.

Councilor Leslie Wynn made a motion to amend the 4B Budget in an amount not to exceed \$100,000 for a water well, water tank, fencing, and slab at the Joe Gulley Park. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

18. Consideration and possible action to amend the 2018-2019 FY Budget and allow the City Manager to execute a contract for a Street Sweeper in the amount of \$101,194.00.

City Manager Barbara Shaw asked for authorization to execute a contract for a Street Sweeper in the amount of \$101,194.00. She stated the City is in dire need of getting our streets cleaned and will help with maintenance of new streets.

Councilor Leslie Wynn stressed the importance of training employees on new equipment. Barbara informed the Council that Kinloch will train all employees on new equipment.

Councilor Brandon Briones made a motion to amend the 2018-2019 FY Budget and allow the City Manager to execute a contract for a Street Sweeper in the amount of \$101,194.00.

19. Consideration and possible action to accept a recommendation from the Kenedy Regional Airport Board (KRAB) to appoint Joey Newberry to KRAB.

Councilor Leslie Wynn made a motion to accept a recommendation from the Kenedy Regional Airport Board (KRAB) to appoint Joey Newberry to KRAB. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

20. Update from the Karnes County Humane Organization (KCHO).

City Manager Barbara Shaw stated there were no updates.

21. Update in regard to Intervenor's Request from the Public Utility Commission of Texas.

City Manager Barbara Shaw stated she has been working with Ed McCarthy. The conclusion from the Public Utility Commission stated the intervenor's request was denied.

22. Update on Carrizo Project.

City Manager Barbara Shaw stated the City has applied for the permits and has spoken with the finance manager about bonds.

23. Update on Mayo Festival.

City Manager Barbara Shaw stated the vendors are starting to come in. The planning of the cook off is in progress.

24. Update on Street/Culvert/Water Main Repairs (Troubled Areas):

- **Sunnyside Culvert Repair**- Construction is underway
- St. Mary's, Clinton, Northside, Median, Graham, and Mesquite Streets–Water Mains**- Water lines will be replaced here next.
- Houston, Craig, Live Oak, Fannin, Lavaca, Nueces, and N. Fifth Street**- City is currently working on Live Oak, Houston Street will need new sewer lines.

25. CLOSED SESSION: In accordance with the Texas Government Code Sections 551.071 Consultation with Attorney regarding legal options for recovery of HOT funds from the Kenedy Chamber of Commerce.

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 8:59 P.M.

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

Council reconvened into Open Session at 9:18 P.M.

Councilor Leslie Wynn made a motion to take no action. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

27. City Manager's Report

- Employee of the Month – Sgt. Clint Davis**
- City of Kenedy Police Department Grand Opening on February 21, 2019 from 3-6 PM**

City Manager Barbara Shaw stated Sgt. Clint Davis was selected as the Employee of the Month due to his leadership skills during the high-speed chase that took place in Kenedy.

The City of Kenedy Police Department Grand Opening will be on February 21, 2019 from 3-6 PM. During this time citizens will be able to tour the new police department.

28. 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 9:21 P.M.



James D Sutton, Mayor



Amanda Hines, City Secretary