

MINUTES OF A REGULAR CITY COUNCIL MEETING
JUNE 11, 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.

Salvador Vela suggested posting 30 mph signs and crosswalk zones on Main Street between 1st and 5th streets. He also stated he would like to see zero tolerance from the Kenedy Police Department for violations of traffic laws in this area.

Lajuana Kasprzyk stated on April 25, 2019, her husband went to City Hall wanting to utilize the Collection Station. Mr. Kasprzyk did not want to give a copy of his ID, as requested by city clerk due to the fear of identity theft. Mrs. Kasprzyk stated her husband put in an open records request and the information received was minimal. She believes the City should not need to keep a copy of ID on file, that viewing it should be suffice.

Joe Baker stated he is a resident of Kenedy. He believes a top-level change in management is needed.

Sandra Lundquist stated the current city manager was not the most qualified applicant. Mrs. Lundquist stated she was written up for trying to rectify a situation and former councilman Walter Chance informed her she was going to be terminated.

Maurice Yarder stated he and the city manager have not always had a good relationship. However, she has inherited lots of problems in the City.

6. Consider/Act on the Consent Agenda:

- A. Airport Board Report**
- B. Animal Control Report**
- C. Attorney Report**
- D. Board of Adjustments Report**

- E. Chamber of Commerce Report**
- F. City Council Minutes**
- G. Community Development Report**
- H. Emergency Management Report**
- I. Financial Report**
- J. Fire Department Report**
- K. Kennedy 4B Corporation Report**
- L. Municipal Court Report**
- M. Parks & Recreation Report**
- N. Planning & Zoning Report**
- O. Police Department Report**
- P. Street Department Report**
- Q. TIRZ No. 2 Report**
- R. Water & Wastewater Report**

Councilor Leslie Wynn made a motion to pull item A. Councilor Justin Meyer seconded the motion.

Airport Manager Ron Hyde stated the airport name has been changed to from Karnes County Airport to Kenedy Regional Airport. The AWOS installation has been completed and anyone can call the automated phone line to hear the current weather for Kenedy. The phone number to call is (830) 583-8080. The front doors at the airport now have coded locks. The electrical and plumbing work for the T hangers is being done this week. Jimmy Burns is doing a great job mowing at the airport. There were vines growing on the \$80,000 fence at the airport. Ron asked Jimmy to spray herbicide to keep the vines from pulling down the fence.

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

7. Consideration and possible action to appoint Brenda Janysek, Karnes County Tax Assessor-Collector, to calculate the Effective and Rollback Tax Rates for the 2019 tax year.

Councilor Leslie Wynn made a motion to appoint Brenda Janysek, Karnes County Tax Assessor-Collector, to calculate the Effective and Rollback Tax Rates for the 2019 tax year. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

8. Consideration and possible action to appoint Leslie Wynn, Mayor Pro-Tem.

Councilor Brenda Cano made a motion to open item 8 for discussion. Councilor Justin Meyer seconded the motion.

Councilor Justin Meyer asked if there was another councilor who would like to be considered for Mayor Pro-Tem. Councilor Cindy Saenz nominated Councilor Briones.

Councilor Leslie Wynn and Councilor Brenda Cano voted to appoint Leslie Wynn as Mayor Pro-Tem. Councilors Brandon Briones, Cindy Saenz, and Justin Meyer voted in opposition. Motion failed.

9. Consideration and possible action to give staff direction in regard to the Kenedy Volunteer Fire Department (KVFD) budget.

Councilor Justin Meyer made a motion to open item 9 for discussion. Councilor Brenda Cano seconded the motion.

City Attorney Dan Santee stated a volunteer fire department usually needs a 501c3 to receive monetary donations. The best practice is to have a service agreement with the City. City Manager Barbara Shaw stated the Kenedy Volunteer Fire Department has an attorney working on the 501c3. The agreement is still needed between the City of Kenedy and Volunteer Fire Department.

10. Update in regard to the application of the City of Kenedy to amend a water Certificate of Convenience and Necessity (CCN) in Karnes County.

City Manager Barbara Shaw stated the amendment of the CCN has been completed. Mayor James Sutton asked if any Councilors had any questions. Councilor Justin Meyer asked if the City of Kenedy is now in compliance. City Manager Shaw stated yes; the City is now in compliance.

11. Consideration and possible action amending the City of Kenedy Code of Ordinances, Chapter 18, Business Regulations by adding Article VII, Regulation of Gaming 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 Leslie Wynn made a motion to open item 11 for discussion. Councilor Justin Meyer seconded the motion.

Mayor Sutton stated he is in opposition of this ordinance. Chief Ashe stated his concern is being able to enter the buildings. Background checks would be required for all employees. Councilor Leslie Wynn stated an extensive ordinance is needed. Councilor Justin Meyer asked the city attorney how can the City prevent illegal activity. City Attorney Dan Santee stated the fees can't be discriminatory. Councilor Brenda Cano suggested tabling item 11 and to continue working on ordinance. Councilor Leslie Wynn made a motion to table item 11. Councilor Brandon Briones seconded the motion. All voted in favor. Motion passed.

12. 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 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 Act, to include the following matters:

A. Water Utility Charges

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

Council convened into Closed Session at 7:20 p.m.

Council reconvened into Open Session at 7:44 p.m.

Councilor Justin Meyer made a motion to give staff direction to issue settlements within multi user accounts. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

- 13. Pursuant to Section 551.074, Personnel Matters, of the Texas Government Code and under the provisions of the City of Kenedy Code of Ordinances and Personnel Policies, the City of Kenedy will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the following public officers or employees. [public officers and employees may choose to have personnel matters discussed in public.]**

- A. To receive input and recommendations from the City Manager in accordance with the City Code of Ordinances and Personnel Policy regarding the evaluation, duties and salary of Chief of Police, Richard Ashe.**

Councilor Justin Meyer made a motion to convene into Closed Session. Councilor Leslie Wynn seconded the motion.

Chief Ashe requested to have his personnel matters discussed in Open Session.

Councilor Justin Meyer stated Chief Ashe is doing a great job adapting in his new community. He would like to see improvement in building relationships with outside agencies. Mayor James Sutton stated the City Ordinance states the City Manager is the authority and should be the evaluator. City Manager Barbara Shaw stated Chief Ashe has done an amazing job and did great at the Mayo Festival. Mayor Sutton stated he is bringing back community policing and has dealt with everything that has come his way. Councilor Leslie Wynn gave Chief Ashe an overall score of 114. Councilor Brenda Cano stated the trading cards were great and he is doing a great job. Councilor Brandon Briones stated he agreed with Councilor Cano. Councilor Cindy Saenz stated he has exceeded all expectations.

- B. To receive input and recommendations from the City Manager in accordance with the City Code of Ordinances and Personnel Policy regarding the evaluation, duties and salary of City Secretary Amanda Hines.**

City Secretary Amanda Hines requested to have her personnel matters discussed in Open Session.

City Manager Barbara Shaw stated Amanda goes above and beyond. She is available at all hours. She is an ideal employee that wears many hats within the City. She does everything she is supposed to do. Mayor Sutton stated he is happy with her service and to continue with the great work. Councilor Justin Meyer thanked Amanda for her continued hard work. Councilor Leslie Wynn stated he gave Amanda an overall score of 118 and stated the City had an amazing audit. Councilor Brandon Briones said great job and continue to help people. He gave an overall score of 133.

C. To provide input and recommendations to City Manager Barbara Najvar Shaw in accordance with the Local Government Code, City Code of Ordinances and Personnel Policy regarding her annual performance evaluation, possible employment contract terms, duties and salary.

City Manager Barbara Najvar Shaw requested to have her personnel matters discussed in Open Session.

Councilor Leslie Wynn stated he gave Barbara an overall score of 126. He has watched Barbara deal with different issues and move in a good direction. She is a hard worker who puts in many hours. He is very pleased and satisfied with her work. Councilor Brenda Cano gave Barbara an overall score of 134. She stated it is amazing to see the things she does and the hurdles she has overcome. Barbara always has the answers and understands it can be hard with all the negativity. Councilor Brandon Briones stated Barbara is doing a great job and works late hours. She has been consistent on the East Main Drainage Project, something previous city managers failed to do. He understands the negativity can be hectic and she has overcome many obstacles. Councilor Briones gave Barbara an overall score of 135. Councilor Justin Meyer stated Barbara did a great job on the water project. He feels Barbara needs to be able to work with people. He believes Barbara shows favoritism towards certain people and needs a city manager he can trust. He stated she needs to be a public official to all citizens. He felt like he was lied to about black mold before the purchase of the building at 106 Craig Street and the City wasted \$680,000. This was a big expenditure and believes dismissal is adequate. He stated her evaluation would have been the same as last year had it not been for the purchase of the civic center building. Councilor Cindy Saenz complimented Barbara Shaw on the water project. She stated she doesn't personally trust Barbara. She was told by a citizen that Barbara told him not to vote for her. She believes many employees have been terminated for no reason and believes the City needs to start over.

14. Reconvene in Open Session. Following the Closed Session, or any portion of the Closed Session, the City Council of Kenedy will reconvene in Open Session to take any action necessary for the items discussed in Closed Session.

Councilor Justin Meyer made a motion to dismiss City Manager Barbara Shaw. Councilor Cindy Saenz seconded the motion.

Councilor Justin Meyer made a motion to retract his motion to dismiss City Manager Barbara Shaw. Councilor Brandon Briones seconded the motion.

Councilor Justin Meyer asked City Attorney Dan Santee if Council could put City Manager Barbara Shaw on a probationary period. Dan stated he was not familiar with the city's personnel policy. He would need to review it.

Councilor Leslie Wynn made a motion to keep the current city manager in place. Councilor Brenda Cano seconded the motion. Councilor Brandon Briones voted in favor. Councilor Cindy Saenz and Councilor Justin Meyer voted in opposition. Motion passed.

15. Consideration and possible action for Request for Qualification (RFQ) for a Contract City Attorney to be appointed by the Kenedy City Council.

Councilor Justin Meyer made a motion to open item 15 for discussion. Councilor Cindy Saenz seconded the motion.

Councilor Justin Meyer stated since Megan has moved to Austin the City should give other firms a chance to represent the City. City Attorney informed Council that a firm was appointed, not a specific attorney. The city receives an itemized bill every month. Councilor Brenda Cano stated there is no point in changing attorneys at this time. Motion failed.

16. Discussion and direction regarding the creation of a summary report reflecting changes in city personnel such as new hires, resignation and terminations to be presented to the City Council at each regular scheduled meeting.

Councilor Justin Meyer made a motion to open item 16 for discussion. Councilor Brandon Briones seconded the motion.

Councilor Justin Meyer requested a monthly human resources summary stating all new hires, resignations, and terminations. Councilor Leslie Wynn stated city employees do not work for Council and would like to know who is working for the City. All voted in favor. Motion passed.

17. Discussion and direction regarding the interpretation of whether or not Citizen Comments as adopted and codified allows any member of the public owning a business interest in the City of Kenedy, or has a concern with the City of Kenedy, the opportunity to speak in a three-minute time allocation.

Councilor Brandon Briones made a motion to open item 17 for discussion. Councilor Justin Meyer seconded the motion.

Mayor Sutton stated the United States and Canadian citizens are able to speak during citizen's comment. Councilor Justin Meyer made a motion to amend the "Citizen

Comment” section of the agenda and remove Kenedy from “citizens of Kenedy.” Councilor Brandon Briones seconded the motion. All voted in favor. Motion passed.

18. Discussion and direction regarding adoption of rules and procedures to require all agenda items include the name(s) of the individual(s) that placed the agenda item on the agenda.

Councilor Justin Meyer made a motion to open item 18 for discussion. Councilor Leslie Wynn seconded the motion.

Councilor Meyer stated there should be public transparency. Councilor Brenda Cano stated it should be discussed as a team, not as an individual. Councilor Brenda Cano made a motion to leave the item as is. Councilor Leslie Wynn seconded the motion. Councilor Briones and Meyer voted in favor. Councilor Cindy Saenz voted in opposition.

19. 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 Brandon Briones made a motion to open item 19 for discussion. Councilor Leslie Wynn seconded the motion.

Councilor Leslie Wynn stated the Rules of Decorum is lengthy and recommends the other Councilors read it thoroughly before approving. Councilor Brandon Briones made a motion to table item 19. Councilor Leslie Wynn seconded the motion. All voted in favor. Motion passed.

20. Consideration and possible action reviewing the 2019 Kenedy Mayo Music Festival’s final budget, expenditures, scholarships and any matter pertaining to the event.

Councilor Brandon Briones made a motion to open item 20 for discussion. Councilor Leslie Wynn seconded the motion.

Councilor Brandon Briones asked how much was going to be given to scholarships. Mayor Sutton stated the City will receive \$3000 in scholarship funds. \$2000 were donated by a non-profit organization and \$1000 by a local distributor.

21. Consideration and possible action moving the City of Kenedy July Regular Scheduled Meeting from July 9, 2019 to July 2, 2019.

Councilor Justin Meyer made a motion open item 21 for discussion. Councilor Brenda Cano seconded the motion.

Councilor Justin Meyer asked if the meeting can be moved to July 2, 2019 since he will not be available on July 9, 2019.

Councilor Justin Meyer made a motion to move the regular scheduled meeting from July 9, 2019 to July 2, 2019. Councilor Leslie Wynn seconded the motion. All voted in favor. Motion passed.

22. City Manager's Report.

-Employee of the month – Abel Salazar

23. Adjourn.

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

Meeting adjourned at 9:40 P.M.



James D. Sutton, Mayor

Amanda Hines, City Secretary