

MINUTES OF A WORKSHOP & REGULAR CITY COUNCIL MEETING
JUNE 12, 2018- 5:30 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), BRANDON BRIONES (DISTRICT 3), JUSTIN MEYER (DISTRICT 4), LESLIE WYNN (DISTRICT 5)
MEMBERS ABSENT: BRENDA CANO (DISTRICT 2)
CITY PRESENT: BARBARA SHAW (CITY MANAGER), AMANDA HINES (CITY SECRETARY), DUANE DUBOSE (POLICE CHIEF)

1. Call Workshop to order. Mayor Sutton

Mayor James D Sutton called the workshop to order at 5:33 P.M.

2. Workshop with Judy Langford to discuss possible budget funding.

Judy Langford introduced herself and the grants available for municipalities. Cities under a population of 50,000 are eligible to apply. Area benefit activities must benefit all residents in an area where at least 51 percent of the residents are low/moderate income persons. The City of Kenedy is under that percentage at 47 percent. Downtown Revitalization grants includes sidewalks and lighting with a of 5-25 percent, depending on population. To be eligible, the City of Kenedy will require a citywide door to door survey with an 80 percent response. The community enhancement fund is available every 2 years. This year, the fund covered rural healthcare centers. Disaster funds are only available when the governor declares a state of emergency in the area. The Texas Water Development Board offers two programs. They are water and sewer and emergency for water. The Texas Department of Housing and Community Affairs has a home program where they tear down houses and build new ones. The funding recently increased to \$100,000 per home. The Trail Grant connects park to park or school to park with 80/20 funding. The application for the trail grant is due February 1.

Councilor Justin Meyer asked City Manager Barbara Shaw if any would be of interest for the City of Kenedy. City Manager Barbara Shaw stated a grant for \$275,000 was just completed. The Downtown Revitalization grant would require hiring additional staff for the door to door survey. City Manager Shaw stated she will follow whichever direction Council instructs.

Councilor Leslie Wynn asked Judy Langford what the City of Kenedy's low/moderate income percentage is. She stated it is between 47-48 percent.

3. Close Workshop.

Mayor James D Sutton closed the workshop at 5:53 P.M.

4. Call meeting to order and announce a quorum is present. Mayor Sutton

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

5. Roll Call. Amanda

6. Prayer. Councilor Wynn

7. Pledge of Allegiance.

8. Public Comment.

Judge Robert Patton stated he wanted Council to be up to date with the passing of Senate Bill 42. Senate Bill 42 requires the City of Kenedy to have security during municipal court. The bill also requires the judge to establish a court security committee, requiring a council member to be part of the committee. The installation of court security cameras has begun and signs stating "Cameras in Use" have been ordered. The process of relocating the workspace to a more secure position has been begun as well. Chief Dubose is working on metal detector wands and securing certification for officers as bailiffs.

Mary Ann Sanchez stated she witnessed a City of Kenedy employee traveling at a rapid speed and driving carelessly in a City of Kenedy vehicle. She expressed her concerns and stated that City vehicles should not be handled in this manner.

9. 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**

Councilor Alberto Baldarramos made a motion to pull item (S) Water and Wastewater Report and item (M) Municipal Court Report. Councilor Leslie Wynn seconded the motion. All voted in favor. Motion passed.

(M) Councilor Justin Meyer asked the other Councilors if any of them were interested in being on the Court Security Committee. City Manager Barbara Shaw stated it would be on the next meeting agenda to appoint a Councilor to the committee.

(S) Councilor Justin Meyer requested an update on Well 16, which he stated has been down since early April. Gary Wegner stated it is in the shop and has been down twice in the last two years. He is trying to figure out the problem with the well. Councilor Meyer asked if water consumption has increased or decreased. Gary Wegner stated water production has increased 5 million gallons in the past month. Council Meyer recommended going to the prison and regulating water usage, possibly speaking with them. Gary stated he has met with prison and they have been doing very well.

Councilor Baldarramos expressed his concerns with low water pressure in District 1 between 6:00 P.M. and 8:00 P.M. He thanked the Public Works Department for everything they have done and their continuous hard work. Gary Wegner stated they have been having trouble with clay valves.

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

10. Consideration and possible action directing staff to draft an ordinance prohibiting off-duty police work for City of Kenedy Police Officers.

Councilor Leslie Wynn made a motion directing staff to draft an ordinance prohibiting off-duty police work for City of Kenedy Police Officers. Alberto Baldarramos seconded the motion. Item opened for discussion.

Mayor Sutton stated prohibiting should be changed to suspension until further notice due to liability.

Councilor Leslie Wynn stated he doesn't think it should be done. Security at functions is a needed service and helps keep events in line and orderly. He recommended possibly reviewing the rules in place. He stated we ask Police Officers to put their life on the line for us and we will be taking away viable opportunities from our officers.

Councilor Justin Meyer stated he agreed with Councilor Wynn. Most counties and cities allow off-duty police work with some restrictions.

All voted in opposition. Motion failed.

11. CLOSED SESSION: In accordance with the Texas Government Code Sections 551.071, Consultation with Attorney, and Section 551.072, Consultation regarding real property, and Section 551.074, Personnel Matters, the Council shall convene into Closed Session to discuss:

- a) Notice of Suit by NADA under TWC 36.119 filed with Evergreen UWCD
- b) Personnel Investigation regarding employee complaint
- c) Land acquisition for the Kenedy Convention Center
- d) Personnel discussion regarding Police Chief Duane Dubose

Councilor Leslie Wynn made a motion to convene into closed session in accordance with the Texas Government Code Sections 551.071, Consultation with Attorney, and Section 551.072, Consultation regarding real property, and Section 551.074, Personnel Matters. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

Councilor Brandon Briones entered the meeting at 6:38 P.M.

Council convened into Closed Session at 6:39 P.M.

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

- a) Notice of Suit by NADA under TWC 36.119 filed with Evergreen UWCD
- b) Personnel Investigation regarding employee complaint
- c) Land acquisition for the Kenedy Convention Center
- d) Personnel discussion regarding Police Chief Duane Dubose

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

Council reconvened into Open Session at 7:28 P.M.

- a) Notice of Suit by NADA under TWC 36.119 filed with Evergreen UWCD
No action was taken on this item.

13. Presentation and discussion in regard to developing an agreement between the City of Kenedy and the San Antonio River Authority (SARA) for joint ownership of the Escondido Creek Parkway Project. Suzanne Scott/Kristen Hansen/Gaylon Oehlke/Barbara

Kristen Hansen with San Antonio River Authority stated a logo was created for the project and placed at the beginning and end points. The City of Kenedy and SARA entered into an Interlocal Agreement in 2012 for the project management and development of the Escondido Creek Parkway. The phases included real estate acquisition, planning, preliminary design and cost estimation of park and amenities. Future phases included final design and construction of the parkway. The project is broken down into two phases. Phase 1 is broken down into 3 sections. They are the walking trails, Pullin Street trailhead, and the 5th Street trailhead. Pullin Street trailhead includes the pavilion and restroom, parking lot, and splashpad/playground. 5th Street trailhead includes the amphitheater, restroom enclosure, and parking lot. Phase 2 includes stream restoration, water well updates, and ponds with weirs. With the Board of Directors approval of the budget later this month, SARA proposes to contribute \$900,000 in funding for the project in the fiscal year 2018/2019 budget and another \$900,000 in fiscal year 2019/2020 budget to provide the necessary funding. SARA is proposing a long-term lease with the City of Kenedy. Kenedy would grant SARA a 99-year lease for the park area. SARA and the City of Kenedy will work together to come up with a maintenance plan. The improvement plan will provide detail about the improvements to be constructed, the phasing of construction, and the responsibilities for costs of construction and repair or replacement of improvements.

Councilor Justin Meyer asked if SARA can break the lease at any time. Kristen stated that is correct and there is a clause of termination. Councilor Meyer stated he would like to be able to receive a year notice if lease is going to be broken.

14. Consideration and possible action in regard to a Planned Maintenance Agreement for Emergency Generator, Make Aksa, Model APD-ULJ250, Serial# L124491 for Water Treatment Plant. Barbara/Gary Wegner

City Manager Barbara Shaw stated the generator was placed at the Water Treatment Plant in case power was lost. Periodic checks are done by city employees. The agreement will include quarterly inspections and an annual service. A two-hour load test will also be completed to test diesel inside generator.

Councilor Brandon Briones made a motion to approve a Planned Maintenance Agreement for the Emergency Generator, Make Aksa, Model APD-ULJ250, Serial# L124491 for the Water Treatment Plant. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

CLOSED SESSION: In accordance with the Texas Government Code Sections 551.071, Consultation with Attorney, and Section 551.072, Consultation regarding real property, and Section 551.074, Personnel Matters, the Council shall convene into Closed Session to discuss:

- b) Personnel Investigation regarding employee complaint
- c) Land acquisition for the Kenedy Convention Center
- d) Personnel discussion regarding Police Chief Duane Dubose

Mayor James D Sutton announced Council will convene into Closed Session at 8:00 P.M.

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

- b) Personnel Investigation regarding employee complaint
- c) Land acquisition for the Kenedy Convention Center
- d) Personnel discussion regarding Police Chief Duane Dubose

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

Council reconvened into Open Session at 9:39 P.M.

- b) Personnel Investigation regarding employee complaint

No action was taken on this item. City Attorney Megan Santee informed the complainant of his right to appeal and have it put on the next agenda.

- c) Land acquisition for the Kenedy Convention Center

Councilor Brandon Briones made a motion to allow City Manager Barbara Shaw to seek location discussed in closed session, get information, and negotiate price with owner. Councilor Leslie Wynn seconded the motion. All voted in favor. Motion passed.

- d) Personnel discussion regarding Police Chief Duane Dubose

Councilor Brandon Briones made a motion to accept the resignation of Chief Duane Dubose, effective July 9, 2018. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

15. **Consider and possible action in regard to Ordinance No. 18-3 Amending Chapter 86 Utilities Article III Water System Division 1 Generally of the Kenedy Code of Ordinances by Adding Sec. 86-193 Water Leak Forgiveness; Providing for a Penalty; Providing a Severability Clause; Providing a Repealing Clause; and Establishing an Effective Date. Megan/Barbara/Amanda**

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

16. Consideration and possible action to appoint two council members to the Escondido Creek Parkway Project. Mayor Sutton/Barbara

Councilor Leslie Wynn made a motion to appoint Councilor Justin Meyer and himself to the Escondido Creek Parkway Project. Councilor Justin Meyer seconded the motion. All voted in favor.

17. Consider and possible action in regard to designating the City Auditorium (303 West Main Street, Kenedy, Texas 78119) as the City Council Chambers for regular scheduled city council meetings. Councilor Meyer/Barbara

Councilor Brandon Briones made a motion to designate the City Auditorium (303 West Main Street, Kenedy, Texas 78119) as the City Council Chambers for regular scheduled city council meetings. Councilor Leslie Wynn seconded the motion. Item opened for discussion.

Councilor Justin Meyer proposed using the auditorium for regularly scheduled council meetings. City Manager Barbara Shaw stated the current council chambers doesn't fill up enough to move for every meeting. Doing so will cause an increase in costs. Mayor James Sutton stated if the next couple of meetings are full, then he would consider moving the meetings to the auditorium.

Councilor Justin Meyer voted in favor. Councilor Briones, Wynn, and Baldarramos voted in opposition. Motion failed.

18. Consideration and possible action in regard to selection of a Firm to perform a forensic audit on commercial multi-user account(s). Barbara/Megan

Councilor Justin Meyer made a motion to select a Firm to perform a forensic audit on commercial multi-user account(s). Councilor Leslie Wynn seconded the motion.

City Manager Barbara Shaw stated a selection needs to be made to move forward. The audit e would cover 2014 to present.

Councilor Justin Meyer stated he would like to use Schumann. He feels he is the most experienced.

Councilor Justin Meyer made a motion to amend his motion, selecting Schumann to perform a forensic audit on commercial multi-user account(s). All voted in favor. Motion passed.

19. Discussion and possible action in regard to the City of Kenedy's Personnel Policy on personal use of City vehicles.

Councilor Brandon Briones made a motion to table the item. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

20. Consideration and possible action in regard to directing City Staff to post the position of Assistant City Manager.

Councilor Brandon Briones made a motion to table the item. Councilor Justin Meyer seconded the motion. All voted in favor. Motion passed.

21. **City Manager's Report**

-Update on Water Partnership with El Oso Water Supply

City Manager Barbara Shaw stated she will have a joint meeting with El Oso to bring back some recommendations to Council.

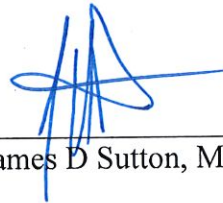
-Update on additional traffic control on Medina Street and Graham Road

City Manager Barbara Shaw informed Council the majority of traffic is obeying the speed limit in the mentioned area.

22. **Adjourn**

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

Meeting adjourned at 10:00 P.M.



James D Sutton, Mayor



Amanda Hines, City Secretary