

**MINUTES OF A REGULAR CITY COUNCIL MEETING
MARCH 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), JUSTIN MEYER (DISTRICT 4), LESLIE WYNN (DISTRICT 5)
MEMBERS ABSENT: BRANDON BRIONES (DISTRICT 3)
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.

Councilor Brandon Briones was not present.

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. 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**

Consent Agenda items received as of posting of agenda: A,B,F,I,J,K,L,M,O,P,R.

Councilor Leslie Wynn made a motion to approve items A, B, F, I, J, K, L, M, O, P, R. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

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

1. GIS Data Collection

- a. 90% complete with data collection. Presentation of GIS maps/tablets with Hanson and COK staff at April council meeting. Data is essential to TCEQ compliance and water modeling.
- b. GIS data can be used for future maintenance and utility master planning purposes, including location of hydrants and meters. Various maps may be generated from the data once the City has access to ArcGIS online.

2. Manhole Assessments

- a. Completed assessments of over 60 manholes in COK. Moving forward with OPC for rehab and condition assessment of manholes.

3. TCEQ Reporting

- a. Outstanding concerns include a corrosion study for the water treatment system, updates to the chemical and biological monitoring plan, operations manual updates, Sample Siting Plan (SSP), Brine Discharge Permit Renewal and Wastewater Plant permit renewal.

4. Wastewater System

- a. Freeny Lift Station: Notice to proceed issued, and engineer's submittal review is underway.
- b. Wastewater Treatment Plant Improvements: Notice to proceed issued, and engineer's submittal review is underway.
- c. Wastewater Treatment Plant Improvements Phase II: Hanson is currently working on plans and specifications for this project.
- d. Chemical Storage Cover: This project is now incorporated into the WWTP Phase II project. Design in progress.
- e. WWTP Permit Renewal: due in 2020, work will need to start in May. Cost estimated at \$35,000-\$40,000 to complete.
- f. Wastewater Rates: COLA needs to be applied to reflect current cost. Anywhere between 3-5% is possible, but numbers have not been reviewed as of yet.

5. Water Treatment Plant and Distribution System Upgrades

- a. Waterline Rehab – approximately 19,000 LF needs to be replaced. Cost per LF is roughly \$75-80/LF. This cost will be an estimated \$2M to complete. Initial plans and specs will begin once line locations and approach is discussed with City.
- b. WTP annex office plans and OPC are 60% complete, and awaiting review by COK staff. Comments will be incorporated in the next month.
- c. R.O. Train C pre-booster pump replacement bid opening scheduled for 3/20/2019.
- d. Ongoing design for high service pumps currently in progress – this is the reason for the annex building.
- e. Ongoing discussion with TCEQ regarding future planning for capacity related to emergency generators, storage, and well capacity. Planning report may be required.

6. Surcharge

- a. COK Surcharge Ordinance 9-3 has not been modified in several years. This ordinance will need to be reviewed to reflect current cost. Hanson will prepare new surcharge recommendation and present to council for review.
- b. Ashland Agreement - In the process of review, will be extended for five years. Currently, Ashland does not have an agreement with the City. This task will be expedited by Hanson to complete by summer.

7. East Main St. Drainage/SS Repairs

- a. Contractor is working on pricing for sanitary line replacement. Costs will be submitted by the end of month for COK review and approval. Expecting an updated construction schedule from the contractor.
- b. Road Rebab- based on testing results, pavement repair will cost between \$90,000 and \$140,000 on East Main. City will need to consider bid package for road in order for repairs to begin once drainage work is complete.

8. Nottingham Drainage

- a. Engineer to submit OPC and 90% plans for review to the City by end of March. Early estimates for drainage component are around \$400,000. Plans can be discussed at April council meeting.

8. Consideration and possible action to appoint Estelle Hill to the Kenedy Public Library Board.

Councilor Leslie Wynn made a motion to appoint Estelle Hill to the Kenedy Public Library Board. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

9. Consideration and possible action in regard to a Special Event License Application from the Kenedy Chamber of Commerce Bluebonnet Days Parade requesting a street closure from the Intersection of Escondido and School Street, down Second Street, left on Main Street, and ending at Main Street and School Street from 5:45 p.m. to 9:00 p.m. on May 3, 2019.

Councilor Justin Meyer made a motion to open item 9 for discussion. Councilor Leslie Wynn seconded the motion.

City Attorney Megan Santee stated the applicant does not have insurance or approval from TXDOT. Councilor Justin Meyer asked if there can be a stipulation giving the applicant a certain amount of time for insurance and TXDOT approval. City Attorney Santee stated the applicant will have to come back to Council with the requested documents. Councilor Brenda Cano suggested the applicant get the information together and come back to Council.

Councilor Leslie Wynn made a motion to table item 9. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

10. Consideration and possible action in regard to Resolution 19 – 6, a resolution by the City Council of the City of Kenedy, Texas declaring April 2, 2019 as Autism Awareness Day, and April 2019 as “Autism Awareness Month” in the City of Kenedy, Texas.

Councilor Justin Meyer made a motion to approve Resolution 19-6, a resolution by the City Council of the City of Kenedy, Texas declaring April 2, 2019 as Autism Awareness Day, and April 2019 as “Autism Awareness Month” in the City of Kenedy, Texas. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

11. Consideration and possible action in regard to Resolution 19 – 7, a Resolution of the City Council of the City of Kenedy, Texas authorizing the Mayor to execute an agreement by and between the City and El Oso Water Supply Corporation in connection with the boundary lines of their respective Certificates of Convenience and Necessity (CCN) for the provision of water services and making certain findings related thereto.

Attorney Ed McCarthy presented Council with a copy of the CCN transfer agreement and a map identifying the 3 areas. El Oso Water Supply will act on a similar resolution at their board meeting.

Councilor Leslie Wynn made a motion to approve Resolution 19-7, a Resolution of the City Council of the City of Kenedy, Texas authorizing the Mayor to execute an agreement by and between the City and El Oso Water Supply Corporation in connection with the boundary lines of their respective Certificates of Convenience and Necessity (CCN) for the provision of water services and making certain findings related thereto. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

12. Consideration an possible action in regard to Resolution 19 – 8, a resolution of the City Council of the City of Kenedy, Texas declaring a n unopposed candidate for the office of City Councilmember District 5; providing that the May 4, 2019 General Municipal Election shall not be held for this district; finding and determining that the meeting at which this ordinance was passed was open to the public as required by law; providing for other matters relating to the election; and providing an effective date.

Councilor Justin Meyer made a motion to approve Resolution 19-8, a resolution of the City Council of the City of Kenedy, Texas declaring an unopposed candidate for the office of City Councilmember District 5; providing that the May 4, 2019 General Municipal Election shall not be held for this district; finding and determining that the meeting at which this ordinance was passed was open to the public as required by law; providing for other matters relating to the election; and providing an effective date. Councilor Brenda Cano seconded the motion. Councilor Alberto Baldarramos voted in favor. Councilor Leslie Wynn abstained from voting.

13. Consideration and possible action in regard to Contract Number 2019-0009, a License and Services Agreement between Tyler Technologies and the City of Kenedy to license the software products and perform the services set forth in said Agreement.

City Attorney Megan Santee stated she read through the contract and Incode made all provisions requested.

Councilor Leslie Wynn made a motion to approve Contract Number 2019-0009, a license and services agreement between Tyler Technologies and the City of Kenedy to license the software products and perform the services set forth in said Agreement. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

14. Consideration and possible action in regard to Resolution 19 – 9, a resolution of the City Council of the City of Kenedy, Texas approving certain airport improvements and plans; requesting financial assistance from the Texas Department of Transportation; committing to fund 10% of said project; naming the Texas Department of Transportation as Agent for the City on said project; authorizing the City Manager to execute all necessary documents; and providing for an effective date.

City Manager Barbara Shaw stated this is for the airport narrative plan that needs to be updated. TXDOT will provide 90% of the funds for this project and the City will provide 10% of the cost. The City's share will be \$15,000.

Councilor Leslie Wynn made a motion to approve Resolution 19-9, a resolution of the City Council of the City of Kenedy, Texas approving certain airport improvements and plans; requesting financial assistance from the Texas Department of Transportation; committing to fund 10% of said project; naming the Texas Department of Transportation as Agent for the City on said project; authorizing the City Manager to execute all necessary documents; and providing for an effective date. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

15. Consideration and possible action to purchase two (2) 2019 Ford Explorers FWD for \$29,300.75 each for the Kenedy Police Department, with an underwriting fee of \$545.00. The total financed amount is \$59,146.50; with three (3) annual payments in advance at 7.75% APR with a payment factor of 0.358501 for a payment amount of \$21,204.08.

Councilor Leslie Wynn asked if the vehicles will be equipped. City Manager Barbara Shaw stated they will not be equipped. Chief Ashe informed the Council the vehicles will be unmarked.

Councilor Leslie Wynn made a motion to approve the purchase of two (2) 2019 Ford Explorers FWD for \$29,300.75 each for the Kenedy Police Department, with an underwriting fee of \$545.00. The total financed amount is \$59,146.50; with three (3)

annual payments in advance at 7.75% APR with a payment factor of 0.358501 for a payment amount of \$21,204.08. Councilor Justin Meyer seconded the motion. All voted in favor. Motion passed.

16. Consideration and possible action in regard to Ordinance No. 19- 1 an Ordinance to provide for the disposition of unclaimed and surplus property of the City; authorizing the City Manager to provide notice and conduct a public auction; setting forth the disposition of the proceeds thereof; and authorizing an alternate procedure for worthless property.

City Manager Barbara Shaw stated the surplus property will be auctioned individually and then lot items that are not sold.

Councilor Leslie Wynn made a motion to approve Ordinance No. 19- 1 an Ordinance to provide for the disposition of unclaimed and surplus property of the City; authorizing the City Manager to provide notice and conduct a public auction; setting forth the disposition of the proceeds thereof; and authorizing an alternate procedure for worthless property. Councilor Brenda Cano seconded the motion. All voted in favor. Motion passed.

17. Consideration and possible action in regard to Resolution No. 19-10 declaring unclaimed and surplus property to be disposed of at a public auction.

Councilor Leslie Wynn made a motion to approve Resolution No. 19-10 declaring unclaimed and surplus property to be disposed of at a public auction. Councilor Justin Meyer seconded the motion. All voted in favor. Motion passed.

18. Consideration and possible action to allow Karnes/Wilson Juvenile Probation Department to add auction items (items to be determined by Wilson County Juvenile Board).

City Manager Barbara Shaw stated the Karnes/Wilson Juvenile Probation Department have a van they want to include in the City's auction. She is currently waiting on approved minutes from the Probation Department.

Councilor Leslie Wynn made a motion to approve the Karnes/Wilson Juvenile Probation Department to add auction items to the City of Kenedy auction. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

19. Consideration and possible action in regard to Ordinance No. 19-2 an Ordinance establishing reimbursement of out of town expenses for Council members.

Mayor James Sutton stated he saw a receipt for \$83.19 meal. This money is tax payer money and should be handled as such. Councilor Justin Meyer stated he did not agree on Section 2-32 (B), the mayor being the approver of reimbursements. He suggested that each councilmember have their own budget.

Councilor Brenda Cano made a motion to approve Ordinance No. 19-2 an Ordinance establishing reimbursement of out of town expense for Council members. Councilor Leslie Wynn seconded the motion. All voted in favor. Motion passed.

20. CLOSED SESSION:

- A. 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:**

Country Village Apts. v. City of Kenedy

- B. 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 Police Chief Ashe.**

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 7:39 P.M.

21. OPEN SESSION:

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

**Country Village Apts. v. City of Kenedy
Police Chief Ashe**

Council reconvened into Open Session at 9:17 P.M.

Councilor Justin Meyer made a motion to take no action. Councilor Alberto Baldarramos seconded the motion. All voted in favor. Motion passed.

22. Discussion of issues identified in Municipal Court procedures in regard to citation and ordinance disposition/enforcement.

Councilor Brenda Cano made a motion to open item 22 for discussion. Councilor Alberto Baldarramos seconded the motion.

Associate Judge/Municipal Clerk Glynda Martinez explained to Council there were sticky notes on several files. Many dispositions were not fully processed nor backed up.

Several citations were set up for docket call but no action was taken. City Attorney Megan Santee stated she will review the files and make sure they have appropriate signatures and recommendations. Mayor James Sutton stated he would like for the Texas Rangers to conduct an investigation.

23. City Manager's Report

-Employee of the Month – Hector Salinas

-Update on Carrizo Project

All 3 Permits Approved

-Kenedy Day of Prayer at 10:00 AM on March 14, 2019

24. Adjourn.

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



Amanda Hines, City Secretary



James D. Sutton, Mayor