

MINUTES OF THE CITY COUNCIL MEETING
HELD MAY 9, 2017 – 6:00 P.M.
COUNCIL CHAMBERS IN THE RUHMAN C. FRANKLIN MUNICIPAL BUILDING
303 W. MAIN ST., KENEDY, TX. 78119

MEMBERS PRESENT: RANDY GARZA (MAYOR), BRANDON BRIONES (DISTRICT NO. 3), MAGGIE GONZALES (DISTRICT NO. 4), WALTER CHANCE (DISTRICT NO. 5), ALBERTO HERNANDEZ-BALDERRAMOS. **MEMBERS ABSENT:** FELIPE LEAL (DISCRICT 2)
CITY PRESENT: BARBARA SHAW (CITY MANAGER), JUDY MURPHY (INTERIM CITY SECREARY), DUANE DUBOSE (POLICE CHIEF), GARY WEGNER (RO), JOHNNY RODRIGUEZ (PUBLIC WORKS DIRECTOR). **DANIEL SANTEE (CITY ATTORNEY) GUESTS:** RENE DE LA GARZA (TEXAS LAND & RIGHT OF WAY COMPANY)

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

Mayor Garza called the meeting to order at 6:00 p.m. and announced a quorum present.

2. Consideration and possible action in regard to Resolution No. 17-20 a Resolution of the City Council of the City of Kenedy, Texas, Approving the Canvass of the May 6, 2017 General Election and Declaring the Results of Such Election.

Barbara Shaw reported the election results and stated the number of votes cast for each council position. She stated that District 1 was won by Alberto "Bert" Hernandez-Balderramos, District 3 was won by Brandon Briones and District 5 was won by Walter Chance. A motion was made by Brandon Briones to approve resolution no. 17-20 which canvassed the results of the May 6, 2017 General Election The motion was seconded by Walter Chance and all voted in favor of the motion.

3. Provide Statement of Officer to Council Districts Nos. 1, 3 & 5 Judy Murphy asked Alberto "Bert" Hernandez-Balderramos, Brandon Briones and Walter Chance to stand and raise their right hand. The Statement of Officer was read by Judy Murphy and repeated out loud by all candidates. The candidates then signed their Statement of Officer so it could be filed with the Secretary of State.

Issue Oath of Office Provide Statement of Officer to Council District Nos. 1, 3 & 5. Judy Murphy read the Oath and asked each candidate to repeat the statement out loud. The Oath of Office statement was then signed by each newly elected council member and will be filed with the Secretary of State.

Issue Certificates of Election to Council District Nos. 1, 3 & 5. Framed Certificates of Election were presented to Alberto "Bert" Hernandez-Balderramos, Brandon Briones and Walter Chance by Mayor Randy Garza.

4. Public comments.

- Clara Ramos requested to be placed on council agenda and requested a copy of the City's policy on utility billing and cost of meter replacement. She also requested an itemized copy of a water bill.
- Bruce Uzinski spoke about the proposed test well on FM 743 in the Evangeline Aquifer. His concern was the 100' right away and whether it may cut through his septic system. He asked council to consider moving the last leg of the waterline.
- Wade Phelps spoke to council about Kenedy being the Horned Toad Capital. He wanted tourism to be attracted to our area and therefore to have an item placed on council agenda so tourists may visit City property and be drawn to see the horned lizards.

5. 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**

Brandon Briones made a motion that items p and q be pulled from the consent agenda so they may be discussed separately. Walter Chance seconded the motion. All voted in favor of the motion. A motion was then made by Walter Chance and seconded by Brandon Briones for all other items on consent agenda to be approved. The motion carried. Brandon questioned Chief Dubose about the sign for big trucks to use the truck route and not pass through downtown. Dubose stated that he is working with TXDOT so that better signage be placed on Hwy 72 so that more truckers would be aware of the proper route for trucks.

6. Consider and possible action regarding solutions for financing City water/sewer issues.

Barbara Shaw stated that Dusty Traylor with RBC Capital Markets was not at the council meeting and requested that the agenda item be placed on next month's agenda. A motion was made by Brandon Briones and seconded by Alberto Hernandez-Balderramos to table agenda item 6 until the next council meeting. All voted in favor of the motion.

7. Consider and possible action regarding an Ordinance 17-6 Amending the City of Kenedy 2016-2017 Budget as Adopted by Ordinance 16-2 by Transferring Surplus Funds from the General Fund Balance and Water Fund Balance to the Capital Improvement Fund in order to Pay for TCEQ Enforcement Issues for the Wastewater Sampling Program and Plant Improvements; Repealing all Conflicting Ordinances; Providing for Severability; and, Declaring an Effective Date.

Barbara Shaw informed council that in order to quell TCEQ fines, and in order to be in compliance with the SEP application, the City needs to setup a sampling program and buy some much needed equipment. Walter Chance asked Johnny Rodriguez, the City's Director of Public Works, about what else will need to be spent to satisfy the TCEQ. Brandon Briones asked if the City does the testing or it needed to be outsourced. It was stated that the City hired Hanson engineers to help with the testing.

Walter Chance made a motion to transfer surplus funds from the General Fund Balance and Water Fund Balance to the Capital Improvement Fund for the budget amendment in order that TCEQ enforcement Issues be handled. Brandon Briones seconded the motion and all voted in favor of the motion.

- 8. Consider and possible action accepting a proposal from Mercer Controls for the Electrical and Instrumentation Upgrades and new equipment for the Arsenic Adsorber Project.**

The City Manager reminded Council that this project was funded by the new 2016 Bond Construction Funds. Walter Chance questioned whether it conflicted with the original contract. Barbara Shaw stated "no". Gary Wegner, the City's Water Operator, stated he attended the pro-construction meeting last week, and Clarence Littlefield pulled the instrumentation. Council asked Daniel Santee if he had any concerns about the proposal by Mercer Controls for the Electrical and instrumentation. Daniel stated he did not have any concerns. Brandon Briones made a motion of accept the proposal by Mercer Controls for the Electrical and Instrumentation Upgrades and new equipment for the Arsenic Adsorber Project. Maggie Gonzales seconded the motion. All voted in favor of the motion.

- 9. Consider and possible action accepting a proposal from Intrepid Surveying and Engineering in regard to a street improvement proposal for the Kenedy Civic Center, specifically providing specifications for access to the Civic Center from FM 2102.**

The City manager reported that Lucille Matthews, of the Parks & Rec Board, met with Ken Reiley and Donny Liska. Mr. Liska, a contractor, suggested that the City ask Russell Jaskinia to tie the road project in with his drainage project. Mayor Garza stated the cost to be \$9,250 and that it is not part of the original project. Walter Chance stated he would like the Civic Center road have access to the park. A separate bid would be needed to tie into Bellaire Subdivision road. Barbara Shaw recommended that Mr. Chance meet with her and Russell Jaskinia to discuss the new details. Mayor Garza requested that after that meeting happens, please bring proposed design to the Park Board for consideration and approval. A motion was made by Walter Chance to approve spending up to \$15,000 to get revised specifications for access to the Civic Center from FM 2102. Brandon Briones seconded the motion and all voted in favor of the motion.

CLOSED SESSION:

- 10. (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 to wit:**

- a. Legal implications of various funding options for contributing to the Escondido Parkway Project.**
- b. Numerous tank rehabilitation and maintenance agreements.**

(B) Pursuant to Section 551.072, the City Council of the City of Kenedy will meet in closed session to deliberate the purchase, exchange, lease, or value of real property related to potential future water supply.

Council convened into closed session at 6:44 p.m.

11. OPEN SESSION:

Following the Closed Session(s) the City Council will convene in open session to take any necessary action on the matters discussed in closed session.

Council re-convened into open session at 7:45 p.m.

Rene De La Garza, with Texas Land and Right of Way Company, addressed the landowners who live off FM743. He said the easements will only need to be 30' wide or less. The right of way would only be used during construction and would not be invasive to the land owners. He also stated that 2 land owners have agreed to the City's offer.

Walter Chance made a motion to approve the test well agreement. The motion was seconded by Brandon Briones. All voted in favor of the motion.

In reference to agenda item 10 (A), Daniel Santee stated that the Hotel Occupancy Tax funds can be used to fund the Escondido Parkway Project. He mentioned that these funds are restricted as to their use. The parkway will tie the Civic Center and Historical sites all together. The approval is contingent on the project being in conformity with the Hotel Occupancy Tax uses. Walter Chance made a motion to approve spending up to \$500,000 of hotel occupancy tax funds to fund the Escondido Creek Parkway. A second to the motion was made by Alberto Hernandez-Balderramos. All voted in favor of the motion.

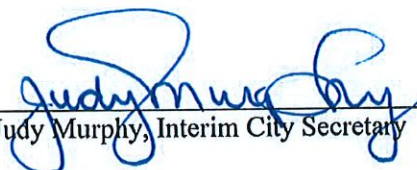
In reference to agenda 10 (B) Barbara Shaw asked Council to refer to the Amortization schedule in their council packages. She stated the Bond proposal was higher than originally proposed. She further stated that Dusty Traylor was not present at the meeting to discuss the bond details. Barbara mentioned that the City of Kenedy's water rates are much lower than those of El Oso and the City of Karnes City. She said she will likely propose an increase to the water and sewer rates in order to pay for the proposed new bond.

12. City Manager's Report.

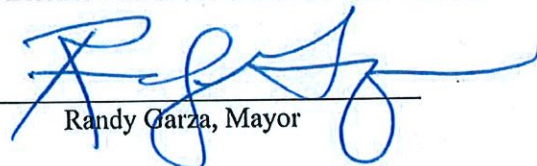
Walter Chance asked about the Drainage Project. The detention pond is no longer being done. Johnny Rodriguez stated that Mr. Setliff will need to approve a new plan for drainage. Barbara told council that a couple of budget workshops will need to be planned.

13. Adjourn.

Walter Chance made a motion to adjourn. Brandon Briones seconded the motion. All voted in favor.



Judy Murphy, Interim City Secretary



Randy Garza, Mayor