



REGULAR CITY COUNCIL MEETING MINUTES
SEPTEMBER 14, 2021 – 6:00 P.M.
CITY AUDITORIUM IN THE RUHMAN C. FRANKLIN MUNICIPAL BUILDING
303 W. MAIN ST., KENEDY, TX. 78119

MEMBERS PRESENT:

Mayor Joe Baker
Cindy Saenz, Mayor Pro-Tem, District 1
Johnny Rodriguez, District 2
James Douglas-Meyer, District 4
Saundra Schultz, District 5

MEMBERS ABSENT:

Christopher Parker, District 3

CITY PRESENT:

City Manager William Linn
City Secretary Ruby Beaven
Police Chief Richard Ashe
Director of Public Works Jerry Higgins
Director Parks & Streets Joe Hernandez, III
Administrative Assistant Amy Desharnais
Attorney Alessandra Gad (Joined Meeting at 6:41 p.m.)

CITY ABSENT:

Building Official Jaime Albiar

Opening Agenda

1. Call Regular City Council meeting to order.

The Regular Meeting of the City of Kenedy was called to order by Mayor Baker at 6:00 p.m. on Tuesday, September 14, 2021, in the City Auditorium in the Ruhman C. Franklin Municipal Building, 303 W. Main St. Kenedy, TX and video streaming via Facebook live.

2. Call Roll and establish a quorum is present.

With Council Members present a quorum was established.

3. Prayer to be led by Pastor Danielle Knapp with United Methodist Church.

Pastor Danielle Knapp with United Methodist Church led the prayer.

4. Pledge of Allegiance.

Mayor Baker led the Pledge of Allegiance to the U.S. flag.

5. Citizen comment.

No Citizen Comments

6. Proclamation: Thank a Police Officer Day September 18, 2021

Mayor Baker proclaimed September 18, 2021 as Thank a Police Officer Day in Kenedy Texas. Mayor Baker read the Proclamation and presented it to Police Chief Richard Ashe.

7. Departmental Reports.

Public Works Director Report

Public Works Director Jerry Higgins addressed the Council to report the Public Works report. He provided a status update on TCEQ to include HWY 792 bridge replacement and water line relocation project. He provided training activities update.

Water and WWTP Summary: Water Produced 43.2 MG; Water Loss 767,970 / 1.93%; WWTP Flow 34.975 MGD / Rain 2.6"; Water Stage Restriction: Below State II

Police Chief Report

Chief Ashe addressed the council to report the Police Chief report. Animal Control has increased citations and warnings since last month. The animal control report was given and there was a total of 39 service calls for August. The Police Department had 104 hours of training. We have received word that we should be getting the K-9 in the next three months. Our burglaries and thefts are back down and building checks have increased. National Night Out will be held on October 05, 2021 from 6:00 pm to 8:00 pm at Joe Gulley Park.

Building Department & Code Compliance Reports

City Manager William Linn addressed the council to report the Building Department report and Code Compliance report. There was a total of eighty-one service calls for August. There was a total of fourteen residential and commercial permits. There was a total of five residential and commercial inspections. The department remained active in the community and issued violations and warning letters for a total of sixteen. There were eight properties cleaned. Six lien(s) were filed this month.

Streets & Parks Director Report

Director Parks & Streets Joe Hernandez addressed the council to report the Streets and Parks reports.

The streets crew worked on hand patching/grading 61.1 cubic yards of Type D Asphalt, and using 41.7 cubic yards of Patch Pro, patched 141 potholes using 37 cubic yards of Type D Asphalt and 3.4 cubic yards of Patch Pro Asphalt, worked on drainage using 17.3 cubic yards of base and 10 bags of cement, swept, and mowed/trimmed 47 roadways during the month. The crew repaired 3 signs and set out 3 temporary signs. In addition, the crew picked up 12 trailer loads of brush, replaced 10 trash carts, delivered 2 additional carts, and picked up/removed 8 trash carts. Crew sprayed for mosquitos and used 11 mosquito dunks.

The parks crew worked for 5 days dragging/sweeping, 1 day removing trash from receptacles, and 12 days weed trimming the fields. In addition, the crew mowed, weed trimmed, and picked up trash around the walking trail, basketball courts, bridge, and gazebo.

City Secretary Report

City Secretary Ruby Beaven addressed the council to report the City Secretary report to include the Fire Department and Municipal Court reports.

City Secretary Report: For the month of August there was 6 new hires and 0 separations.

Utility Billing Report: For the month of August there was 23 residential and 0 commercial new service accounts opened. There was a total of 15 residential and 1 commercial account closed.

Fire Department Report: For the month of August there were five calls: Gas Leak, Grass Fire, Motor Vehicle Accident, Oil Fire, and Smoke in Building. There was 250 gallons of water used. A total of 23 personnel responded to calls.

Municipal Court Report: Municipal Court saw 122 defendants and collected a total of \$22,477.04 with a net to the City of \$16,596.62.

8. **City Manager Report.**

Current Projects, Future Projects, Current Operations, and/or Future Operations

City Manager Linn addressed the council to present the City Manager report. Linn addressed the projects and stated East Main concrete is still not forming correctly, Graham Road received one bid and once contract is awarded will have 10 days to mobilize, Building A needs emergency call box phone line installation in the elevator and then the ADA inspection can be scheduled, Carrizo Water Line Well 17 slab poured and downhole well video completed, and Well 18 slab poured and downhole well video completed.

Presentation of Financials.

City Manager Linn presented the financial statements. Currently in budget month 11 and have currently utilized 91.67 percent of budget year. Available Liquidity reported as follows: General Fund \$2.9M; HOT \$1.0M; Water/Sewer \$853K; Paving Fund \$2.4M; Totaling Tax Pool \$7.3M.

9. **Consent Agenda**

This section shall provide for items that require action by the Council, but where little or no discussion is anticipated. By a single motion, second and affirmation majority vote. Items under this section are approved without further discussion or action.

A. Consideration and approval of City Council Workshop Meeting Minutes of June 22, 2021.

B. Consideration and approval on Financials.

Motion: Councilman Douglas moved to approve consent agenda item 9A and item 9B as presented. Councilman Rodriguez seconded the motion. Motion carried unanimously.

Ordinance / Resolution / Other Action Items:

This section shall provide for all other official discussion and action items provided for consideration by the Council.

**10. Presentation, consideration, and possible action in regard to the KVFD Forensic Audit.
(Presenter: City Auditor Allman)**

City Auditor Donald Allman, CPA addressed the Council and provided a handout summary of the Kenedy Volunteer Fire Department professional forensic accounting findings to Council. Allman stated that bank statements, receipts, check copies and other supporting documents for the December 31, 2018, 2019, and 2020 years were examined. In additions, interviews were conducted. Allman stated there was not enough evidence to support any conclusion for possible fraudulent activity. However, Allman did state there were many transactions that did not have enough documentation and supporting evidence. Allman discussed suggestions for improvement.

11. **Consideration and possible action regarding the purchase of a 2020 F550 Skeeter Hybrid ATP Brush Fire Truck in the amount of \$195,036.00 and authorizing the City Manager to expend City funds and sign all necessary documents pertaining to the purchase. (Presenter: City Manager Linn)**

City Manager Linn addressed Council about the Kenedy Fire Departments need for a new brush fire truck.

Discussion was held among the Council, City Manager Linn, and Justin Garcia with the Kenedy Fire Department on the status of current units and the need for a new brush truck and how it will be outfitted and utilized.

Motion: Councilman Douglas made the motion to approve the purchase of a 2020 F550 Skeeter Hybrid ATP Brush Fire Truck in the amount of \$195,036.00 and authorizing the City Manager to expend City funds and sign all necessary documents pertaining to the purchase. Councilwoman Saenz seconded the motion. Motion carried unanimously.

12. **Consideration and possible action in regard to Ordinance No. 21-12, an Ordinance Making Appropriations for the Support of the City of Kenedy, Texas for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Adopting the Annual Budget of the City of Kenedy, Texas for the 2021-2022 Fiscal Funding Year Budget; Funding Municipal Purposes; Authorizing Expenditures; Providing for a Repealing Clause; a Severability Clause; and Providing for an Effective Date. (Presenter: City Manager Linn)**

City Manager Linn addressed Council about the Fiscal Year 2021-2022 Budget. Linn explained the CPI is currently at 5.3 percent and this budget is presented for 3 percent cost of living allowance (COLA) increase and up to 2.5 percent merit increase for a total of 5.5 percent in raises.

Discussion was held among the Council, Mayor Baker, City Manager Linn, and City Attorney Gad about the COLA and the merit increase for employees.

Motion: Councilman Douglas made the motion to approve Ordinance No. 21-12, an Ordinance Making Appropriations for the Support of the City of Kenedy, Texas for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Adopting the Annual Budget of the City of Kenedy, Texas for the 2021-2022 Fiscal Funding Year Budget; Funding Municipal Purposes; Authorizing Expenditures; Providing for a Repealing Clause; a Severability Clause; and Providing for an Effective Date. Councilwoman Schultz seconded the motion. Motion Carried.

FOR MOTION: Councilwoman Saenz, Councilman Rodriguez, Councilman Douglas,
Councilwoman Schultz

ABSENT: Councilman Parker

13. **Consideration and possible action in regard to Ordinance No. 21-13, an Ordinance of the City of Kenedy, Texas Ratifying the Property Tax Revenue Decrease in the 2021-2022 Budget as a result of the City receiving less Revenues from Property Taxes in the 2021-2022 Budget than in the Previous Fiscal Year; Providing for a Repealing Clause; a Severability Clause; and Providing for an Effective Date. (Presenter: City Manager Linn)**

City Manager Linn addressed Council about Ratifying the Property Tax Revenue Decrease in the 2021-2022 Budget as a result of the City receiving less Revenues from Property Taxes in the 2021-2022 Budget than in the Previous Fiscal Year.

Motion: Councilman Douglas made the motion to approve Ordinance No. 21-13, an Ordinance of the City of Kenedy, Texas Ratifying the Property Tax Revenue Decrease in the 2021-2022 Budget as a result of the City receiving less Revenues from Property Taxes in the 2021-2022 Budget than in the Previous Fiscal Year; Providing for a Repealing Clause; a Severability Clause; and Providing for an Effective Date. Councilman Rodriguez seconded the motion. Motion Carried.

FOR MOTION: Councilwoman Saenz, Councilman Rodriguez, Councilman Douglas,
Councilwoman Schultz

ABSENT: Councilman Parker

14. **Consideration and possible action in regard to Ordinance No. 21-14, an Ordinance of the City of Kenedy Levying Property Taxes for Use and Support of the Municipal Government of the City of Kenedy, Texas for the 2021-2022 Fiscal Year; Providing for a Repealing Clause; a Severability Clause; and Providing for an Effective Date. (Presenter: City Manager Linn)**

City Manager Linn addressed Council about levying property taxes for the 2021-2022 Fiscal Year and stated the No New Revenue Tax Rate is 0.301226.

Motion: Councilman Douglas made the motion to approve Ordinance No. 21-14, an Ordinance of the City of Kenedy Levying Property Taxes for Use and Support of the Municipal Government of the City of Kenedy, Texas for the 2021-2022 Fiscal Year; Providing for a Repealing Clause; a Severability Clause; and Providing for an Effective Date. Councilwoman Saenz seconded the motion. Motion Carried.

FOR MOTION: Councilwoman Saenz, Councilman Rodriguez, Councilman Douglas,
Councilwoman Schultz

ABSENT: Councilman Parker

15. **Consideration and possible action in regard to Resolution No. 21-07, Authorizing and Approving the Kenedy 4B Corporation 2021-2022 Fiscal Budget in Accordance with Texas Local Government Code Section 501.073 (a). (Presenter: City Manager Linn)**

City Manager Linn addressed council and stated the Kenedy 4B Corporation Fiscal Year 2021-2022 Budget needs to be approved by council. Linn stated that \$1.5M will be moved for the convention center/youth center.

Motion: Councilman Rodriguez moved to approve Resolution No. 21-07, Authorizing and Approving the Kenedy 4B Corporation 2021-2022 Fiscal Budget in Accordance with Texas Local Government Code Section 501.073 (a). Councilwoman Saenz seconded the motion. Motion carried unanimously.

- 16. Consideration and possible action in regard to awarding a contract to Dirt Boys, Inc in an amount not to exceed \$153,743.00 for the Graham Rd. milling and overlay project; and authorizing the City Manager to sign all documents relating to the project. (Presenter: City Manager Linn and Prk/Street Dir. Joe Hernandez)**

City Manager Linn addressed council to discuss awarding a contract to Dirt Boys, Inc. for the Graham Road milling and overlay project.

Parks & Streets Director Hernandez addressed council and answered questions about dust control.

Motion: Councilman Douglas moved to approve awarding a contract to Dirt Boys, Inc in an amount not to exceed \$153,743.00 for the Graham Rd. milling and overlay project; and authorizing the City Manager to sign all documents relating to the project. Councilwoman Saenz seconded the motion. Motion carried unanimously.

- 17. Consideration and possible action in regard to awarding a contract to SLP Constructors, Inc in an amount not to exceed \$96,548.00 for waterline improvements on Loma Alta; and authorizing the City Manager to sign all documents relating to the project. (Presenter: City Manager Linn and PWD Jerry Higgins)**

City Manager Linn addressed council to discuss awarding a contract to SLP Constructors, Inc. for the Loma Alta waterline improvement project.

Public Works Director Jerry Higgins addressed council and answered questions about the waterline improvement and TCEQ.

Motion: Councilman Douglas moved to approve awarding a contract to SLP Constructors, Inc in an amount not to exceed \$96,548.00 for waterline improvements on Loma Alta; and authorizing the City Manager to sign all documents relating to the project. Councilwoman Schultz seconded the motion. Motion carried unanimously.

- 18. Consideration and possible action to approve a request to vacate and re-plat in the CSL Commercial Subdivision in Karnes County, Texas; Block 1 Lot 11 on the plat of record in Cabinet B Page 28 of the plat records of Karnes County, Texas, to be known as Lot 11A and Lot 11B in the CSL Commercial Subdivision in Karnes County, Texas to be further know as 142 Park Place and 144 Park Place respectively.**

City Manager Linn addressed council and stated Building Official Jaime Albiar is not present tonight and stated this agenda item has previously been approved by Planning & Zoning. Gretchen Dupnik, P&Z President, is present if there are any questions.

Motion: Councilman Douglas moved to approve a request to vacate and re-plat in the CSL Commercial Subdivision in Karnes County, Texas; Block 1 Lot 11 on the plat of record in Cabinet B Page 28 of the plat records of Karnes County, Texas, to be known as Lot 11A and Lot 11B in the CSL Commercial Subdivision in Karnes County, Texas to be further know as 142 Park Place and 144 Park Place respectively. Councilwoman Saenz seconded the motion. Motion carried unanimously.

19. **Consideration and possible action to approve a request to vacate and re-plat in the PHT Subdivision in the City of Kenedy ,Texas, Karnes county, Texas and being a portion of land described in a survey plat of 0.33 acres of land within the corporate limits of Kenedy out of the Carlos Martinez 15 League Grant Abstract No. 6, Karnes County, Texas and being a part of portion of land described in the conveyance to PHT Hospitality, LLC in the deed record in document 20200000952 of the official records of Karnes County, Texas to be further know as 318 S. Sunset Strip.**

City Manager Linn addressed council and stated Building Official Jaime Albiar is not present tonight and stated this agenda item has previously been approved by Planning & Zoning. Gretchen Dupnik, P&Z President, is present if there are any questions.

Motion: Councilman Douglas moved to approve a request to vacate and re-plat in the PHT Subdivision in the City of Kenedy ,Texas, Karnes county, Texas and being a portion of land described in a survey plat of 0.33 acres of land within the corporate limits of Kenedy out of the Carlos Martinez 15 League Grant Abstract No. 6, Karnes County, Texas and being a part of portion of land described in the conveyance to PHT Hospitality, LLC in the deed record in document 20200000952 of the official records of Karnes County, Texas to be further know as 318 S. Sunset Strip. Councilwoman Saenz seconded the motion. Motion carried unanimously.

20. **Consideration and possible action regarding Resolution 21-08 a Resolution of the City Council of the City of Kenedy approving the submission of a grant application for the Office of the Governor’s Body Cam Grant No. 4363601 by the Kenedy Police Department; Providing a Repealing Clause; Providing for Severability; and Providing and effective date. (Presenter: Chief Ashe)**

Chief Ashe addressed council regarding a grant application for body cameras.

Motion: Councilman Douglas moved to approve Resolution 21-08 a Resolution of the City Council of the City of Kenedy approving the submission of a grant application for the Office of the Governor’s Body Cam Grant No. 4363601 by the Kenedy Police Department; Providing a Repealing Clause; Providing for Severability; and Providing and effective date. Councilwoman Schultz seconded the motion. Motion carried unanimously.

21. **Closed Session: City Council will meet in Closed Session in accordance with the Texas Open Meetings Act, Texas Government Code under Section 551.074 (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.**

A. City Manager

At 8:56 p.m., Mayor Baker convened the Kenedy City Council into an executive session in accordance with the Texas Open Meetings Act, Texas Government Code under Section 551.074 (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

22. 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. City Manager: Action to be taken regarding items discussed in executive session.

At 10:37 p.m., Mayor Baker reconvened the Kenedy City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any necessary actions related to the executive session noted herein, or regular agenda items, noted above, and/or related it.

Motion: Councilman Douglas made the motion to approve Resolution 21-09 a Resolution of the City Council of the City of Kenedy to increase the City Manager's salary by \$15,000 from the \$30,000 surplus of funds in the Administration approved budget. Councilwoman Saenz seconded the motion.

Motion: Councilman Douglas made the motion to correct the last motion to approve Resolution 21-09 a Resolution of the City Council of the City of Kenedy to increase the City Manager's salary by \$15,500 from the \$30,000 surplus of funds in the Administration approved budget. Councilwoman Saenz seconded the motion. Motion carried unanimously.

23. Consideration and possible action in regard to establishing a date and time to conduct a workshop for the purpose of discussing the City of Kenedy Convention and Youth Centers. (Presenter: City Manager Linn)

Motion: Councilman Douglas made the motion to set the workshop date to September 21, 2021, at 6:00 p.m. to be held at the Convention Center located at 820 Escondido for the purpose of discussing the City of Kenedy Convention and Youth Centers. Councilwoman Saenz seconded the motion. Motion carried unanimously.

24. Consideration and possible action in regard to establishing a date and to conduct a workshop for the purpose of discussing the Interlocal Agreement between the City of Kenedy and the San Antonio River Authority. (Presenter: City Manager Linn)

Motion: Councilman Douglas made the motion to set the workshop date to October 18, 2021 at 6:00 p.m. to be held at the City Auditorium in the Ruhman C. Franklin Municipal Building for the purpose of discussing the Interlocal Agreement between the City of Kenedy and the San Antonio River Authority. Councilwoman Schultz seconded the motion. Motion carried unanimously.

25. Items to consider for placement on future agendas. (Governing Body, City Manager, City Attorney)

Mayor Baker request the following item be placed on the October 12, 2021 agenda:

Consideration and possible action in regard to identifying possible solutions aimed at reducing the number of vandalism incidents involving graffiti within the City of Kenedy and possible ways to remove the graffiti from city landmarks, as well as public and private properties.

26. Announcements of Community interest and/or upcoming events. (Governing Body, City Manager, City Secretary)

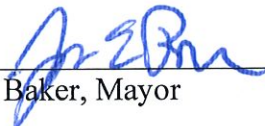
Mayor Baker stated the Coffee in the Park with the Mayor had a great turnout and a Porter's Coffee, new business in town, is a portable unit and was present for the meeting.

Councilman Douglas stated homecoming will be on October 01, 2021.

27. Adjourn.

Mayor Baker adjourned the meeting at 10:53 p.m.

APPROVED:



Joe Baker, Mayor

ATTEST:



Ruby Beaven, City Secretary