

**REGULAR MEETING**

**January 08, 2013**

**7:00 p.m.**

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There being a quorum present, Mayor Saunders called the meeting to order at 7:00 p.m.

Council members present: Greg Allen, Ann Fessenden and Tyrone Martin

Absent: Rick Neumayer

Martin made a motion to approve the Consent Agenda to include the Minutes to the last meeting and budget review and payment of bills. Allen seconded the motion.

Votes:

**For** –Allen, Fessenden, and Martin

**Against** – None

**Passed** – 3-0

**Public Comment:**

- None

Martin made a motion to table consideration of an appointment to fill Carole Cottrell's unexpired term until the next Regular Meeting. Fessenden seconded the motion.

Votes:

**For** –Allen, Fessenden, and Martin

**Against** – None

**Passed** – 3-0

The following Resolution was read for consideration:

RESOLUTION NO. 20130108-1

**Local Opportunity Plan Resolution**

**WHEREAS:**

In accordance with 12 U.S.C. 1701u, (Section 3), the City of Kerens desires to provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out

**NOW, THEREFORE, WE,**

The City of Kerens, agrees to adopt a Local Opportunity Plan and Section 3 Policy, and, to the greatest extent feasible, provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

Fessenden made a motion to pass and approve the Resolution as presented. Martin seconded the motion. Votes:

**For** –Allen, Fessenden, and Martin

**Against** – None

**Passed** – 3-0

The following Proclamation was read for approval:

**Fair Housing Month Proclamation  
Proclamation of April as Fair Housing Month**

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**WHEREAS** Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

**WHEREAS** the principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

**WHEREAS** The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

**NOW, THEREFORE, WE**, the City of Kerens do proclaim April as Fair Housing Month in the City of Kerens, and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

Allen made a motion to approve the Proclamation as read and to designate the Mayor as the Fair Housing/Equal Opportunity/Section 504 Standards Officer. Martin seconded the motion. Votes:

**For** –Allen, Fessenden, and Martin

**Against** – None

**Passed** – 3-0

The following Resolution was read for consideration:

**Resolution No. 20130108-2**

**Excessive Force Resolution**

A resolution establishing rules and regulations regarding the use of excessive force during nonviolent civil rights demonstrations, including physically barring entrance to a facility or location which is the subject of such demonstrations, and providing penalties for violations thereof: In the following City of Kerens, County of Navarro, State of Texas, as follows:

**ARTICLE I**

Section 1: It is the policy of the City of Kerens to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations. The city/county also prohibits the physical barring of any entrance to, or exit from, such a facility within its jurisdiction.

**ARTICLE II**

Section 1 It is the policy of the city/county to enforce this policy to the full extent allowed by law.

Martin made a motion to pass and approve the Resolution as read. Fessenden seconded the motion. Votes:

**For** –Allen, Fessenden, and Martin

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Against – None

Passed – 3-0

The following Resolution was read for consideration:

**RESOLUTION NO. 20130108-3**

**A RESOLUTION ESTABLISHING CITY POLICY REGARDING A SECTION 504 WRITTEN CITIZEN GRIEVANCE PROCEDURE.**

**BE IT RESOLVED** by the City of Kerens as follows:

1. The City of Kerens has adopted an internal grievance procedure providing for prompt an equitable resolution of complaints alleging any action prohibited by the U.S. Department of Housing and Urban Development regulations (24 CFR Subpart A Sec. 8.4(a) implementing Section 504 of the Rehabilitation Act of 1973 as amended (29 USC 794). Section 504 states, in part that "No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..."

2. Complaints should be addressed to the 504 Coordinator: Mayor, City of Kerens, 200 S. Colket Ave., Kerens, TX 75144; , who has been designated to coordinate Section 504 compliance efforts. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations. A complaint should be filed within ten (10) working days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis).

3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the 504 coordinator. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the 504 coordinator, and a copy forwarded to the complainant no later than ten (10) working days after its filing. The Section 504 coordinator shall maintain the files and records of the City of Kerens relating to the complaints files.

5. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within ten working days to the City of Kerens.

6. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban

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Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Kerens of complies with Section 504 and HUD regulations.

Martin made a motion to pass and approve the Resolution as read. Fessenden seconded the motion. Votes:

**For** –Allen, Fessenden, and Martin  
**Against** – None  
**Passed** – 3-0

Allen made a motion to approve Mayor Saunders' reappointment of Martha Fields and Janie Quinn as well as the appointment of Doris Hart to the Housing Authority Board of Directors. Fessenden seconded the motion. Votes

**For** –Allen, Fessenden, and Martin  
**Against** – None  
**Passed** – 3-0

Council discussed the possibility of an application for the HOME Program funding. Because the City does not have \$80,000 in cash reserves to commit to the Program, the Council sees no way to apply for this Program at this time.

### Operations

- **Property Inspections** – Officer Covey's report shows 5 occupancy inspections, and 5 junk vehicles plus 3 yards mowed.
- **Water Dept.** – No major problems to report.
- **Sewer Dept.** – Another collapsed clay tile line has developed in the SE section of town. This will be replaced by city crew.
- **Street Dept.** – Plans are being made for spring projects.
- **Police Dept.** – Chief Miers reported that one new officer has been hired and is in training and notices have been posted for one more.
- **Animal Control** – No new problems.
- **Court** – No problems.
- **Tax Dept.** – Russell Hudson's report not yet received.
- **Office** – Roof is leaking again.
- **Grants** – Chief Miers is working with KISD on an application for "Safe School" Grant to build sidewalks along Humphreys.
- **Economic Development** – Lance Andrews is purchasing the Vince Hagen Building to house his construction company. Council also discussed the proposed acquisition and rehabilitation of the Kerens Apartments by Fieser Development.
- **Long Range Planning** – No new information.

Allen made a motion to adjourn the meeting. Martin seconded the motion. Votes:

**For** – Neumayer, Allen, and Martin  
**Against** – None

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**Passed – 3-0**

With no further business to transact, Mayor Saunders adjourned the meeting at 7:55 p.m.

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**Jeffrey Saunders, Mayor**

**Attest:**

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**Cindy Scott, City Secretary**