

REGULAR MEETING

June 7, 2011

7:00 p.m.

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

Council members present: Rick Neumayer, Brett Latta, Greg Allen, Ann Fessenden and Tyrone Martin

Absent: None

City Secretary, Cindy Scott swore in Rick Neumayer, Ann Fessenden and Tyrone Martin as newly elected officials.

Martin made a motion to re-elect Rick Neumayer as Mayor Pro-Tem. with no other nominations, Latta seconded the motion. Votes:

For – Latta, Allen, Fessenden, and Martin

Against – None

Abstain – Neumayer

Passed – 4-0-1

Neumayer made a motion to re-appoint Cindy Scott as City Secretary. Martin seconded the motion. Votes:

For – Neumayer, Latta, Allen, Fessenden, and Martin

Against – None

Passed – 5-0

Latta made a motion to re-appoint Bryan Miers as Chief of Police. Allen seconded the motion. Votes:

For – Neumayer, Latta, Allen, Fessenden, and Martin

Against – None

Passed – 5-0

Latta made a motion to re-appoint Connie Hickman as Municipal Judge. Neumayer seconded the motion. Votes:

For – Neumayer, Latta, Allen, Fessenden, and Martin

Against – None

Passed – 5-0

Neumayer made a motion to re-appoint Brett Latta as the city's Voting Representative to North Central Texas Council of Government's General Assembly. Martin seconded the motion. Votes:

For – Neumayer, Latta, Allen, Fessenden, and Martin

Against – None

Passed – 5-0

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

For – Neumayer, Latta, Allen, Fessenden, and Martin

Against – None

Passed – 5-0

Public Comment:

- None

After some discussion, the following Ordinance was read for first consideration:

PROPOSED ORDINANCE

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF KERENS, TEXAS, AMENDING CHAPTER 5 SECTION 5 OF THE CODE OF ORDINANCES OF THE CITY OF KERENS, TEXAS

BE IT ORDAINED by the City Council of the City of Kerens, Texas that Chapter 5 Section 5 Part 7 of the City Code of Ordinances is hereby amended to add sub section F to read as follows:

Section 5 – Animal Control

Part 7: Animal Nuisance

- F. The keeping of more than 5 animals in any residence, except for newborn litters under the age of weaning from their mother.

The Ordinance will be read for the second and final consideration at the July Regular meeting.

The following Ordinance was read for first consideration:

PROPOSED ORDINANCE

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF KERENS, TEXAS, AMENDING SECTION 110-CERTIFICATE OF OCCUPANCY OF THE INTERNATIONAL BUILDING CODE AS ADOPTED BY THE CITY OF KERENS, TEXAS

BE IT ORDAINED by the City Council of the City of Kerens, Texas that Section 110.1 of the International Building Code as adopted by the City of Kerens is hereby amended to read as follows:

110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Prior to any connection of utilities or transfer of utilities from one name to another or from one location to another, the primary occupant must have been issued a certificate of occupancy or a temporary certificate of occupancy.

AND that Section 110.3(3) of the International Building Code as adopted by the City of Kerens is hereby amended to read as follows:

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3. The name and address of the owner and occupant.

The Ordinance will be read for the second and final consideration at the July Regular meeting.

Neumayer made a motion to disapprove Navarro Central Appraisal District's 2012 Proposed Budget and Cost Share. Latta seconded the motion. Votes:

For – Neumayer, Latta, Allen, Fessenden, and Martin

Against – None

Passed – 5-0

After some discussion concerning the number of incidents that would trigger legal action to enforce ordinances pursuant to Chapter 54 of the Texas Local Government Code, Latta made a motion that police response three times to the same property within a twelve-month period would justify action. Neumayer seconded the motion. Votes:

For – Neumayer, Latta, Allen, Fessenden, and Martin

Against – None

Passed – 5-0

The following Resolution was read for consideration:

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE SUITS AGAINST VIOLATORS OF CITY ORDINANCES AND STATE STATUTES AFFECTING MUNICIPAL HEALTH AND SAFETY PURSUANT TO CHAPTER 54 OF THE TEXAS LOCAL GOVERNMENT CODE AND CHAPTER 125 OF THE TEXAS CIVIL PRACTICE AND REMEDIES CODE.

WHEREAS, a large number of violations of the City Ordinances occur that amount to nuisances and potentially could have a high negative impact on the property, health and safety of the citizens of the City of Kerens and the City Attorney needs to react immediately to these threats to the City to the fullest extent permitted by law;

WHEREAS, the City of Kerens through its City Attorney is authorized pursuant to Chapter 125 of the Texas Practice and Remedies Code to file "nuisance abatement" lawsuits against persons who knowingly maintain a place defined as a common nuisance due to the habitual criminal activity occurring;

WHEREAS, the City of Kerens through its City Attorney is authorized pursuant to Chapter 125 of the Texas Practices and Remedies Code to file "nuisance abatement" lawsuits against combinations or criminal street gangs that continuously or regularly associate in gang activities defined as a public nuisance;

WHEREAS, the city of Kerens through its City Attorney is authorized pursuant to Chapter 125 of the Texas Practice and Remedies Code to file "nuisance abatement" lawsuits against combinations or criminal street gangs for the habitual use of a place defined as a public nuisance due to the gang activity;

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WHEREAS, violations of the ordinances and state statutes listed above have a negative impact on the property, health, and safety of the citizens of the City of Kerens, and this impact is immediate and ongoing; and

WHEREAS, the City Attorney must react quickly to violations of these ordinances and state statutes to prevent further loss to property, life and to reduce the impact to the health and safety of the City of Kerens citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERENS, TEXAS THAT:

1. The City Attorney is authorized and directed to effect all necessary legal action to enforce its ordinances pursuant to Chapter 54 of the Texas Local Government Code and all necessary legal action to abate nuisances pursuant to Chapter 125 of the Texas Civil Practices and Remedies Code, against all violators of its ordinances and state statutes relating to the property, health, and/or safety of the citizens of the City of Kerens, without seeking further City Council approval.
2. The City Attorney is further authorized and directed to take any and all necessary legal action under chapter 54 of the Texas Local Government Code and all necessary legal action to abate nuisances under the provisions of Chapter 125 of the Texas Civil Practice and Remedies Code and is authorized to file any and all suits and seek any and all injunctive, declaratory relief, civil penalties, and/or any other remedies allowed by law where authorized by state statute and City Code to that end, without seeking further City Council approval.

Operations

- **Property Inspections** – Don Covey’s report shows 16 properties cleaned or abated this month, 4 junk vehicles removed, and a4 citations issued for various code violations.
- **Water Dept.** – line replacement at the school was finished this month.
- **Sewer Dept.** – no major problems to report.
- **Street Dept.** – Mayor Saunders stated that he was still looking for a roller and ditch bucket.
- **Police Dept.** – Chief Miers reported that relations with the Sheriff’s Department seem to be improving.
- **Animal Control** – no problems to report
- **Court** – Roshael has made arrangements to get some Incode training from the City of Corsicana Municipal Court.
- **Tax Dept.** – Russell Hudson’s report not yet received, but last month’s report showed 88.77% of current taxes collected at the end of May, 2011.
- **Office** – No problems to report.
- **Grants** – Chief Myers stated that he had applied for a COPS Grant.
- **Economic Development** – No new information to report
- **Long Range Planning** – No progress to report

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Neumayer made a motion to recess the Regular Session and convene in Executive Session. Allen seconded the motion. Votes:

For – Neumayer, Latta, Allen, Fessenden, and Martin
Against – None
Passed – 5-0

Latta made a motion to adjourn the Executive Session and reconvene the Regular Session. Neumayer seconded the motion. Votes:

For – Neumayer, Latta, Allen, Fessenden, and Martin
Against – None
Passed – 5-0

Martin made a motion to approve the completion of Don Covey's probationary period and to increase his wages by \$1.00 per hour. Allen seconded the motion. Votes:

For – Neumayer, Latta, Allen, Fessenden, and Martin
Against – None
Passed – 5-0

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

For – Neumayer, Latta, Allen, Fessenden, and Martin
Against – None
Passed – 5-0

With no further business to transact, Mayor Saunders adjourned the meeting at 8:40 p.m.

Jeffrey Saunders, Mayor

Attest:

Cindy Scott, City Secretary