

REGULAR MEETING

March 10, 2015

7:00 p.m.

A public Hearing was held to discuss a request to live in a motor home during construction of a new home on Block 64 part of lots 7 & 8 at 112 S. Wright by Danny Jones.

There being a quorum present, Mayor Saunders called the meeting to order at 7:12 p.m.

Council members present: Rick Neumayer, Brandon Blue, Greg Allen, Ann Fessenden and Bruce Franklin.

Absent: None

Neumayer 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 – Neumayer, Blue, Allen, Fessenden and Franklin

Against – None

Passed – 5-0

Public Comment:

- None

Neumayer made a motion to accept and approve the audit for Fiscal Year Ending September 30, 2014 as presented by Frank Steel of Marx Anderson & Bohl. Fessenden seconded the motion. Votes:

For – Neumayer, Blue, Allen, Fessenden and Franklin

Against – None

Passed – 5-0

After some discussion, Fessenden made a motion to approve a Specific Use Permit to allow Danny Jones to live in his motor home during construction of a new house at 112 S. Wright. The SUP will expire on November 30, 2015. Allen seconded the motion. Votes:

For – Neumayer, Blue, Allen, and Fessenden

Against – Franklin

Passed – 4-1

The following Ordinance was read for consideration:

ORDINANCE 15-0310

AN ORDINANCE CANCELLING THE MAY 9, 2015, GENERAL ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; PROVIDING THAT THE ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A

REGULAR MEETING

March 10, 2015

7:00 p.m.

**SEVERABILITY CLAUSE AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the City of Kerens, Texas is a general law municipality located in Navarro County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, in accordance with law, a general election has been ordered for May 9, 2015, for the purpose of electing a mayor and aldermen to serve on the city council in the City of Kerens; and

WHEREAS, the city secretary has certified in writing that each candidate on the ballot is unopposed for election to office; and

WHEREAS, the filing deadlines for placement on the ballot and declaration of write-in candidacy have passed; and

WHEREAS, in these circumstances Subchapter C of Chapter 2 of the Election Code authorizes a governing body to declare each unopposed candidate elected to office and cancel the election.

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

Section 1. The following candidates, who are unopposed in the May 9, 2015, general election, are hereby declared elected to the specified offices and shall be issued a certificate of election:

Jeffrey Saunders, Mayor
Rick Neumayer, Alderman
Bruce Franklin, Alderman

Section 2. The city secretary is directed to post a copy of this ordinance at each designated polling place on May 9, 2015.

Section 3. This ordinance shall be cumulative of all provisions of ordinances of the City of Kerens, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 4. It is hereby declared to be the intention of the city council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have

REGULAR MEETING

March 10, 2015

7:00 p.m.

been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. This ordinance shall be in full force and effect from and after its passage, and it is so ordained

Neumayer made a motion to pass and approve the Ordinance as read. Fessenden seconded the motion. Votes:

For – Neumayer, Blue, Allen, Fessenden and Franklin

Against – None

Passed – 5-0

Neumayer made a motion to accept and approve Republic Services' request for a disposal increase of 1.0%. Allen seconded the motion. Votes:

For – Neumayer, Blue, Allen, Fessenden and Franklin

Against – None

Passed – 5-0

The following Ordinance was read for consideration:

ORDINANCE NUMBER 15-0310B

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF KERENS, TEXAS, AMENDING CHAPTER 5 SECTION 1 PART A REVISING MONTHLY RATES AND CHARGES FOR SERVICES FURNISHED BY THE CITY'S SANITATION DEPARTMENT; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; PRESCRIBING A DATE SUCH RATES AND CHARGES SHALL BECOME EFFECTIVE

WHEREAS, The City Council of the City of Kerens, Texas has determined it necessary to revise the monthly rates and charges of the City's Sanitation Department to meet increased obligations payable from the revenues of said Department; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERENS, TEXAS;

SECTION 1: REFUSE REGULATIONS

That the monthly rates and charges of the City's Sanitation Department shall be and are hereby revised and established to be as follows:

GARBAGE AND TRASH SERVICE CHARGE

Residential\$9.85 per month

Business\$13.75 per month

REGULAR MEETING

March 10, 2015

7:00 p.m.

The rates and charges herein provided for the Sanitation Department shall be effective as of April 1, 2015.

Neumayer made a motion to pass and approve the Ordinance as read. Allen seconded the motion. Votes:

For – Neumayer, Blue, Allen, Fessenden and Franklin

Against – None

Passed – 5-0

Chief Miers presented his Racial Profiling Report (copy attached as pages 354 – 356).

Neumayer made a motion to accept and approve the report as presented. Fessenden seconded the motion. Votes:

For – Neumayer, Blue, Allen, Fessenden and Franklin

Against – None

Passed – 5-0

Neumayer made a motion to approve the request for the City to pay the electric bill at the Veteran's Memorial. Allen seconded the motion. Votes:

For – Neumayer, Blue, Allen, Fessenden and Franklin

Against – None

Passed – 5-0

Operations

- **Code Enforcement** – Officer Covey reported 2 occupancy inspections, 2 vehicles abated, and the buildings belonging to Kevin Jackson can be demolished after March 13, 2015.
- **Water Dept.** – No major problems.
- **Sewer Dept.** – No new problems to report.
- **Street Dept.** – 100 block of N. Goodman needs to be repaired.
- **Police Dept.** – Chief Miers reported that things are running smooth and that the Senate Proclamation naming the BBQ on the Bricks as a Texas State Championship Qualifier has been received from Senator Birdwell.
- **Animal Control** – No new problems.
- **Court** – No problems. Court set for April 16.
- **Tax Dept.** – No report yet this month. 72.83% of current taxes collected as of January 31, 2015.
- **Office** – Scott reported that a new Experience Works trainee will start next week.
- **Grants** – TxDot has issued a call for projects that may offer funds for sidewalks along SH 31.
- **Economic Development** – Strategic Plan workshop was iced out.
- **Long Range Planning** – Downtown Building guidelines will be an agenda item for next month's council meeting..

REGULAR MEETING

March 10, 2015

7:00 p.m.

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

For – Neumayer, Blue, Allen, Fessenden and Franklin
Against – None
Passed – 5-0

With no further business to transact, Mayor Saunders adjourned the meeting at 8:10 p.m.

Jeffrey Saunders, Mayor

Attest:

Cindy Scott, City Secretary

TIER 1 - PARTIAL EXEMPTION RACIAL PROFILING REPORT

Agency Name: KERENS POLICE DEPT.
Reporting Date: 02/19/2015
TCOLE Agency Number: 349206
Chief Administrator: WESLEY B. MIERS
Agency Contact Information: Phone: 903-396-2971
Email: bmiers@ci.kerens.tx.us
Mailing Address:
KERENS POLICE DEPT.
200 S. Colket
Kerens, TX 75144

This Agency claims partial racial profiling report exemption because:

Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days.

Certification to This Report 2.132 (Tier 1) – Partial Exemption

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

KERENS POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the KERENS POLICE DEPT. from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the KERENS POLICE DEPT. if the individual believes that a peace officer employed by the KERENS POLICE DEPT. has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's complaint process;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the KERENS POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the KERENS POLICE DEPT.'s policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) The Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

I certify these policies are in effect.

Executed by: WESLEY B. MIERS

Chief Administrator

KERENS POLICE DEPT.

Date: 02/19/2015

KERENS POLICE DEPT. Motor Vehicle Racial Profiling Information

Number of motor vehicle stops:

- 1. 1437 citation only
- 2. 4 arrest only
- 3. 1 both
- 4. 1442 Total (4, 11, 14 and 17 must be equal)

Race or Ethnicity:

- 5 229 African
- 6. 16 Asian
- 7. 1033 Caucasian
- 8. 146 Hispanic
- 9. 18 Middle Eastern
- 10. 0 Native American
- 11. 1442 Total (lines 4, 11, 14 and 17 must be equal)

Race or Ethnicity known prior to stop?

- 12. 0 Yes
- 13. 1442 No
- 14. 1442 Total (lines 4, 11, 14 and 17 must be equal)

Search conducted?

- 15. 16 Yes
- 16. 1426 No
- 17. 1442 Total (lines 4, 11, 14 and 17 must be equal)

Was search consented?

- 18. 15 Yes
- 19. 1 No
- 20. 16 Total (must equal line 15)