

REGULAR MEETING

March 12, 2013

7:00 p.m.

A Public Hearing was held concerning Denis Cooper's Request for a Change in Zoning on C-2 Commercial District with a Specific Use Permit to allow a residence on Block 6 pt of Lots 12-16 located at 105 N. Colket Avenue.

There being a quorum present, Mayor Saunders called the meeting to order at 7:35 p.m.

Council members present: Brandon Blue, 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 – Blue, Allen, Fessenden, and Martin

Against – None

Passed – 4-0

Public Comment:

None

After some discussion, Martin made a motion to table consideration of the sign ordinance until the next regular meeting when Scott can make the changes discussed and present the ordinance for the first reading. Allen seconded the motion. Votes:

For – Blue, Allen, Fessenden, and Martin

Against – None

Passed – 4-0

Martin made a motion to deny Dennis Cooper's request for a change in zoning on C-2 Commercial District with a Specific Use Permit to allow a residence on Block 46 pt of Lots 12-16 located at 105 N. Colket Avenue. Fessenden seconded the motion.

Votes:

For – Blue, Allen, Fessenden, and Martin

Against – None

Passed – 4-0

The following Ordinance was read for consideration:

ORDINANCE 13-0312

AN ORDINANCE CANCELLING THE MAY 11, 2013, GENERAL ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; PROVIDING THAT THE ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A 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

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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 11, 2013, 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 11, 2013, general election, are hereby declared elected to the specified offices and shall be issued a certificate of election:

Jeffrey Saunders, Mayor
Rick Neumayer, Alderman
Tyrone Martin, Alderman

Section 2. The city secretary is directed to post a copy of this ordinance at each designated polling place on May 11, 2013.

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

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

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

For – Blue, Allen, Fessenden, and Martin
Against – None
Passed – 4-0

The following Resolution was read for consideration:

RESOLUTION NO. 13-0312

A RESOLUTION OF THE CITY OF KERENS, TEXAS, ENDORSING CERTAIN LEGISLATIVE ACTION IN THE REGULAR SESSION OF THE 83RD TEXAS LEGISLATURE TO ENHANCE THE COMPETITIVE ELECTRIC MARKET AND SYSTEM RELIABILITY AND TO PROTECT THE TRADITIONAL ROLE OF CITIES IN THE REGULATORY PROCESS

WHEREAS, the City of Kerens, Texas is a member of the Steering Committee of Cities Served by Oncor (“OCSC”), a coalition of 150 cities which intervenes in Oncor rate cases and otherwise pursues policies and advocacy to secure affordable electric energy for its members and their residents in the deregulated electric market; and

WHEREAS, affordable and reliable power means economic development for the City and a better standard of living for our citizens; and

WHEREAS, the City supports legislative initiatives that promote a healthy electric market where competition can flourish and electric customers can save money; and

WHEREAS, the City endorses the legislative agenda of OCSC and opposes legislative initiatives that would fundamentally alter the ERCOT energy market or the traditional role of cities in the regulatory process.

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

1. The Regular Session of the 83rd Texas Legislature be encouraged to preserve the traditional role of cities in the regulatory process, including management of the public rights-of-way, original jurisdiction, and reimbursement of reasonable rate case expenses.

2. The Legislature make no statutory changes that would lead to a reduction in municipal revenues paid by public utilities as franchise fees for rental of public rights-of-way.

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3. The Legislature facilitate and encourage public/private partnership opportunities between cities and electric generation developers in creating small-scale (not to exceed 50 MW) power plants capable of rapidly meeting peak power needs.

4. The Legislature preclude foreign ownership of electric distribution assets and clarify existing law that home rule cities, individually or collectively, shall be permitted to own and operate electric distribution assets so long as said cities are not involved in retail sales of electricity.

5. The Legislature resist any efforts to transform the energy-only ERCOT market into a capacity market which would increase the price of electricity.

6. The Legislature enhance protections against anti-competitive activities in the wholesale market and require the Public Utility Commission ("PUC") to reform its rules related to Voluntary Mitigation Plans and allow cities and other interested parties to participate in review of such plans.

7. The Legislature recognize that "smart meters" are under-utilized with regard to encouraging and incentivizing reductions in energy consumption during peak periods and that the regulated transmission and distribution utilities which own the "smart meters" be allowed to re-enter the retail electric market to the extent they offer regulated rate plans designed to incent reductions in peak energy consumption.

8. The Legislature mandate that the PUC and market participants provide consumer education regarding the relationship between time of use, cost of energy production and transmission, and the price paid by consumers.

9. The Legislature require the PUC to establish certain uniform products that must be offered by all retail electric providers ("REPs") and to establish new rules governing the powertochoose and powertosavetexas websites that will better inform retail customers of complaints against REPs and better educate customers regarding the economic and market benefits of reducing demand during peak periods.

10. This resolution shall take effect immediately upon its passage.

11. A copy of this resolution shall be sent to the elected lawmakers representing the City's interests in the Texas House and Senate and to Jay Doegey, Chair of the Steering Committee of Cities Served by Oncor, Arlington City Attorney, Mail Stop 63-0300, P.O. Box 90231, Arlington, Texas 76004-3231.

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

For – Blue, Allen, Fessenden, and Martin

Against – None

Passed – 4-0

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Fessenden made a motion to approve Allied Waste's request for a rate increase and to place an item on next month's agenda to pass this increase along to our customers. Martin seconded the motion. Votes:

For – Blue, Allen, Fessenden, and Martin
Against – None
Passed – 4-0

Martin made a motion to approve a proclamation declaring the week of March 17-23, 2013 as Poison Prevention Week in Kerens. Fessenden seconded the motion. Votes:

For – Blue, Allen, Fessenden, and Martin
Against – None
Passed – 4-0

Operations

- **Property Inspections** – Officer Covey's report shows 2 occupancy inspections, and 9 junk vehicles abated, plus 2 yards mowed or cleaned.
- **Water Dept.** – No major problems to report.
- **Sewer Dept.** – No new problems to report.
- **Street Dept.** – Asphalt repairs continuing as weather permits.
- **Police Dept.** – Chief Miers reported that they are still working on the Hanes burglary along with various other agencies.
- **Animal Control** – No new problems.
- **Court** – Truancy court is scheduled for Monday.
- **Tax Dept.** – Russell Hudson's report shows 84.27% of current taxes collected as of February 28, 2013.
- **Office** – No problems.
- **Grants** – everything is on track.
- **Economic Development** – New Barber Shop is opening downtown and Eddie McNeese's building has sold.
- **Long Range Planning** – New lights should be here in about 6 weeks.

At 8:50 p.m. Martin made a motion to recess the Regular Session and convene in Executive Session. Fessenden seconded the motion. Votes:

For – Blue, Allen, Fessenden, and Martin
Against – None
Passed – 4-0

Fessenden made a motion to adjourn the Executive Session and reconvene the Regular Session. Martin seconded the motion. Votes:

For – Blue, Allen, Fessenden, and Martin
Against – None
Passed – 4-0

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Allen made a motion to change employment status of Ed Martinez from probationary to permanent full-time with all benefits and a 75¢ per hour pay increase. Martin seconded the motion. Votes:

For – Blue, Allen, Fessenden, and Martin

Against – None

Passed – 4-0

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

For – Neumayer, Allen, and Martin

Against – None

Passed – 3-0

With no further business to transact, Mayor Saunders adjourned the meeting at 8:55 p.m.

Jeffrey Saunders, Mayor

Attest:

Cindy Scott, City Secretary