

**REGULAR MEETING**

**September 6, 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, and Ann Fessenden

Absent: Tyrone Martin

Neumayer 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, and Fessenden

**Against** – None

**Passed** – 4-0

**Public Comment:**

- None

The following Ordinance was read for final consideration:

**ORDINANCE NUMBER 11-0906A**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF KERENS, TEXAS, AMENDING CHAPTER 9 SECTION 2 PART R REVISING MONTHLY RATES AND CHARGES FOR SERVICES FURNISHED BY THE CITY'S SEWER SYSTEM; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; AND 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 Sewer System to meet increased maintenance and operation expenses and pay obligations payable from the revenues of said System; now, therefore,

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

SECTION 1: That the monthly rates and charges of the City's Sewer system shall be and are hereby revised and established to be as follows:

SEWER RATES

First	2,000 gallons .....	\$20.00 (minimum)
All over	2,000 gallons .....	\$2.50 per 1,000 gallons

SECTION 2: That the rates and charges herein provided for the Sewer System shall be effective as of October 1, 2011.

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**7:00 p.m.**

SECTION 3: That all Ordinances, orders or resolutions, or parts thereof, heretofore passed and adopted by the City council in conflict herewith, shall be and the same are hereby repealed.

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

- For** – Neumayer, Latta, Allen, and Fessenden
- Against** – None
- Passed** – 4-0

The following Ordinance was read for final consideration:

**ORDINANCE NUMBER 11-0906B**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF KERENS, TEXAS, AMENDING CHAPTER 9 SECTION 3 PART 1 REVISING MONTHLY RATES AND CHARGES FOR SERVICES FURNISHED BY THE CITY'S WATER SYSTEM; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; AND 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 Water System to meet increased maintenance and operation expenses and pay obligations payable from the revenues of said System; now, therefore,

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

SECTION 1: That the monthly rates and charges of the City's Water System shall be and are hereby revised and established to be as follows:

WATER RATES

First	2,000 gallons .....	\$26.00 (minimum)
All over	2,000 gallons	\$8.50 per 1,000 gallons
Bulk Water	1,000 gallons .....	\$15.00 Bulk Water (with \$15.00 minimum per load)

SECTION 2: That the rates and charges herein provided for the Water System shall be effective as of October 1, 2011.

SECTION 3: That all Ordinances, orders or resolutions, or parts thereof, heretofore passed and adopted by the City council in conflict herewith, shall be and the same are hereby repealed.

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

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

**Against** – None

**Passed** – 4-0

Martin arrived at 7:06 p.m.

The following Interlocal Agreement was read for consideration:

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF KERENS AND NAVARRO COUNTY**

**PREAMBLE:**

The Parties of this Agreement ("Agreement") are the City of Kerens ("the city") and the County of Navarro ("the county"), (collectively referred to as the "Parties"). The county and the City enter into this Agreement under the provisions of the Interlocal Cooperation Act, Texas Government Code Chapter 791. This Agreement is made for the purpose of efficient and effective use of resources and is in the best economical interests of the County and the City.

The County is a political subdivision of the State of Texas, located in Navarro County, Texas who may be contacted c/o H.M. Davenport Jr., Navarro County Judge, Navarro County Courthouse, 300 W. 3<sup>rd</sup> Ave., Corsicana, Navarro County, Texas 75110.

The City is a municipal entity that may be contacted c/o Jeffrey Saunders P.O. Box 160 Kerens, TX 75144.

**WHEREAS**, the County and the City have identified certain common, legitimate public purposes in entering into this agreement; and

**WHEREAS**, the County and the City have historically enjoyed a mutually satisfactory and cooperative relationship that has benefited the citizens of Navarro County and the citizens of the City of Kerens, and both parties intend future cooperation with each other; and

**WHEREAS**, the governing bodies of the County and the City have each met in legally convened open meetings and authorized their respective representatives to negotiate into this Agreement; and

**WHEREAS**, the County and the City agree to establish an agreement as required by House Bill 1445 for the regulations of subdivisions within the extraterritorial jurisdiction of the City of Kerens.

**NOW, THEREFORE:**

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**7:00 p.m.**

The County of Navarro and the City of Kerens, acting by and through their designated and authorized representatives, hereby agree as follows:

1. Kerens shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in Kerens' ETJ and may regulate subdivisions under subchapter A of Chapter 212 of the Texas Local Government Code and other statutes applicable to municipalities, and Navarro County shall no longer exercise any of these functions in Kerens' ETJ.
2. The City agrees to establish and staff one office that is authorized to accept plat applications for tracts of land located within the extraterritorial jurisdiction of the City of Kerens.
3. The City agrees to collect all plat application fees in a lump-sum amount and remit the county's portion on an annual basis.
4. The City agrees to provide one response indicating approval or denial of the plat application.
5. The City agrees to provide Navarro County with copies of the proposed plat for review prior to consideration by the Kerens City Council and filing with the County Clerk.
6. Should Kerens expand or reduce its ETJ, Kerens shall promptly notify Navarro County of such expansion or reduction so that this Agreement may be amended to take into account the expansion or reduction in Kerens' ETJ. In the event that Kerens' ETJ should expand or reduce such that the expansion or reduction of ETJ necessitates the amendment of this Agreement, both Kerens and Navarro County agree that Kerens shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and to regulate subdivisions under subchapter A of chapter 212 of the Texas Local Government code and other statutes applicable to municipalities, until this agreement is amended to take into account such ETJ expansion or reduction.

**GENERAL TERMS AND AGREEMENTS:**

- A. This Agreement shall be binding upon, and inure to the benefit of the Parties to this Agreement and their respective legal representatives, successors, and assigns when permitted by this Agreement.
- B. This Agreement shall be constructed under and in accordance with the laws of the state of Texas and all obligations of the parties created by the Agreement are performable in Navarro County, Texas.
- C. No amendment or modification of the terms of the Agreement shall be binding unless it is in writing, dated subsequent to the date of this Agreement approved by the Parties' respective governing bodies, and duly executed by the Parties to the Agreement.

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7:00 p.m.

Neumayer made a motion to pass and approve the Agreement as read, and to send it to Navarro County Commissioners Court for their consideration. Allen seconded the motion. Votes:

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

**Against** – None

**Passed** – 5-0

Martin made a motion to approve Jeffrey Saunders, Rick Neumayer and Cindy Scott as signatories for all of the City's checking accounts as well as Bryan Miers on the PD Forfeiture Account and to remove Joe B. Baxter and Newt Holloway from any accounts the bank still has them on. Fessenden seconded the motion. Votes:

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

**Against** – None

**Passed** – 5-0

### Operations

- **Property Inspections** – Don Covey's report shows 11 houses on his list. Several have made progress toward compliance. The report also showed 8 vehicles brought into compliance, 9 properties brought into compliance and 3 Certificate of Occupancy inspections done this month.
- **Water Dept.** – Several more leaks have been repaired due to the hot dry weather. Gulf Shores will be billed for their bore that hit our 6" line near the bank.
- **Sewer Dept.** – I & I shows a very definite decrease since completing the manhole improvements.
- **Street Dept.** – Roller is in and running.
- **Police Dept.** – Chief Miers stated that new Crimes Against Children cases have been filed this month.
- **Animal Control** – No new problems
- **Court** – No problems. Collections are over budget by 35%.
- **Tax Dept.** – Russell Hudson's report shows not yet received.
- **Office** – No problems to report. We are getting ready for Homecoming Activities next weekend.
- **Grants** – Application for 2012 Water/Sewer has been approved. Proposals are coming in for Engineering and Consulting Services.
- **Economic Development** – Finish out of units 103 – 105 has started to accommodate a Mexican Restaurant in the downtown building.
- **Long Range Planning** – There was some discussion on lamp posts.
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Neumayer made a motion to adjourn the meeting. Fessenden 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 8:00 p.m.

**REGULAR MEETING**

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**7:00 p.m.**

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**Jeffrey Saunders, Mayor**

**Attest:**

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**Cindy Scott, City Secretary**