MINUTES
of the
KEENE CITY COUNCIL

THURSDAY, APRIL 11, 2019

PRESENT: Mayor Gary Heinrich, James Belz, Lisa Parrish, Robert Cooper, Rob Foster, Cheryl Schram, and Gwen Beeson.

ABSENT: None

CALLED TO ORDER: Called the Regular meeting to order at 6:00 p.m.

Invocation & Pledge of Allegiance & Texas Pledge – Mayor Gary Heinrich

1. Public Comments.

   No public comments.

2. Mayor’s Comments.

   No comments.

3. Proclamation for Motorcycle Safety Month.

   Mayor Heinrich presented a proclamation promoting Motorcycle Safety Month.

4. Presentation from Animal Control regarding the Keene Animal Shelter. Discussion and possible direction to staff.

   Christina Austin came forward with a power point presentation. Ms. Austin started with the paint job that was completed October 30th. On February 28th we did touch ups. Replaced lighting fixtures and bulbs above the kennels and the sink. The water heater was temporarily repaired on March 21st. The epoxy floors were done on March 18th. Working on insulating the ceiling and around the garage door. Possibly looking at putting up a fan. We need a canvas awning in place for inclement weather. Would like to install gutters on one side and weather strips on doors and garage. Repair kennels with new bolts and screws.
Replace two holes in the wall and fencing along the outside areas. Ms. Austin gave Council some operating numbers for a shelter. She reminded Council that she currently does both Code Enforcement and Animal Control. Ms. Austin believes that this needs to be two separate jobs. A full-time Animal Control Officer annually would be $32,750 and a part-time Kennel Technician annually would be $9,880-$10,868. Ms. Austin explained the role of a kennel technician.

Mayor Heinrich asked what is needed for a full-time animal control officer. What kind of credentials?

Christina Austin stated a high school diploma.

Mayor Heinrich asked if they can issue citations.

Christina Austin stated yes. Ms. Austin continued with what services an operating shelter can provide and what we are providing now. We are currently handling animal bite investigations, local rabies control, enforcement of local ordinances and state laws regarding pet ownership, impound aggressive animals and livestock. Services we could provide is low cost microchip implants, public education to promote responsible pet owners, pet adoption programs, animal shelter facility for stray, unwanted animals, animal intake programs and wildlife trap service. Next are options for outsourcing the animal shelter. We can outsource to another city and there is a possible SPCA Agreement. Fees and possible agreement were provided in the packet. Volunteers are a possibility, but they will need to be monitored and/or supervised by a kennel technician. Ms. Austin continued to explain current conditions of the shelter and what services are currently being provided.

Ms. Austin is requesting guidance from Council on the direction they would like to take the Animal Shelter from here.

Mayor Heinrich asked how many dogs the shelter can handle right now.

Ms. Austin stated that the shelter has 8 kennels and 2 quarantines in the back. If we need to, we can also set up temporary kennels. We have a good connection with other city shelters. If we get full, we can reach out to them. We all work together to get these dogs adopted.
Mayor Heinrich asked what is done now. You stated before that you don’t pick up friendly dogs.

Ms. Austin stated that per the current ordinance, we do not pick up friendly dogs, only aggressive dogs. A lot of times the reason the dog may be aggressive is due to territory or being scared. Once the dog is picked up and we realize that it is not aggressive, we try and find the owner or a solution.

Rob Foster asked how many dogs are picked up a month.

Ms. Austin stated that she doesn’t have an accurate number but roughly 125 a year. This does not include return to owner pickups.

Cheryl Schram asked if the shelter checks for microchips.

Ms. Austin stated yes, we have a microchip reader.

Mayor Heinrich asked if we still registered dogs.

Ms. Austin stated yes and announced the vaccination clinic.

Rob Foster asked how many of the dogs picked up are aggressive.

Ms. Austin stated maybe one a month.

James Belz asked about the SPCA of Ellis County. Is that the closest?

Ms. Austin stated that was looked at with previous Council but was decided not to go forward with the contract. That is a route we can go if we choose to not update the shelter. It is a place we can turn to for unwanted pets. Ms. Austin believes that is not the best option though.

James Belz asked what the best option was.

Ms. Austin stated that getting the animal shelter up and running is the best option.

James Belz asked who will run the shelter.
Ms. Austin stated that the City would need to hire an Animal Control Officer.

James Belz asked where Christina was going.

Ms. Austin stated that she would separate from the position and only do Code Enforcement.

Brian LaBorde stated that before Christina was hired, Staff had a discussion with Council and where we were with Animal Control. The facility had conditions that the City had not addressed. Due to budget concerns we combined Code Enforcement and Animal Control for a trial period. The work load is too much for one person. We will look at adding a position when we start budget.

Mayor Heinrich asked if Council does what Christina is recommending, what kind of budget are we looking at.

Christina Austin stated that personnel cost for operating the shelter would be $70,000.

Cheryl Schram asked if there are areas of town that seem to have more loose dogs.

Christina Austin stated that it is all over the City.

Rob Foster asked what Animal Control's current budget was.

Christina Austin stated the FY 2018-2019 budget is $73,000. That includes my position being merged with Code Enforcement.

Cheryl Schram asked if it was separated out.

Christina Austin stated yes. My personnel cost is $50,252. That includes all my benefits. My actual salary is $33,734.

Cheryl Schram asked if Christina went to Code Enforcement full time, would there be enough there to warrant a full time Animal Control Officer and a Kennel Technician.
Christina Austin believes there is.

Brian LaBorde stated that Staff would bring this up during budget to see if it is possible to split the position for two full-time positions.

5. Discussion and possible action regarding Resolution No. 2019-358, authorizing continued participation with the steering committee of cities served by ONCOR and authorizing the payment of eight cents per capita to the steering committee to fund regulatory and legal proceedings and activities related to ONCOR Electric Delivery Company, LLC.

Robert Cooper made a motion to approve Resolution No. 2019-358, authorizing continued participation with the steering committee of cities served by ONCOR and authorizing the payment of eight cents per capita to the steering committee to fund regulatory and legal proceedings and activities related to ONCOR Electric Delivery Company, LLC. Seconded by James Belz. The motion carried unanimously, 6-0-0.

6. Discussion and possible action amending Ordinance No. 2017-548 regarding water billing procedures, fees, and related matters.

Brian LaBorde introduced some proposed changes to the existing ordinance to help with clarity and consistency.

Mayor Heinrich added that changing the fee name from reconnection to disconnection it will let people know that they will be charged for disconnection. Also, clarification on the date of disconnection.

Robert Cooper asked if the new paragraphs will be added into the ordinance if approved.

Cheryl Estes stated yes and proceeded to go over the fees addressed in the ordinance. The service transfer fee and the non-refundable application fees have been removed. Also, to pay a lower deposit, customers have the option of having a credit check done for a fee. We are proposing that if the customer brings in a letter of reference from their previous utility company, they can pay a lower deposit at no extra charge. We can do the same for our customers too. When they finalize their bill, we can automatically print out a letter of reference for their next utility company.

Cheryl Schram asked if other cities are doing that.
Cheryl Estes stated that she is not sure because Keene has never done that. However, other cities are accepting the reference letters for a lower deposit.

Cheryl Schram explained that the reason for all these rules in place is because we had so many customers pay their first month’s bill, stay three months, then leave after their water had been terminated. We had a lot of loss revenue. Does this still happen?

Cheryl Estes stated yes. The current practice is we must wait three months before finalizing a bill. This means applying the deposit to the outstanding balance. Any remaining balance is written off. We would like to narrow that to ten days. If they didn’t move out, they will need to reapply for service. The other change is regarding NSF checks. Customers come in and write a check to prevent having to pay the extra $50.00. The check is returned for NSF, the customer automatically is given an additional ten days and only have to pay the $25.00 NSF fee. What we would like to be able to do, is if a check comes back for NSF, we would like to be able to automatically add the charge of $50.00 and immediately disconnect the water.

Gwen Beeson asked about check verification for immediate funds like Home Depot.

Cheryl Estes stated that Staff is working on being able to do that. Another change is the the word reconnect/disconnects fee. Other cities call it an admin fee or service fee. The purpose of this fee is for Staff’s time and the paperwork that has to be done. Also, adding a specific time for last chance to pay. That would be 5:00 PM. This way, Staff can prepare the list for Public Works after all payments from in person, the drop box and online have been processed.

Cheryl Schram asked about online payments after 5:00 PM.

Cheryl Estes stated that with a push of a button, if a customer is subject to have their water turned off, they cannot make a payment online until all paperwork is processed.

Cheryl Schram asked about notifying people.
Cheryl Estes stated that all these changes will be included with their bill and notices will be in the lobby. Also, customers who are late will start receiving robocalls and/or texts with links to pay their bill.

Mayor Heinrich asked if someone will pick up the payments from the drop box at 5:00 PM.

Cheryl Estes stated yes.

Lisa Parrish expressed her concern with that time. Citizens have been accustomed to paying on the 7th. They are going to think they can drop it off or pay online until the 7th is over.

Cheryl Estes stated that we will send out notices and let them know for a few months.

Lisa Parrish stated that was her question a couple of weeks ago, the notices didn’t match the ordinance. I wasn’t so much concerned with changing the ordinance, just making sure the letters match the wording of the ordinance so that they are in sync. I would like to see that before we make any permanent changes. I am still not convinced that the disconnection fee is the right way to go for us.

Cheryl Estes stated that it will be changed to admin fee or processing fee. Whether or not the customer is disconnected or reconnected, the purpose of the fee is the paperwork along with the time and effort of staff because they did not pay their water bill. Last month, the big concern from customers was, their water was never physically turned off. So, they believed that they shouldn’t have had to pay the fee. What staff would like to do is if the customer hasn’t paid by a certain date and time, the customer will be charged an admin fee.

Lisa Parrish questioned if it really cost $50.00. Just making the cutoff list doesn’t cost the City anything. It only takes a few seconds to push a button on the computer.

Mayor Heinrich stated that the process begins, including sending our guys out to turn off the water.

Cheryl Estes stated that we have to pay for all the robocalls that went
out because they didn’t pay their bill.

Lisa Parrish asked how much that was.

Cheryl Estes stated about .10 cents per call. We also have personnel time.

Lisa Parrish stated that it seems we are double charging them. We are already charging them 10% late fee for not paying on the 7th.

Brian LaBorde stated that our billing has never changed. You have from the 7th to the 20th to pay. If you don’t pay on the 7th, you are accessed a penalty. If you don’t pay on the 20th, you are subject to disconnect. Staff is now having to use personnel to go out and do this disconnection. Dedicate the time from other duties just for this disconnection. That $50.00 fee is not only to assist with that but is also a deterrent. They have plenty of time to come in and pay. We have a frequent habitual list of individuals that consistently end up on the disconnection list.

Cheryl Estes stated that when a City stands firm on the ordinances, there is a reduction in cutoffs.

Gwen Beeson stated that administrative fee is appropriate. Also, in the paragraph it mentions that water will be reconnected during normal business hours…. unless deemed necessary. What is deemed necessary?

Cheryl Estes stated that in the ordinance is states that if you pay after 1:00 PM your water will be restored the next day. Staff hasn’t followed that part of the ordinance. If the customer came in and paid, their water was turned on that day. The guys usually work until 7:00 or 8:00 PM turning on water.

Lisa Parrish asked if the ordinance covers everything about our water customers. I didn’t see anything that defines residential water customer versus a commercial water customer. Do we have anything else that does that, such as for rates.

Brian LaBorde stated that we have a separate fee schedule for that because it is tied to the budget.
Lisa Parrish asked if we had looked at other cities to compare ordinances to make sure we stay business friendly.

Brian LaBorde stated that we did for the previous ordinance that is currently in place. We did not for this ordinance. Our goal for this one, was to make it more precise and clearer.

Rob Foster asked Cheryl Estes if she preferred admin fee or processing fee.

Cheryl Estes stated that she preferred either.

Rob Foster made a motion to approve Ordinance No. 2019-589 amending Chapter 50, General Provisions, Chapter 51, Water Systems, and Chapter 52, Sewers and Sewage Disposal changing disconnect fee to administrative fee. Seconded by Robert Cooper.

Rob Foster amended the motion to include the additional changes to the NSF checks and finalizing accounts. Seconded by Robert Cooper.

Lisa Parrish questioned when the administrative fee will be charged. Is it going to be charged on a certain date in the morning even if people come in that day and they pay, they will still be cut off. It’s going to be the same thing that happened in March. There is no incentive to pay that day.

Cheryl Estes stated that when we print out the list the $50.00 is automatically added to their bill. If we are in the process of doing the paperwork and they come in and pay, we will mark their name out.

Cheryl Schram stated that the incentive to not pay the $50.00 is to pay it the day before.

Lisa Parrish stated that it confuses her to charge them before it’s been done.

Rob Foster, “Question on the motion”.

The motion carried 5-1-0. Lisa Parrish against.
7. Discussion and possible action regarding a credit on service reconnection fees.

Mayor Heinrich stated that he had discussed with Cheryl Estes and Brian LaBorde regarding a possible credit. We agreed that if a customer was not on the cut off list for the last three months more than twice and they paid on the 21\textsuperscript{st}, the fees paid would be applied back to the customer's account as a credit. If they paid on the 22\textsuperscript{nd} or were on the list all three months, they would not receive a credit. The list is in the packet.

Cheryl Estes stated that there were 74 names on the list all three months. 67 were on the list two of the three months. 57 were on the list once out of the three months.

Mayor Heinrich stated that the disconnect letter stated the 21\textsuperscript{st} in March. Since we had a short month and people were accustomed to being able to pay on this date, we are willing to refund those customers that were not on the list all three months.

Gwen Beeson asked how many people complained that paid on the 21\textsuperscript{st} and were charged the fee.

Cheryl Estes stated three.

Gwen Beeson asked Lisa Parrish how many phone calls she received regarding this.

Lisa Parrish stated at least four.

Gwen Beeson asked if they were within the City limits.

Lisa Parrish stated yes. One paid the $50.00 in the afternoon but didn’t have her water turned off. Another came in during the morning, paid $50.00 and they had their water turned off. They didn’t have their water turned on again until that evening. I heard from more from social media and text. They were charged the $50.00 and still had their water turned off.

Gwen Beeson asked what incentive it gives people to pay on time. What
does that say to the people who did pay on time. People who paid by the 7th if not sooner to avoid the 10% fee.

Rob Foster asked how many complaints staff got last month.

Cheryl Estes stated the same three people.

Gwen Beeson stated that after talking to Cheryl, people who are having financial problems can come in and talk to staff on a case by case basis.

Lisa Parrish asked why is there a stipulation for being on the list all three months.

Mayor Heinrich stated that if they were on the list all three months, obviously they have a problem.

Lisa Parrish stated that her question with this when I brought it up two weeks ago was not talking about the habitual late payers and trying to punish them by charging them this fee early but because we didn’t follow the ordinance.

Cheryl Estes stated that we did follow the ordinance.

Lisa Parrish stated that she was still confused on the ordinance then. When I read the ordinance and I see service reconnection fee it says the fee to have service reconnected after having been disconnected for nonpayment or for other violations is $50.00. What she did was charged the $50.00 before they turned it off.

Mayor Heinrich stated that in the ordinance it states reconnection fee/disconnection fee. What your saying is that we shouldn’t have charged them unless they were disconnected. No matter what you call the fee, it is meant to be a deterrent.

Lisa Parrish is asking for a motion to refund the money because we were not following the ordinance.

Brian LaBorde stated that staff made a good faith effort and it’s a matter of interpretation. Now we are here to clarify, be consistent and get the support of the Council.
Lisa Parrish would like everyone who paid on the 21st to get a refund regardless of how many times they were on the list. We should have followed the ordinance. I would like to make it fair and not look like we are looking at their history and penalizing them again.

Mayor Heinrich stated that people would save a lot of money if they just paid their bill by the 7th. Over time they would get one free month based on what their saving in late fees.

Cheryl Estes stated that according to the ordinance, you have to owe more than $25.00 to get on the cut off list. We raised that to $50.00. We have customers come in and pay their bill down to $24.99 just so they won’t be on the cut off list.

James Belz asked Lisa Parrish out of the list provided, which ones are you requesting get a refund.

Lisa Parrish stated that she just the ones that paid on the 21st.

Rob Foster stated that about 6,000 people live in this town. Four or six people complain. I believe it is unfair for those of us who do abide by the rules to have the City refund up to $10,000 to those who didn’t.

Gwen Beeson made a motion to stay with our previous decision at Council two weeks ago to deny or vote down. Seconded by Robert Cooper. The motion carried 5-1-0. Lisa Parrish against.

8. Discussion and possible action regarding Ordinance No. 2019-590 regarding a Council agenda policy.

Lisa Parrish made a motion to table Item 8. Seconded by Rob Foster. The motion carried unanimously, 6-0-0.


Brian LaBorde reminded Council of the up and coming Council meetings for April 18th for discussion on the EMS Study and April 30th for discussion on Financial Health. Planning and Zoning will be meeting on April 15th. They will be discussing the Riva Keene Development. The Fire
Chief has received a bid for the parking lot and is within budget. Contractors have started the sewer project on the north side too.

10. Discussion and requests for future items on the agenda.

   No requests.

11. Adjournment.

   The meeting adjourned at 7:46 PM.

By: [Signature]

Gary Heinrich, Mayor

Attest: [Signature]

Holly Owens, T.R.M.C., City Secretary