MINUTES
of the
KEENE CITY COUNCIL

THURSDAY, APRIL 25, 2019

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

ABSENT: Rob Foster

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

Invocation & Pledge of Allegiance – Mayor Gary Heinrich

1. Public Comments.

   No public comments.

2. Mayor’s Comments.

   No comments or announcement.

3. Consideration and possible action regarding the minutes dated February 28, 2019 and March 14, 2019.

   Robert Cooper made a motion to approve the minutes dated February 28, 2019. Seconded by Gwen Beeson. The motion carried unanimously, 5-0-0.

   Robert Cooper made a motion to approve the minutes dated March 14, 2019. Seconded by Cheryl Schram. The motion carried unanimously, 5-0-0.

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

   Mayor Heinrich read under Section 30.03 of the ordinance, “The City Manager, in conjunction with the Mayor, shall establish and set agenda items for all special called and regular City Council meetings. Add item at the request of two City Council members in writing or email to the The Mayor and City Manager shall be placed on the agenda.”

   Lisa Parrish handed out some additional items to Council. Councilwoman Parrish believes that the ordinance is not as thorough as preferred.

   Brian LaBorde requested that this item be tabled since staff has not had a chance to review what is being handed out. Mr. LaBorde stated that this document was proofed by the City Attorney for legal decorum and was kept simple for Council and staff to expand upon it.

   Gwen Beeson asked if there has been a problem with items getting on the agenda. Every Council meeting, we have an agenda item for the request for new agenda items.
Lisa Parrish wonders how that will work and if the agenda item will remain on the agenda.

Mayor Heinrich stated that will not change. This is for items that come up between meetings. We have had the agenda set and you have wanted to move it or something and we didn’t do that. Your question to the attorney was how we set these agenda items. So, we came up with this with the help of the attorney.

Lisa Parrish believes it is confusing because it says the City Manager in conjunction with the Mayor. I think it should say the City Council in conjunction with the Mayor. Aren’t we the ones who set the policy and the agenda, the governing body?

Mayor Heinrich stated that the City Manager and the Mayor will work on the agenda.

Lisa Parrish stated that according to the charter, the governing body, the powers are all vested in us, the Council and so we set the operating policy, we should be setting our own agenda. I am having trouble with the City Manager establishing and setting the agenda. We should be establishing it by our requests to the Mayor.

Mayor Heinrich stated again the City Manager in conjunction with the Mayor sets the agenda. That is the way it has been since 1990.

Lisa Parrish stated just because that is the way it has been doesn’t mean it is the right way.

Mayor Heinrich stated that it isn’t too far off. If one Council member requests an item on the agenda, it may or may not work. However, if two Council members request it, then it goes on the agenda.

Lisa Parrish asked how we are going to know we have a second Council member. I can email you a request, then the burden is on you and the City Manager to ask the other Council members. How do I know?

Mayor Heinrich stated that is why we have the agenda item for requests.

Lisa Parrish stated that doesn’t mean I’m going to get the second person. I think it should be just one.

Brian LaBorde stated that would make the agenda overwhelming.

Lisa Parrish doesn’t think that staff is being overwhelmed with items on the agenda.

Cheryl Schram stated in our charter, if we change this, don’t we need to review the powers of the Mayor and responsibilities of the City Manager and how all that is set up about setting the agenda.

Brian LaBorde stated that there is nothing specific regarding setting the agenda.

**Robert Cooper made a motion to approve Ordinance No. 2019-590. The motion died for lack of a second.**
Mayor Heinrich stated that we are trying to set up some ground rules. Most of the items on the agenda must be on the agenda for City business.

Lisa Parrish asked if there is any way we can know in advance what is on the agenda.

Mayor Heinrich stated that is why we send this to you early.

Lisa Parrish stated by only a couple of days. I want it earlier than that. Something that lets us know what is coming up and whether we want it on the agenda. We have no say in that.

Mayor Heinrich reminded Councilwoman Parrish that at the end of the meeting is an agenda item that requests can be made. Special called meetings are specific and are usually for something time sensitive or a large item that needs to be discussed.

Gwen Beeson stated that during the week, if we have questions or concerns, we can visit with the Mayor or the City Manager. A lot of times, that issue can be resolved without adding an item to the agenda.

Lisa Parrish asked if this gets approved tonight and if we want to make changes to it, does it have to go to the City Attorney and back to Council every time. I would like to get this done once and right. I like this one better. It is simpler.

Brian LaBorde stated that the one presented by staff is more flexible. If you’re not careful, it can be too restrictive.

Cheryl Schram stated that these things are always evolving. By discussing it in open quorum, you will find that someone agrees with you and that it needs to be added to the future agenda for discussion. It also gives the citizens an opportunity to weigh in.

Lisa Parrish made a motion to table Item 6. Seconded by James Belz. The motion carried, 4-1-0. Robert Cooper against.

7. Discussion and possible action with direction to staff regarding the live streaming of City Council meetings.

Robert Cooper stated that he doesn’t believe that live streaming is needed, and the City cannot budget the money for it. There are too many other items that are needed.

Lisa Parrish believes that it needs to be presented in next year’s budget for consideration but not this one.

Cheryl Schram asked if it was in this year’s budget.

Brian LaBorde stated that a budget amendment would be needed.

No Action.

8. Discussion and possible action regarding quarterly investment report ending March 31, 2019.

Cheryl Estes came forward. The ending balance as of March 31, 2019 was $3,452,218.
Lisa Parrish asked about the Keene Fire & Rescue account and if it was closed.

Cheryl Estes stated that it was closed during the quarter.

James Belz asked about the Fiscal Impact on the staff report. It shows FY 18-19 was $8,954.08, of this amount, $6,210.63 was earned on the City’s investments for the month of March. Was this due to the rate increase.

Cheryl Estes stated yes.

Lisa Parrish asked what it was before and the amount it was bringing in.

Cheryl Estes stated the rate was .2%. It generated about $1,000 a month.

**Lisa Parrish made a motion to accept the quarterly investment report ending March 31, 2019. Seconded by Robert Cooper. The motion carried unanimously, 5-0-0.**

4. Discussion and possible action regarding Resolution No. 2019-356 designating authorized signatories for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant program (TxCDBG) contract number 7217092.

Kim Lacey came forward to explain the resolution.

**Robert Cooper made a motion to approve Resolution No. 2019-356. Seconded by James Belz. The motion carried unanimously, 5-0-0.**

5. Discussion and possible action regarding Resolution No. 2019-359 regarding civil rights protections in accordance with the Texas Community Development Block Grant program (TxCDBG) contract number 7217092.

Kim Lacey explained the resolution.

Lisa Parrish asked about the address and that it needs to be corrected.

**Cheryl Schram made a motion to approve Resolution No. 2019-359. Seconded by Robert Cooper.**

Bonnie Thomas asked for an explanation regarding civil rights.

Kim Lacey stated that a citizen complaint procedure needs to be available to all citizens. If any of the citizens have a complaint about the way this is administered, then they complain to the City Manager. The City Manager must reply within a certain amount of time. It is not about the project itself because that has already been approved. It is just the way the project is administered.

**Cheryl Schram added to the motion to include the appropriate address changes throughout the contract. Seconded by Robert Cooper. The motion carried unanimously, 5-0-0.**

Mayor Heinrich opened the public hearing at 6:31 PM.

Don Martin came forward to explain the zoning change. The variances being requested are listed with the Planned Development Ordinance.

Kim Schwimmer came forward to answer any questions.

Bonnie Thomas came forward and asked if the developer is required to have a fire suppression system.

Kim Schwimmer stated yes. All buildings will be sprinkled.

Lisa Parrish asked about the final report from Planning and Zoning.

Brian LaBorde stated that the report was emailed.

Lisa Parrish stated that it was the same report with the words “Final Report” in red at the top.

Brian LaBorde stated that there is nothing in the statue that defines a final report and is left up to the municipality.

Lisa Parrish doesn’t consider this to be a final report. There are no approved minutes with the report. I am having to take the word of whoever typed up this report. I want to see approved minutes.

Brian LaBorde stated that this was discussed with the City Attorney. There is no AG opinions and no case law where you need minutes in a final report.

Lisa Parrish stated that she wanted approved minutes. I want confirmation of their recommendation.

Robert Cooper stated that Planning and Zoning met in open session and anyone could have attended like me. They approved this.

Gwen Beeson pointed out that Phillip Jackson, the Chairman for Planning and Zoning was present.

Mayor Heinrich stated that at some point you must have trust in the people you work with.

Lisa Parrish stated that without the minutes it is hearsay and doesn’t consider it legal.

Samantha Gillin asked about the appropriate fire engines for a three-story structure. Also, is this Section 8 and/or Subsidized Housing?
Kim Schwimmer stated that is housing tax credits that are being applied for. There will be some affordable units but not Section 8. It will be a mixture of market rate units and affordable units.

Don Martin stated that the entire development will be sprinkled.

Chief Warner stated that currently Keene doesn’t have an Aerial Apparatus. When it comes time to replace our Frontline Apparatus, we will be requesting a Quint Apparatus. A Quint is a hybrid of sorts. It is a quintuple combination pumper, a service apparatus that serves the dual purpose of an engine and a ladder truck. Also, we currently have a mutual aid agreement with Cleburne which does have an Aerial Apparatus and they will respond if necessary.

Mayor Heinrich closed the public hearing at 6:44 PM.


Lisa Parrish made a motion to table Item 9. A completed report has not been delivered to Council, Planning and Zoning has not approved the minutes, so any documents in hand are not legal or valid. Texas Local Government Code Title 7A, Chapter 211, Subchapter A states No action can be taken until a final approved report is received by Council. The motion died for lack of a Second.


11. PUBLIC HEARING: Discussion regarding a Zoning Change of property located at Block 1, Lots 1-7 of the Fireside Village Addition and Block 2, Lots 1-6 of the Fireside Village Addition. Current zoning is SF-3, Single Family. Zoning change to PD, Planned Development.

Mayor Heinrich opened the public hearing at 6:47 PM.

Don Martin explained the zoning change. Currently, Fireside Village Addition does not match its current zoning or any zoning currently in the Comprehensive Plan.

Cheryl Schram clarified that this not spot zoning.

Brian LaBorde stated that Fireside was platted prior to the zoning. The City did a major zoning change in 2012. The zoning never fit making Fireside non-conforming.

Bonnie Thomas came forward regarding the Texas Constitution.

Samantha Gillin clarified that this is not for new construction.
Mayor Heinrich stated that is for the existing structures. Mayor Heinrich closed the public hearing at 7:01 PM.

12. Discussion and possible action regarding a Zoning Change of property located at Block 1, Lots 1-7 of the Fireside Village Addition and Block 2, Lots 1-6 of the Fireside Village Addition. Current zoning is SF-3, Single Family. Zoning change to PD, Planned Development.

Gwen Beeson made a motion to approve Ordinance No. 2019-592, a Zoning Change of property located at Block 1, Lots 1-7 of the Fireside Village Addition and Block 2, Lots 1-6 of the Fireside Village Addition. Current zoning is SF-3, Single Family. Zoning change to PD, Planned Development. Seconded by Robert Cooper. The motion carried 4-0-1. Lisa Parrish abstained.


Mayor Heinrich opened the public hearing at 7:02 PM.

Don Martin explained the changes to the ordinance.

Bonnie Thomas came forward to talk about the Texas Constitution and property rights.

Lisa Parrish asked if this was the same thing that has been brought before Council previously.

Mayor Heinrich stated it was similar. Instead of parking on the grass though, it must be an all-weather surface.

Lisa Parrish clarified that if they have more than two acres though they can still park in the grass.

Cheryl Schram clarified that it doesn’t matter if its commercial or residential.

Mayor Heinrich stated yes. Mayor Heinrich closed the public hearing at 7:12 PM.


15. PUBLIC HEARING: Discussion regarding a special use permit for a digital sign located at 304 US Hwy 67, Iglesia Adventist Church.

Mayor Heinrich opened the public hearing at 7:20 PM.
Don Martin explained that this is for a digital sign.

Carmen Curubo came forward as a representative of the church.

Bonnie Thomas came forward to talk about the Texas Constitution and property rights.

Mayor Heinrich closed the public hearing at 7:20 PM.

16. Discussion and possible action regarding a special use permit for a digital sign located at 304 US Hwy 67, Iglesia Adventist Church.

Cheryl Schram made a motion to approve Resolution No. 2019-360, a special use permit for a digital sign located at 304 US Hwy 67, Iglesia Adventist Church. Seconded by James Belz. The motion carried unanimously, 5-0-0.

Gwen Beeson clarified that this a special use permit that is permanent. They will not be required to renew annually.

Brian LaBorde stated that it is permanent.

17. Dept Reports
   - Police
   - Fire
   - Finance
   - Planning & Development
   - Code Enforcement
   - Animal Control

Each department came forward with their presentations and gave a synopsis of the month.

James Belz left Council at 7:34 PM and returned 7:37 PM.

Mayor Heinrich asked the difference between a moving violation and and vehicle violation.

Chief Jackson stated that a moving violation is speeding, and vehicle violation is a tail light out as examples.

Lisa Parrish asked about the new tea shop in Keene.

Don Martin stated that they will open as soon as the City approves the CO.

18. City Manager’s Report

Brian LaBorde requested a special Council Meeting for May 16th.

Lisa Parrish asked what the meeting would be about.
Brian LaBorde stated it was about the City's debt and Financial Health. We would also like to discuss property tax.

Brian LaBorde continued with scheduling an Audit Committee meeting. Gave an update on hiring a Public Works Director and the Meet and Greet with the two candidates for Economic Development Director. Brian LaBorde asked about the department reports.

Mayor Heinrich asked if the reports could be slimmed down without duplication and only the presentations.

Cheryl Schram asked if these were internal reports.

Chief Jackson stated that these reports are done specifically for Council.

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

Lisa Parrish requested that we review final reports from Planning and Zoning.

Gwen Beeson requested an update on the repairs for CR 317.

20. Adjournment.

Council adjourned at 8:05 PM

By:

[Signature]

Gary Heinrich, Mayor

Attest:

[Signature]

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