MINUTES
of the
KEENE CITY COUNCIL

THURSDAY, JUNE 6, 2019

PRESENT: Mayor Gary Heinrich, James Belz, Lisa Parrish and Robert Cooper

ABSENT: Rob Foster, Cheryl Schram and Gwen Beeson

CALLED TO ORDER: Called the meeting to order at 6:00 PM. A quorum was present to hold a meeting but a quorum to take action was not present. A voting quorum consists of four voting members. Only the discussion is valid.

Invocation & Pledge of Allegiance & Texas Pledge
Mayor Heinrich gave the invocation and led the Pledge of Allegiance and Texas Pledge.

1. Public Comments.

Marty Strickland came forward to complain about Christina Austin and questioned the licenses she carries. Mr. Strickland complained about receiving a letter regarding his vehicle being parked in the grass. He read aloud the letter that he received. He also stated that Ms. Austin is impersonating an officer which is a felony.

Christina Austin stated that she doesn’t claim to be a Code Enforcement Officer. Ms. Austin wears a body cam for this reason including the conversation with Mr. Strickland. Ms. Austin explained the violation and the reason for the letter.

Chief Emmitt Jackson gave a brief presentation showing Christina Austin’s certification and licenses. A lot of misinformation is being spread around about whether Ms. Austin is qualified to do her job.

2. Mayor’s Comments.

Mayor Gary Heinrich presented a proclamation to Chief Warner for Fill the Boot Campaign.
3. Discussion and possible action regarding the minutes dated April 25, 2019.

No discussion.

4. Discussion and possible action regarding Cheryl Estes as Designee City Manager.

Lisa Parrish stated that this will need to be tabled because the charter states that she would need four votes to be City Manager.

Mayor Heinrich asked if that was correct for an interim.

Lisa Parrish stated that under Section 501; The City Council shall employ a City Manager by affirmative vote of at least four Council Members. In the absence or disability of the City Manager, the Mayor or other City Council-appointed designee will perform the duties of the office with the approval of the City Council.

Mayor Heinrich stated that the last sentence does not state four affirmative votes.

Nick Chesney came forward and stated that on an interim, only a majority vote is needed.

Lisa Parrish stated that she cannot support Cheryl as the interim/designee. Cheryl manages the money and should not oversee the City too. There are too many incidents where the Finance Directors stole money from the City. They didn’t have credit card policies and neither do we. Councilwoman Parrish continued with additional stories. They didn’t have procedures in place for taking money and neither do we. We have no written policy. There have been complaints about money in the drop box not being applied to their account or the money has been reported missing.

Mayor Heinrich stated that there are policies in place and there are people who will say, “the check is in the mail”.

Lisa Parrish stated that it has nothing to do with Cheryl, but it does put the City at risk.
5. Discussion and possible action regarding an Interlocal Agreement with Johnson County regarding CR 317.

Mayor Heinrich stated that he and Councilwoman Beeson met with Commissioner Woolley. He has agreed to chip and seal CR 317 from the railroad tracks to Hwy 67 for $19,067.

Lisa Parrish asked where the money would be coming from.

Cheryl Estes stated street maintenance.

6. Discussion and possible action regarding the appointment of Amber Bransom to assume responsibility for online banking and positive pay.

Cheryl Estes stated that the City Manager is responsible for online banking and positive pay. As the Finance Director and Interim City Manager, these duties need to temporarily go to Amber Bransom until a City Manager is hired.

Lisa Parrish asked if Amber would be compensated for this duty.

Cheryl Estes stated no.

7. Discussion and possible action regarding the Code of Ordinances 2019- S-8 Supplement.

Holly Owens stated that this is a quarterly update of the Code of Ordinances.

8. Discussion and possible action regarding Animal Control.

Chief Emmitt Jackson came forward to discuss the current ordinance regarding Animal Control. At the time that I became Chief, the animal control personnel were one full time individual and that is all that they did. When that person left, Tracey Glenn was hired as a full-time animal control. It was brought to my attention that the current shelter was not temperature regulated and was not fit to house animals. Animals came in healthy and left sick. This was brought to the attention of City Manager. The previous Council believed that it was best to combine animal control and code enforcement and that is when we hired Christina Austin. Since the shelter was not fit to house animals and now the duties also included code enforcement, the ordinance was changed
to only pick up dangerous and/or aggressive animals. Currently, if an animal is picked up, Christina has 72 hours to find the owner. After that, the animal according to our ordinances must be euthanized. The floors have been fixed but there is still a lot of work that needs to be done.

Tracey Glenn came forward and explained the state of the shelter. It has been discussed to vaccinate the animals when they came in and add the fee to the pick-up amount. However, that idea was not supported at the time. Animals left the shelter sick. That was due to the floor. The temperature of the shelter is inhumane. The unit is not big enough for the building and there is a large gap in the roof that allows heat and air to escape.

Mayor Heinrich asked what changes are being requested.

Chief Jackson stated that currently staff is requesting that there not be any changes to the ordinance. This was brought forward so that Council had a better understanding of the situation and why the ordinance is written the way it is.

Lisa Parrish stated that she is the one who requested that this be on the agenda. She is looking for some discretion with the ordinance. This would give Christina the ability to pick up some animals that the owners can be found.

Chief Jackson stated that Christina is already using discretion. She is already trying to locate owners.

Mayor Heinrich asked about chipping.

Christina Austin stated that chipping is available, and we have a reader for those that are already chipped.

James Belz asked about aggressive dogs.

Christina Austin stated that they are picked up and we attempt to locate their owners. After 3 days, they are euthanized.

James Belz asked about the dogs that are not aggressive.

Christina Austin stated that we try and locate the owner. After 3 days they are euthanized.
Ray Johnson asked about calling 9-1-1 after a dog bite. He stated that our current police officers don't know what to do.

Chief Jackson stated that he met with the person Mr. Johnson is referring to and that matter has been taken care of. Also, met with the dog owners to make sure they don't get out again. Additional training has been given to officers regarding animal control.

Robert Cooper stated that the ordinance needs to be kept the way it is until further notice.

9. Discuss and possible action regarding FY 19-20 Budget Calendar and selection of Budget Committee.

Cheryl Estes stated that no extra meetings will be needed for the budget calendar.

Lisa Parrish asked about the audit committee.

Cheryl Estes stated that the audit committee can also be the budget committee.

Lisa Parrish asked if the budget meetings can be done on the same week as Council meetings.

Cheryl Estes stated that a lot of meetings may not be needed. A budget workshop is needed for Council. The dates for the committee can be discussed at the workshop. A date needs to be set for the workshop.

Mayor Heinrich and Council agreed on June 11th for the workshop.

10. Discussion and possible action regarding the financial reports for April 30, 2019.

Cheryl Estes went over the financial reports. General fund expenditures at 52.62% of budget with expected at 58.33%. Water/sewer operating fund at 52.36% of budget expected at 58.33% after budget revisions. Debt services fund expenditures at 64.35% which is higher than expected is normal for this fund as some debt will be paid off before year end. Capital project fund for governmental funds are reported over the life of the project which includes multiple years. All ongoing CIP are within budget and include: Purchase order module to be implemented by June 30, 2019. Shady Oak Street project, currently waiting on final
invoice and punch list to be completed. OSSI project is still ongoing and within budget. FY 18-19 street projects but no streets have been identified yet. Individual line items worth noting are as follows: Sales tax revenue increased by $23,054 or 8.38% when compared to sales tax revenue for the same time last fiscal year. Municipal court fines and warrant revenue ended at 74.28% of budgeted revenue. The beginning fund balance for the water/sewer operating fund has been adjusted to represent working capital which is calculated as current assets minus current liabilities. When full accrual accounting is used for reporting purposes, it is necessary to calculate a more accurate fund balance for budget purposes than what is reported in the financial statements as unrestricted fund balance.

11. Discussion and possible action regarding budget revision to Water/Sewer Capital Projects to repair/rehab water wells.

Cheryl Estes stated at the May 23rd meeting, the City Council requested that staff find funding to cover the costs to repair/rehab the City's water wells. According to the City Engineer, total costs to repair/rehab the wells, pumps, and storage areas is estimated at $198,300. We can reduce the scope of Hyline sewer phase 1, lift station only and use the water/sewer fund balance. The water/sewer operating fund is projected to end the fiscal year with a fund balance of $736,175 after funding the water well projects. The ending fund balance after this budget revision represents 79 days of operating reserves.

Robert Cooper asked about a generator.

Cheryl Estes stated that the amount includes the generator.

Lisa Parrish asked how much bond money is left.

Cheryl Estes stated $325,000.

James Belz clarified that the money is there but tonight the only thing that we are discussing is whether to do the repairs. We are entering the hot season and water will be necessary and this will save us money.

12. Discussion and possible action regarding the use of a Buy Board contractor to rehab Well 11 for an amount not to exceed $95,700.

Cheryl Estes stated that because the cost is greater than $50,000 the City Council must approve the expense before it occurs, and the City is
required to follow State purchasing laws. State purchasing laws require competitive bidding which takes several months to complete. Until this well is back online, the City is purchasing treated water at a significantly higher rate which is negatively impacting the water/sewer operating budget. In lieu of competitive bidding, cities may utilize Buy Board to find State-approved contractors. These contractors register and contract with the State to provide services at a much lower rate if a City is a member of Buy Board. By using Buy Board contractors, the bid process is not required, and projects can be completed much faster and at a reduced cost.

Mayor Heinrich stated that he thought that well was all fixed.

Don Martin stated that the well was repaired but the pump house has been sitting for years. The tank needs to be disinfected. We are not sure what works and what doesn’t. The pumps need to be pulled and repaired and possibly some replaced.

James Belz asked what the gpm was on that well.

Don Martin stated 250 gallons.

Lisa Parrish asked if Council was going to look at the bids before deciding.

Mayor Heinrich stated no. Staff will go with the most qualified and move forward.

13. Discussion and possible action regarding the Keene Business and Keene Economic Development Corporations.

Mayor Heinrich would prefer the full Council be present for this discussion.

Cheryl Estes stated that it would be beneficial to have a workshop with Council and both boards along with City Attorneys.

Ray Johnson asked about the bidding process and believes that the bids should be open to everyone.

Cheryl Estes stated that we still do that.

Roy Robinson would prefer a workshop.
James Belz stated that he is the one who pushed for this. There are comments being made by board members that some of the board members are not familiar with what they can spend money on. The boards act independently. After discussing the purchase of an ambulance, this board member wasn’t even aware that Keene had an ambulance. The boards have been acting independently for so long that they may have forgotten that the citizens are running things. A workshop would be good. This will allow the citizens to voice an opinion to Council and to the boards.

Ray Johnson stated that citizens believe that there is no point to attend Council because they believe nothing ever gets done.

Mayor Heinrich would like to have regular Town Hall Meetings where citizens can come and talk to Council.

James Belz stated that the Economic Development Director is coming into this and still unaware of the controversy. Someone needs to call him and let him know.

Roy Robinson reminded Council that if they choose to dissolve the boards, it will need to go to the citizens for a vote. However, the citizens need to be educated about the boards.

Larry Wright stated that citizens need to have an input on how the money gets spent.


Don Martin gave a quick overview of the projects and their stages. The Hyline area sewer extension surveying is complete, and plans are approximately 50% complete. The Texas Capital Fund surveying is approximately 60% complete and preparing to send out Geotech personnel. The rate study is a completed draft and reviewing with staff. The revised report will be submitted by the end of June. The City Hall generator plans have been prepared for bidding and will begin contacting suppliers immediately.

Mayor Heinrich asked about the City Hall generator and why City Hall needs one.

Don Martin stated that City Hall is the Emergency Management
Command Center. This building was designed for it.

Chief Dan Warner stated that this is one of the last things that Brian LaBorde assigned to me. A generator was never budgeted for this. Also, the building was constructed under the 2011 Electrical Code but the generator that is needed is for the 2014 Electrical Code. Because the generator is for the Emergency Management Command Center is must meet certain codes for the use.

Don Martin continued with the report. CIP studies have been completed and will be submitted by the end of June. Shady Oak Street improvements is substantially complete. There are some cracks in the curb and some mailboxes need to be straightened.

Mayor Heinrich asked about the curbs.

Don Martin stated that when the expansions were put in they didn’t go completely across which cracked the curb.

James Belz asked if the contractors are stone walling.

Don Martin stated that a lot of the issues have been the weather. Hopefully they will be out tomorrow. On the Miosi development, the sewer extension has been completed to CR 805B from Old Betsy and evaluating what and how other utility extensions will be handled. On the splash pad, Jacob Martin has received authorization to prepare a Park Master Plan and TPWD application and is preparing preliminary items for those tasks.

Cheryl Estes stated that after the Park Master Plan is completed a grant would be applied for.

James Belz stated that it would be a matching funds grant but the money is not there to match the funds.

Lisa Parrish asked if this would be coming back to Council for a final approval.

Cheryl Estes stated that B Board has slowed down a little on the plan and has expanded the project to include more.

James Belz stated that it was approved by Council to proceed with the project. David Patterson voted against the project when he was on
Council since they didn't have plans. They still don't have plans. They spent $17,000 to get plans.

15. Department Reports.

Chief Jackson announced Coffee with a Cop and gave a presentation on the Police Department reports for April. Chief Jackson recognized Detective Tracey Glen with a certificate for her work of excellence.

Chief Dan Warner gave a presentation on Keene Fire and Rescue reports for April.

Mayor Heinrich asked if the pay issue was worked out.

Chief Warner stated that he would need to check with Finance, but the volunteers will be paid appropriately.

Don Martin gave a presentation on Public Works and Development Services.

Mayor Heinrich asked if he could get a driver and a truck to assist with pot holes next week.

Don Martin stated yes.

Christina Austin gave a presentation on Code Enforcement and Animal Control.

Robert Cooper stated that he prefers the fiscal year reports versus the calendar year reports.

16. Executive Session.

There was no Executive Session.

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

James Belz asked about a committee for the City Manager position.

Mayor Heinrich stated that Amber Bransom needs to be part of that discussion. Put it on the agenda for June 11th.

Lisa Parrish would like to talk about the final report from Planning and
Zoning.

18. Adjournment.

The meeting adjourned at 9:04 PM.

By: 
Gary Heinrich, Mayor

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