

**CITY OF KOSSE
CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 5, 2017- 7:00 P.M.**

Council Members Present:

Ricky Wright Trish Roy Harley Leazer LB Perry

Council Members Absent:

Ronnie Funderburk

Mayor Jarrod Eno opened the meeting with the pledge of allegiance. LB Perry led with a prayer. A quorum was present with four council members present. Proper posting of the meeting was confirmed.

Consent Items: Minutes from the last meeting, accounts payable, and current bank statements were reviewed. A motion by Ricky Wright was made to approve. It was seconded by Harley Leazer. Motion carried.

Discuss and Take Action on Texas Municipal Retirement System Ordinance. Mayor Eno explained the retirement will be a benefit for the full-time employees, all will have to enroll, and the cost for the City will be about \$7000.00 for the year. Trish Roy asked for it to be tabled as she had not been able to speak about it with Councilmember Wright. City Secretary Christina Lockhart explained that the retirement had been talked about at the budget meetings as well as it is in the budget. Ricky Wright made a motion to adopt the TMRS Ordinance. Harley Leazer seconded. Trish Roy opposed. Motion was carried.

TEXAS MUNICIPAL RETIREMENT SYSTEM

AN ORDINANCE PROVIDING FOR THE PARTICIPATION IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM AND THE SUPPLEMENTAL DEATH BENEFITS FUND BY THE CITY OF KOSSE, TEXAS; AND TO MAKE CURRENT SERVICE AND PRIOR SERVICE CONTRIBUTIONS TO THE CITY'S ACCOUNT IN THE BENEFIT ACCUMULATION FUND OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM AT THE ACTUARIALLY DETERMINED RATE OF TOTAL EMPLOYEE COMPENSATION.

WHEREAS, Subtitle G of Title 8 of the Government Code, as amended (herein after referred to as the "TMRS Act"), relating to the Texas Municipal Retirement System (the "System"), authorizes the governing body of each city or town to elect, at its option, to have one or more of the city departments participate in such System; and

WHEREAS, the City Council of the City of Kosse, Texas, finds that it will be in the public interest for the City to have its employees participate in the System as hereinafter provided; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF KOSSE, TEXAS:

_____ **Section 1.** The City Council of the City of Kosse, Texas, on behalf of said City, hereby exercises its option and elects to have this City and all of the employees of all departments now existing and those hereafter created participate in the System as provided in the TMRS Act.

_____ **Section 2.** The Mayor is hereby directed to notify the Board of Trustees of the System that this City has elected to participate and have the employees of this City covered in said System.

_____ **Section 3.** Each person who becomes an employee of this City on or after the effective date of participation of this City whose position shall require more than 1,000 hours per year shall become a member of the System as a condition of their employment.

_____ **Section 4.** Each employee of this City who is a member of the System is eligible to retire and receive a service retirement annuity if the member has at least 20 years of credited service in the System performed for one or more municipalities that have adopted a like provision under Section 854.202(g) of the TMRS Act.

_____ **Section 5.** In accordance with the provisions of the TMRS Act, the deposits to be made to the System on account of current service of the employees of the several participating departments are hereby fixed at the rate of **5 percent (5%)** of the full earnings of each employee of said departments.

_____ **Section 6.** Each employee who qualifies for such credit shall be allowed "prior service credit" (as defined in Section 853.101 of the TMRS Act) at the rate of **fifty percent** of the "base credit" of such member, calculated in the manner prescribed in Section 853.105 of said Act.

_____ **Section 7.** For each month of current service rendered to this City by each of its employees who are members of the System, the City elects to provide for each such member at the time of his or her retirement, a sum that is **100 percent (100%)** of such member's accumulated deposits for such month of employment; and said sum shall be a liability of the City's account in the benefit accumulation fund.

_____ **Section 8.** The City Secretary is hereby directed to remit to the Board of Trustees of the System, at its office in Austin, Texas, the city contributions to the System and the amounts which shall be deducted from the compensation or payroll of employees, all as required by said Board under the provisions of the TMRS Act, and the said official is hereby authorized and directed to ascertain and certify officially on behalf of this City the prior service rendered to the said municipality by each of the employees of the participating departments, and the average prior service compensation received by each of the employees of the participating departments and make and execute all prior service certifications and all other reports and certifications which may be required of the City under the provisions of the TMRS Act, or in compliance with the rules and regulations of the Board of Trustees of the System.

_____ **Section 9.** The City hereby elects to participate in the Supplemental Death Benefits Fund of the System for the purpose of providing in-service death benefits for each of this City's employees who are members of said System, and for the purpose of providing post-retirement death benefits for annuitants whose last covered employment was as an employee of this City, in the amounts and on the terms provided for in Sections 852.004, 854.601 through 854.605, 855.314, 855.408, and 855.502 of Title 8 Subtitle G, of the Texas Government Code, as amended.

_____ **Section 10.** The City is hereby authorized and directed to notify the Director of the System of adoption of this ordinance, and of the participation of this City in said Fund.

Section 11. Pursuant to Section 855.407(g) of the TMRS Act, the City hereby elects to make future normal and prior service contributions to its account in the benefit accumulation fund of the System at such combined rate of the total compensation paid by this City to employees who are members of the System, as the System's actuary shall annually determine as the rate necessary to fund, within the amortization period determined as applicable to this City under the TMRS Act, the costs of all benefits which are or may become chargeable to or are to be paid out of this City's account in said accumulation fund, regardless of other provisions of the TMRS Act limiting the combined rate of City contributions.

_____ **Section 12.** The provisions of this ordinance shall become effective on the 1st day of October, 2017.

Passed and approved on this the 5th day of September, 2017.

ATTEST:

s/Christina Lockhart
City Secretary

APPROVED:

s/Jarrold Eno
Mayor

Discuss and Take Action on Kosse EDC- Public Input on proposed Texas Parks and Wildlife Grant. EDC Member Karen Partin gave an overview of the TPWD Grant. The grant will go towards a full concession stand/bathroom facility, dugouts and bleachers.

Public Comments:

How much is the grant? Answered \$75,000.

Is the Grant a matching grant? Answered Yes.

Does Volunteer work count toward the grant? Answered Yes.

Discuss and Take Action on Ordinance No 2017-09-05- Kosse EDC. EDC Member Karen Partin explained with the grant application an Ordinance that prohibits drilling at the ballfields needs to be passed. Trish Roy made a motion to passed Ordinance No 2017-09-05. Ricky Wright seconded. Motion carried.

Discuss and Take Action on Propose Budget for 2017-2018 year. No questions. Ricky Wright made a motion to propose the budget. LB Perry seconded. Motion carried.

Discuss and Take Action on Adopt 2017-2018 Tax Rate. Proposed rate at .6420. Mayor Eno informed that the City will take in the same amount of money as last year and the tax rate will drop about a penny with the maintenance/operations at .4919 and the debt service at .1601.

Harley made a motion to adopt the tax rate of .6420. Ricky Wright seconded the motion.

Motion carried.

Discuss and Take Action on Cost Associated with Sale of Houses. Farmers State Bank asked if the City could assist with the closing costs for the sale of the City Houses to help the people that are living in them to purchase them. The closing cost is around \$2,500 each. The housing fund currently has about \$10,000. Ricky Wright made a motion to pay closing cost on each house.

Trish Roy seconded. Motion carried.

Discuss and Take Action on Building Lots. Mayor Eno explained there is no ordinance that states what a minimum lot size in Kosse is. City Attorney Mike Dixon suggested to amend the Subdivision ordinance. This item was TABLED.

Executive Session: An Executive Session will be held pursuant to Section 551.074 of the Texas Government Code so that the City Council may deliberate the appointment, employment, evaluation, promotion, compensation/raises, reassignment, duties, discipline, or dismissal of, or to hear a complaint/grievance regarding: Chief of Police

7:19 p.m

8:11 p.m

Water Dept. Report/Update, Municipal Court Report, Police Dept. Report, Economic Development Report, Chamber of Commerce Report, Community Center Report, Fire Department Report were given.

Executive Session: An executive (closed) session will be held pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property: acquisitions for water system project; Shady Grove property

8:16 p.m

8:39 p.m

Ordinance Land Use Acquisitions for Water System Development Project. Ricky Wight made a motion to adopt the Ordinance for Land Use Acquisitions for Water System Development Project. Harley Leazer seconded. Motion carried.

AN ORDINANCE OF THE CITY OF KOSSE, TEXAS APPROVING ACQUISITIONS OF INTERESTS IN LAND FOR CITY WATER SYSTEM, APPROVING EXECUTION OF AGREEMENTS AND INSTRUMENTS BY MAYOR ON BEHALF OF THE CITY; APPROVING PAYMENT OR PROVISION OF CONSIDERATION BY THE CITY; ACCEPTING OR PROVIDING FOR ACCEPTANCE OF EASEMENTS, LEASEHOLDS, AND OTHER INTERESTS IN LAND; PROVIDING AUTHORITY TO TAKE ACTIONS NECESSARY TO COMPLETE ACQUISITIONS; PROVIDING FOR SEVERABILITY AND OPEN MEETING CLAUSES, AND PROVIDING FOR EFFECTIVE DATE

WHEREAS, the City of Kosse is totally dependent on a wholesale water supplier for its water supply; and

WHEREAS, the wholesale water supplier's own supply limitations and other matters have led to the City, and therefore its water customers, having to pay extremely high rates for water; and

WHEREAS, there is no guarantee that the wholesale provider will even be able to continue to supply water to the City in the long-term; and

WHEREAS, it is paramount that the City find a way to provide its own water supply; and

WHEREAS, the City, with the assistance of grant funding from the Texas Water Development Board, is proposing to build its own wells and discontinue reliance on the wholesale provider; and

WHEREAS, the wells, lines, and appurtenances necessary for the provision of such a water supply are hereinafter referred to as the "Project"; and

WHEREAS, it is found and declared that the real property interests to be acquired for the Project are necessary to carry out the Project, and that the Project is necessary for protecting and serving the health, safety, welfare and convenience of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KOSSE, TEXAS THAT:

1. Incorporation of Recitals. The foregoing recitals are incorporated herein and made findings of fact.

2. Additional Findings. It is found, determined and decreed that the Project is a public project serving a public purpose. It is further found, determined and decreed that there is a public necessity for acquisition of the interests in real property for the Project, and that the health, safety, welfare, and convenience of the public will be served thereby.

3. Acquisitions.

A. Water Well Site and Water Treatment Site. Owner: Kathleen Clark:

1. The Lease Agreement between the Owner and the City is hereby APPROVED and the Mayor is AUTHORIZED to execute the same on behalf of the City, and City officials and staff are AUTHORIZED to undertake all actions required of the City under the Lease including the payment of money to the Owner.
2. The waterline easement from the Owner to the City is ACCEPTED
3. The electric power distribution easement is ACCEPTED on behalf of the electricity provider for the benefit of the City's operations

B. Water Well Site. Owner: Kenda and Mitchell Eckols

1. The Lease Agreement between the Owner and the City is hereby APPROVED and the Mayor is AUTHORIZED to execute the same on behalf of the City, and City officials and staff are AUTHORIZED to undertake all actions required of the City under the Lease including the payment of money to the Owner.
2. The waterline easement from the Owner to the City is ACCEPTED

3. The electric power distribution easement is ACCEPTED on behalf of the electricity provider for the benefit of the City's operations

C. Waterline Easement. Owner: Jack and Susan Milstead

1. The gracious donation of the waterline easement by the Owner to the City is ACCEPTED.

D. Temporary Construction Easement. Owner: Lee Dunn Weihrich Living Trust

1. Memorandum of Agreement APPROVED subject only to changes approved and made by the City's legal counsel, and the Mayor is AUTHORIZED to execute the Memorandum of Agreement on behalf of the City.
2. Temporary Construction Easement APPROVED to be ACCEPTED on behalf of the City by the Mayor.

E. Electric Power Easement to Well Site. Owner: Cynthia Garner Moran

1. The Mayor is AUTHORIZED to ACCEPT the electric power distribution easement on behalf of provider for the benefit of the City's operations, and City officials and staff are AUTHORIZED to make payment of easement consideration to the Owner.
4. To the extent not specifically stated above, the Mayor, subject to approval by the City's legal counsel, who shall act in consultation with the City's engineers, is AUTHORIZED to take all actions necessary and proper to finalize the acquisition of the foregoing property rights acquisitions for the Project on behalf of the City.
5. 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.
6. The meeting at which this Ordinance was adopted was properly posted and held in accordance with the Texas Open Meetings Act, and all action items were open to the public.

PASSED this 5th day of September, 2017, *and effective on passage.*

s/Jarrodd Eno
Mayor

Attest:

s/Christina Lockhart City Secretary

Ricky Wright made a motion to adjourn and LB Perry seconded it. Motion carried and meeting adjourned.

ATTEST:

Mayor Date

City Secretary Date