

CITY OF KIRBY, TEXAS

Timothy Wilson, Mayor



Stephanie Faulkner, Mayor Pro-Tem
Mike Grant
Jerry Lehman

John W. Pierce
Roger A. Romens
Debra Wilson

CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, FEBRUARY 25, 2016 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219

1. **Call Meeting to Order**

Mayor Wilson called the meeting to order at 7:00 P.M.

2. **Invocation and Pledge of Allegiance to the Flag:**

Mayor Wilson led the invocation and followed with the pledge of allegiance to the flag.

3. **Mission Statement:**

“The City of Kirby is dedicated to delivering excellent municipal services to our entire community in a fiscally responsible manner.”

4. **Roll Call:**

PRESENT

ABSENT

Mayor Wilson
Mayor Pro-Tem Faulkner
Council Member Grant

Council Member Pierce
Council Member Lehman
Council Member Wilson
Council Member Romens

5. Citizen Participation

1. Sam Richardson, 4802 Gibbs Sprawl, informed Council the VFW will be hosting a community garage sale on March 12, 2016, 9:00 A.M. – 4:00 P.M.
2. Dolores Darby, 5307 Peppermint, voiced her opposition to the Vigilant Solutions warrant collection. She informed Council the City of Kyle canceled their contract with them. She said the private data is being used to fund private companies.

6. Consent Agenda

- a. Regular Meeting Minutes – February 11, 2016
- b. Discussion And Possible Action To Consider Ordinance No. O-2016-783 Repealing All Ordinances Relating To Solid Waste Collection And Awarding A Contract for Solid Waste Collection And Disposal And Recycling Services Within The city Of Kirby, And Authorizing The Mayor To Execute The Contract. This Is The Second Reading

Mayor Wilson removed item b from the consent agenda.

Council Member Grant moved to approve item a of the consent agenda; seconded by Council Member Lehman. With all voting, “aye” the motion carried.

Mayor Wilson addressed item b and said there was not a representative from Republic Services and there were customer services concerns to address.

Council Member Romens moved to table item 6.b. to a later date; seconded by Mayor Pro-Tem Faulkner.

Mayor Wilson exercised his right to not vote in accordance with Section 2.05 of the City Charter.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

7. Presentations

a. Water Department Costs Estimates – Roger Aguillon, Director of Public Works

Roger Aguillon, Director of Public Works, provided Council with the projected costs estimates for valve replacements, painting storage tanks, and water line replacement.

The total for the valve replacement is \$35,225.58 plus labor \$20,000, painting the storage tanks is \$950,000, and replacing water lines is \$738,288.63. The total cost for the projects is \$1,743,514.21.

Mayor Wilson stated the valve issues came up during the audit. There are a lot of valves not working and there are some funds available in reserves for the replacement.

City Manager Vernon said the valve replacement and storage tanks can be funded through the water fund and the rest on a bond.

Mayor Wilson asked that this item be brought back on a future agenda.

8. Discussion And Possible Action

a. Discussion And Possible Action To Remove Norma Hamby From the Parks And Recreation Committee

Mayor Pro-Tem Faulkner moved to remove Norma Hamby from the Parks and Recreation Committee; seconded by Council Member Lehman.

Mayor Wilson exercised his right to not vote in accordance with Section 2.05 of the City Charter.

The motion carried with a 5-1 vote.

AYES – 5

NO – 1 (Council Member Romens)

b. Discussion And Possible Action On Entering Into Agreements With Vigilant Solutions, Inc. And Electronic Cash Systems Regarding Warrant Collections And Fees Charged By Related Vendors

Chief Bois informed Council he has spoken with Vigilant Solutions, Inc. for a couple of months. Other area cities that are using the system. He provided the process of how the system works.

There was discussion about the personal information and data mining, the different jurisdictions and the requirement of an Interlocal agreement.

Council Member Grant moved to allow entering into agreements with Vigilant Solutions, Inc. and Electronic Cash Systems regarding warrant collections and fees charged by related vendors

Mayor Wilson exercised his right to not vote in accordance with Section 2.05 of the City Charter.

The motion carried with a 5-1 vote.

AYES – 5

NO – 1 (Council Member Romens)

- c. Discussion And Possible Action To Consider Resolution No. R-2016-668 Authorizing The City Manager To Submit An Application For Funding From The PY 2016 Allocation Of Bexar County's Community Development Block Grant (CDBG) Program

Council Member Grant moved to approve Resolution No. R-2016-668 authorizing the City Manager to submit an application for funding from the PY 2016 Allocation of Bexar County's Community Development Block Grant (CDBG) Program; seconded by Council Member Wilson.

Mayor Wilson exercised his right to not vote in accordance with Section 2.05 of the City Charter.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

- d. Discussion And Possible Action Regarding A Municipal Pool Plan for 2016

City Manager Vernon provided an overview on the Municipal Pool Plan. The pool manager would be a certified lifeguard upon employment, current first aid certification and would not be responsible for concessions.

Mayor Wilson suggested a parks and recreation manager to maximize use of other facilities and bring in other programs. Based on the employee's performance, the position would be either a temporary or a permanent position.

City Manager Vernon stated the current budget has funded a temporary position. If Council chooses to create a permanent position, this can be addressed during budget time for FY- 2016-2017.

Council Member Grant moved to eliminate the pool manager position and replace with a seasonal program director; seconded by Mayor Pro-Tem Faulkner.

Mayor Wilson exercised his right to not vote in accordance with Section 2.05 of the City Charter.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

e. Discussion And Possible Action To Approve Adopt-A-Spot Program Guidelines

Mayor Pro-Tem Faulkner said she met with City Manager Vernon and they created the guidelines for the Adopt-A-Spot Program. She reviewed the guidelines with Council.

Council Member Grant moved to approve the Adopt-A-Spot Program guidelines; seconded by Mayor Pro-Tem Faulkner.

Mayor Wilson asked that the guidelines and application be placed on the website.

Mayor Wilson exercised his right to not vote in accordance with Section 2.05 of the City Charter.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

f. Discussion And Possible Action Regarding Future Plans For Donated Property On Binz Engleman Road

City Council discussed various uses for the property and concluded the property is ideal for a nature area. They also discussed placing a fence to show the boundary of the property

and possibly selling a section to the property owners who use the property to gain access to their back yards.

Mayor Wilson suggested tabling this item to April 14, 2016 to allow time to contact city attorney for his opinion about selling a section of the property.

Mayor Pro-Tem Faulkner moved to table this item until April 14, 2016; seconded by Council Member Lehman.

Mayor Wilson exercised his right to not vote in accordance with Section 2.05 of the City Charter.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

g. Discussion And Possible Action To Approve An Interlocal Agreement Between VIA Metropolitan Transit And City Of Kirby

Council Member Grant moved to approve an Interlocal Agreement between VIA Metropolitan Transit and City of Kirby; seconded by Council Member Lehman.

Mayor Wilson exercised his right to not vote in accordance with Section 2.05 of the City Charter.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

h. Discussion And Possible Action To Consider Permanent “No Parking” on Starfire

Chief Bois briefed Council on the “No Parking” area on Starfire. This is a 270 day temporary no parking zone and it expires on April 15, 2016. He asked Council if they want to extend this or make it a permanent “No Parking” area.

Mayor Wilson asked Chief Bois to verify streets with temporary “No Parking” signs and bring back for one ordinance. He suggested tabling this item to April 14, 2016, to allow time to research and have all the streets identified on one ordinance and repeal the existing ordinance.

Mayor Pro-Tem Faulkner moved to table item 8. h. to allow Chief Bois time to bring a list to Council; seconded by Council Member Romens.

Mayor Wilson exercised his right to not vote in accordance with Section 2.05 of the City Charter.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

- i. Discussion And Possible Action To Approve A Ground Lease Between Bexar County And City Of Kirby For The Purpose Of Establishing A Jointly Used Facility for Animal Care Services

City Manager Vernon informed Council that Bexar County Commissioners Court voted unanimously to approve the ground lease establishing a jointly used facility for Animal Care Services.

Mayor Pro-Tem Faulkner moved to approve a ground lease between Bexar County and City of Kirby for the purpose of establishing a jointly used facility for Animal Care Services; seconded by Council Member Wilson.

Mayor Wilson exercised his right to not vote in accordance with Section 2.05 of the City Charter.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

- j. Discussion And Possible Action To Approve Resolution No. R-2016-669 Regarding An Advanced Funding Agreement Between The City Of Kirby And The Texas Department Of Transportation (TXDOT) For A Hike And Bike Trail In Friendship Park

City Manager Vernon stated Council approved the Master Funding Agreement project application and now the individual projects need approval with an Advanced Funding Agreement.

Council Member Grant moved to approve Resolution No. R-2016-669 Regarding an Advanced Funding Agreement between the City of Kirby and the Texas Department of Transportation (TXDOT) for a hike and bike trail In Friendship Park; seconded by Council Member Wilson.

Council Member Romens stated there should be wording in the agreement to protect The City from cost overruns from the contractor.

City Manager Vernon said the city attorney added to the contract that the City must be notified before being charged for cost overruns.

Mayor Wilson exercised his right to not vote in accordance with Section 2.05 of the City Charter.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

- k. Discussion And Possible Action to Approve Resolution No. R-2016-670 Regarding An Advanced Funding Agreement Between The City Of Kirby And The Texas Department Of Transportation (TXDOT) For Reconstruction Of Binz Engleman Road

Council Member Grant moved to approve Resolution No. R-2016-670 regarding an Advanced Funding Agreement between the City of Kirby and the Texas Department of Transportation (TXDOT) for reconstruction of Binz Engleman Road; seconded by Council Member Lehman.

Mayor Wilson exercised his right to not vote in accordance with Section 2.05 of the City Charter.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

- l. Discussion And Possible Action On City Of Kirby Employee Personnel Policy

City Manager Vernon informed Council they will receive the 100 page draft of the Employee Policy for review. The city attorney will be provided a copy of the draft to provide state laws changes. After legal approval the document will be brought to Council for adoption.

- m. Discussion And Possible Action On City Of Kirby Employee Pay Scale

City Manager Vernon distributed the draft pay scale. She expressed the need to be financially prepared to implement it. If approved, first phase of the pay scale would be implemented in October.

Mayor Wilson stated the five year budget forecast will be discussed at the next Council meeting.

Council Member Romens said the City keeps expanding the number of personnel on staff, but the City hasn't grown. That burden is put on citizens.

Council Member Wilson said Council needs to do all we can for our employees.

Council Member Romens asked if a budgetary analysis can be made on the pay scale.

Mayor Pro-Tem Faulkner said if the City pays for school or training we need a contract signed by the employee for a committed period of time.

Mayor Wilson said along with more money comes more responsibility. We are accountable to the citizens.

City Manager Vernon stated the pay scale is not a merit or cost of living increase.

Council Member Lehman agreed with employees signing a contract if the City trains you.

9. Department Updates

- a. Administration
- b. Public Works
- c. Finance
- d. Fire
- e. Police
- f. Animal Control

a. Administration – City Manager Vernon – TYMCO delivered the street sweeper. The old Crown Victoria police car was auctioned. The animal shelter upgrade looks good and staff is organizing the offices. There is a two week target date to re-open. She urged City Council to visit the shelter. Ford Engineering is working on the potential design for the Hike and Bike Trail and Binz Engleman Road. She was notified that regarding the MPO Project, we have to stick with what we applied for.

Mayor Wilson said to make sure the improvements goes to the bridge on Binz Engleman even if the City has to cover that cost.

b. Public Works – Roger Aguillon – Identified several projects that have been completed. Fiber optics are being installed along Binz Engleman Road. Four employees will be trained to drive the street sweeper and if a CDL is required, they will obtain the license.

- c. Finance – Tina Ynfante – Provided an update on daily activities.
- d. Fire – Assistant Chief Alfaro – Provided the number of calls for January, HOBO Fest being organized, will shorten time of car show to 2:00 P.M. because it's Mother's Day, the carnival is set, sponsors and auction items are needed.
- e. Police – Chief Bois – The two new cars are operational, one new officer is in training. Completed annual State and Federal reports. Received training on how to analyze past crimes to detect where potential crime could occur.

10. Requests and Announcements

- a. Requests By Mayor And Council Members For Items To Be Placed On Future City Council Agendas And Announcements On City Events/Community Interests

Council Member Pierce – Thanked everyone for attending the meeting.

Council Member Romens – For the record, “I am formally requesting that Council conduct a review of the code of conduct policies for boards, committees and commissions and any actions that may have been taken by members of such that may be in conflict with these policies. The reason I am bringing this up is recently an anonymous website has been generated with the sole intent of discrediting a seated council member and in so doing attacked the entirety of his family. Through a FOIA request it has been ascertained that the only individuals requesting information released on this website are currently serving on various boards, committees, commissions, etc. of this City. Providing documents that facilitate an anonymous website to discredit a council member and attack their family appears to be in conflict with the City's code of conduct for members of boards, committees, and commissions. This information is being provided and this request is being made in an attempt to allow council to respond in a timely manner so as to mitigate the potential negative repercussions to the city as a whole. He stated the update on the Comprehensive Plan has not come to Council. He asked that the fire department provide Council with a plan in case ESD 11 goes away.

Council Member Wilson – Thanked everyone for attending the meeting. She asked Council to find a place for residents who own antique cars, RV's, etc. to park their vehicles.

Mayor Pro-Tem Faulkner – She inquired about the paving on Turner Club parking lot, the Spartans are on the softball field, and the lights are on every night. She asked that the Spartans attend the next meeting. She inquired about employee recognition and to place the item on the next agenda. She asked for a traffic study on Binz Engleman and Ackerman Road because traffic is a nightmare. The Ordinance Review Committee meeting is on Tuesday, March

8, 2016 at 6:00 P.M. Chief Bois providing information on soliciting, permit and badge. Chief Bois will provide cost estimates for laminating machines for ID cards, pool passes, etc. Wezmart is a mess and she asked staff to contact Commissioner Calvert. The area affects our taxpayers because it's along our daily route.

Mayor Wilson – He asked Roger Aguillon to go to Diadem Food Mart and speak with the owners. Early Voting ends Friday and Election Day is Tuesday, 7:00 A.M. to 7:00 P.M. He requested an update on 107 Macrae because we need to get started on our process if nothing is being done. All departments are accountable for the City; we all need to work together as a team.

11. Adjournment

The Council meeting adjourned at 9:20 P.M.

Timothy Wilson
Mayor

ATTEST:

Patty Cox, TRMC
City Secretary