



Lisa B. Pierce, Mayor

Sylvia Apodaca
Mike Grant
Jerry Lehman

Kimberly McGehee-Aldrich
John W. Pierce
Debra Wilson

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, FEBRUARY 14, 2019 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

1. Call Meeting to Order

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

2. Invocation and Pledge of Allegiance to the Flag

Mayor Pierce led the invocation and 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 Pierce
Mayor Pro-Tem Aldrich
Council Member Lehman
Council Member Grant
Council Member Pierce
Council Member Wilson
Council Member Apodaca

Although Mayor Pierce deviated from the agenda, the minutes will be prepared in the order the agenda was posted.

5. Citizen Participation

1. Ms. Joyce M. Delisle – She inquired about replacement of stone mailboxes on Binz Engleman Road that were removed by the contractor. Gilbert Salas, Director of Public Works, stated mailboxes will be replaced with a pole mailbox. Mayor Pierce asked Ms. Delisle if she would like to stay and speak with staff after the meeting.

6. Consideration Of And Action On Minutes

a. Regular Meeting January 24, 2019

Council Member Grant moved to accept the minutes for January 24, 2019; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7 NAYES: 0

Mayor Pierce closed the regular meeting and opened the Public Hearing at 7:06 P.M.

7. Public Hearing

a. Public Hearing On Proposal To Raise Minimum Age For Purchase Of Cigarettes, E-Cigarettes, And Other Tobacco Products To 21

There were not any proponents or opponents present to speak.

Mayor Pierce closed the Public Hearing and opened the regular meeting at 7:07 P.M.

8. Presentations

a. Presentations By Firms Seeking To Handle Collection Of Closed Utility Accounts

City Manager Vernon informed Council that the City writes off a high number of closed water accounts each fiscal year when residents move without paying their final bill. We requested proposals that encompass the last four years, FY 2015 through the end of 2018. Two proposals were received and both firms were invited to attend our meeting to present their process on how their services will work.

McCreary, Veselka, Bragg & Allen, LLC – Steven Whigham, Director of Collections, presented their process to collect for closed utility accounts.

Linebarger Goggan Blair & Sampson, LLP – Lilia Gibson, Maddie Mendieta, Edra Bush presented their process to collect for closed utility accounts.

9. Discussion And Possible Action

a. Discussion And Possible Action To Accept The City Of Kirby FY 2017-2018 Audit Report

Deborah Fraser, Armstrong Vaughan & Associates, P.C., provided an overview of the FY 2017-2018 Audit Report. She informed City Council that this year they changed their opinion because they did not include the Senior Center in the report. The City's financial statements received an "unmodified" opinion. However the overall statements we did have to give you an "adverse" opinion because we did not include the report of the Senior Center. There are seven months average operating expenditures in reserves.

Council Member Grant moved to accept the City of Kirby FY 2017-2018 Audit Report; seconded by Council Member Wilson. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

b. Receive And Discuss Kirby Senior Center FY 2017 – 2018 Audit Report

Deborah Fraser informed Council they are waiting for additional information from the Senior Center in order to complete the audit report. The report will be available at the next Council meeting or March 7, 2019.

Mayor Pierce asked that the audit report be brought back when it is complete.

c. Discussion And Possible Action On Implementation Of The City Of Kirby Strategic Plan

City Manager Vernon presented the proposed revisions to the Strategic Plan. The Mission Statement, Vision Statement, and Strategic Goals were discussed and updated at the Workshop. Staff's suggestions were provided on how to achieve the Strategic Goals and Council can make additional recommendations or changes to those tonight. She said if Council is comfortable with the Action Steps under the goals she asked Council to make separate motions. One to approve the revised Mission Statement, one to approve the revised Vision Statement, and one to adopt the implementation of the Strategic Plan. She said the Strategic Plan will be reviewed at a six month mark to see where we are on accomplishing the goals and

then review it again at the beginning of next year and make it an annual plan to update the goals and tasks.

Mayor Pierce said at any time if somebody saw a need to update the Plan, it would be placed on an upcoming agenda for discussion.

The revised Mission Statement is as follows: "The City of Kirby is dedicated to delivering excellent municipal services to our community in a fiscally responsible manner."

The revised Vision Statement is as follows: "The City of Kirby continues to be one of the best small cities to live in. Our City has a sense of pride, caring, and place. We focus on preserving our heritage as we continue to shape our City's unique character. Through our strong sense of community and commitment to our small City values, we provide the highest quality of life for our residents. We value the contributions of all of our citizens in shaping the future of Kirby. We encourage community participation through partnerships with citizens, public and private organizations. As a result we have a healthy economy and responsible, progressive development."

Council Member Grant moved to approve the revised the Vision Statement; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Council Member Grant moved to remove the word "entire" from the Mission Statement; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Council Member Wilson moved to adopt the implementation of the Strategic Plan as presented; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- d. Discussion And Possible Action On Ordinance No. O-2019-851 Amending The Zoning Ordinance Of The City Of Kirby, Texas To Change The Zoning Of The Property Legally Described As Lot 31, Block 3, Jaenke Subdivision, County Block 5941, In The City Of Kirby, Bexar County, Texas, And Commonly Known As 5447 Seguin Road, Kirby, Texas, From "C-1" Commercial Office And Retail District To "C-2" Commercial District. This Is The First Reading.

Mayor Pierce provided background information including that on January 24, 2019 City Council approved the zoning change.

Council Member Grant moved to accept Ordinance No. O-2019-851 amending the Zoning Ordinance of the City of Kirby, Texas to change the zoning of the property legally described as Lot 31, Block 3, Jaenke Subdivision, County Block 5941, in the City of Kirby, Bexar County, Texas, and commonly known as 5447 Seguin Road, Kirby, Texas, from "C-1" Commercial Office and Retail District to "C-2" Commercial District; seconded by Council Member Lehman. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- e. Discussion And Possible Action To Dispense With The Second Reading Of Ordinance No. O-2019-851 So That Ordinance No. O-2019-851 Becomes Effective Immediately

Mayor Pro-Tem Aldrich moved to dispense with the second reading of Ordinance No. O-2019-851 so that Ordinance No. O-2019-851 becomes effective immediately; seconded by Councilmember Wilson. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- f. Discussion And Possible Action On Appointing Member(s) To The Senior Center Corporation Board

Mayor Pierce said this will remain on the agenda until filled.

- g. Discussion And Possible Action On Appointing Member(s) To The Beautification And Recycle Committee

Council Member Wilson moved to appoint Leona Buell to the Beautification and Recycle Committee with the term ending October 1, 2020; seconded by Council Member Grant. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- h. Discussion And Possible Action On Appointing Regular Member(s) And Alternate Member(s) To The Building And Standards Commission

Mayor Pierce recognized applicant Julie Hinojosa.

Ms. Hinojosa introduced herself and stated she applied for the Planning and Zoning Commission and Building and Standards Commission. She stated she has been a resident for 25 years and has a background in real estate development.

Mayor Pro-Tem Aldrich moved to appoint Julie Hinojosa to the Building and Standards Commission with the term ending October 1, 2020; seconded by Council Member Grant. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- i. Discussion And Possible Action On Appointing Member(s) To The Planning And Zoning Commission

Mayor Pro-Tem Aldrich moved to appoint Julie Hinojosa to the Planning and Zoning Commission with the term ending October 1, 2019; seconded by Council Member Wilson. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- j. Discussion And Possible Action To Authorize The City To Enter Into An Election Memorandum Of Understanding And Joint Election Agreement With Bexar County Elections Department For Services During Early Voting And Election Day For The May 2019 Election

Discusión y posible acción para autorizar a la ciudad a participar en un memorando de entendimiento y acuerdo de elección conjunta con el departamento de elecciones del condado de Bexar para servicios durante la votación temprana y el día de las elecciones para la elección de Mayo de 2019.

Patty Cox, City Secretary informed Council this is an annual agreement between Bexar County Elections Department and City of Kirby for Bexar County to conduct the City's election. This year our election consists of the general election and two special elections.

Mayor Pro-Tem Aldrich moved to authorize the City to enter into an election Memorandum Of Understanding and Joint Election Agreement with Bexar County Elections Department for services during early voting and Election Day for the May 2019 Election; seconded by Council Member Wilson. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- k. Discussion And Possible Action To Consider Resolution No. R-2019-708 Calling A General Election On May 4, 2019; For The Purpose Of Electing A Mayor And Three Council Members; Designating The Polling Places And Directing The Giving Of Notice Of Such Election; And Providing Details Relating To The Holding Of Such Election, In The City Of Kirby.

Discusión y posible acción para considerar la Resolución No. R-2019-708 Convocatoria de una elección general el 4 de mayo de 2019; Con el propósito de

elegir a un alcalde y tres miembros del Consejo; Designación de los lugares de votación y dirección de la notificación de dicha elección; Y proporcionar detalles relacionados con la celebración de tales elecciones, en la Ciudad de Kirby.

Mayor Pro-Tem Aldrich moved to accept Resolution No. R-2019-708 calling a General Election on May 4, 2019; for the purpose of electing a mayor and three council members; designating the polling places and directing the giving of notice of such election; and providing details relating to the holding of such election, in the City of Kirby; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7 NAYES: 0

- I. Discussion And Possible Action To Consider Ordinance No. O-2019-852 Ordering A Special Election On The Reauthorization Of The Local Sales And Use Tax In The City Of Kirby, Texas At The Rate Of One-Fourth Of One Percent To Continue Providing Revenue For Maintenance And Repair Of Municipal Streets. The Tax Expires On The Fourth Anniversary Of The Date Of This Election Unless The Imposition Of The Tax Is Reauthorized; Making Provision For The Conduct Of The Election, Including City Intention To Enter Into A Joint Election Agreement And/Or Contract For Election Services With The Bexar County Elections Administrator; Resolving Other Matters Incident And Related To Such Election; And Providing An Effective Date. This Is The First Reading.

Discusión y posible acción para considerar la Ordenanza No. O-2019-852 Ordenar una elección especial sobre la reautorización del impuesto local a las ventas y al uso en la Ciudad de Kirby, Texas, la imposición de las ventas y impuesto de uso locales en el índice de un cuarto de un por ciento para Mantenimiento Y Reparación De Calles Municipales. El impuesto expira en el cuarto aniversario de la fecha de esta elección, a menos que la imposición del impuesto esté reautorizada; Hacer disposiciones para la realización de la elección, incluida la intención de la ciudad de celebrar un acuerdo de elección conjunta y / o un contrato de servicios electorales con el administrador de elecciones del condado de Bexar; Resolver otros asuntos relacionados con incidentes y relacionados con tales elecciones; Y proporcionando una fecha efectiva. Esta es la primera lectura.

Council Member Grant moved to accept Ordinance No. O-2019-852 ordering a Special Election on the reauthorization of the local sales and use tax in the City of Kirby, Texas at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized; making provision for the conduct of the election, including City intention to enter into a Joint Election Agreement and/or Contract For Election Services with the Bexar County Elections Administrator; resolving other matters incident and

related to such election; and providing an effective date; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- m. Discussion And Possible Action To Consider Ordinance No. O-2019-853 An Ordinance Of The City Council Of The City Of Kirby, Texas, Ordering An Election On The Continuation Of The Kirby Crime Control And Prevention District For 20 Years And The Continuation Of A Local Sales And Use Tax For 20 Years; Making Provision For The Conduct Of The Election, Including City Intention To Enter Into A Joint Election Agreement And A Contract For Election Services With The Bexar County Elections Administrator; Resolving Other Matters Incident And Related To Such Election; And Providing An Effective Date. This Is The First Reading.

Discusión y posible acción a considerar la Ordenanza No. O-2019-853 una ordenanza del Concejo Municipal de la ciudad de Kirby, Tejas, ordenar una elección en la continuación del crimen de Kirby y prevención distrito por 20 años y la continuación de un Local de ventas y uso impuestos por 20 años; Establecimiento para la realización de las elecciones, incluyendo la intención de la ciudad a entrar en un acuerdo de elección conjunta y un contrato para servicios de elección con el administrador de elecciones del Condado de Bexar; Resolver otras cuestiones incidentes y relacionados con tal elección; Y proporcionar una fecha efectiva. Esta es la primera lectura.

Marc Schnall, City Attorney, informed Council this item was not necessary for Council to take action on. This ítem was placed on the agenda in case the Crime Control Prevention District was not able to have a quorum to take action at their last meeting.

- n. Discussion and Possible Action To Dispense With The Second Reading Of Ordinance No. O-2019-853 So That Ordinance No. O-2019-853 Becomes Effective Immediately.

Discusión y posible acción a prescindir de la segunda lectura de la Ordenanza N^o O-2019-853 así esa ordenanza no. O-2019-853 llega a ser eficaz inmediatamente.

Action was not required for this item.

- o. Discussion And Possible Action On Agreement For Professional Services With M&S Engineering, LLC

City Manager Vernon said at the last Council meeting staff was asked to move forward with negotiations with M&S Engineering to contract for city engineer services. Mr. Schnall reviewed the contract and tonight it is submitted with changes for Council's review and consideration.

Mr. Schnall said his recommendation to the City Council if it is inclined to authorize entry into this agreement that the motion say something along the lines of the Council approves entry into an agreement between the City of Kirby and M&S Engineering, LLC for professional services on a task order addition basis, but that clause B. 1. of Exhibit G be deleted.

Council Member Grant moved to enter into an agreement with M&S Engineering LLC excluding item B.1. from Exhibit G; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- p. Discussion And Possible Action On Ordinance No. O-2019-854, An Ordinance Of The City Of Kirby, Texas, Amending Sections 98.01 And 98.02 Of Chapter 98 Of The Code Of Ordinances Of The City Of Kirby, Texas To Revise The Purposes And Definitions And Adding Sections 98.08 And 98.09 To Chapter 98 Of The Code Of Ordinances Of The City Of Kirby, Texas, To Prohibit The Sale Of Cigarettes, E-Cigarettes, And Other Tobacco Products To Any Person Under The Age Of Twenty-One And Establishing A Penalty For Violations Of A Fine Not To Exceed The Sum Of \$500.00 For Each Offense. This Is The First Reading.

Mayor Pierce provided background information stating on January 24, 2019 the City Council voted 4-3 to increase the age to purchase tobacco products from 18 to 21. The City conducted a Facebook poll that showed 74 to 14 in favor of increasing the age from 18 to 21.

Council Member Grant said he brought this item to be placed on the agenda. He addressed why he supported this ordinance and identified the research he found that supported this ordinance.

Council Member Grant moved to accept Ordinance No. O-2019-854, an Ordinance of the City of Kirby, Texas, amending Sections 98.01 and 98.02 of Chapter 98 of the Code of Ordinances of the City of Kirby, Texas to revise the purposes and definitions and adding Sections 98.08 and 98.09 to Chapter 98 of the Code of Ordinances of the City of Kirby, Texas, to prohibit the sale of cigarettes, e-cigarettes, and other tobacco products to any person under the age of twenty-one and establishing a penalty for violations of a fine not to exceed the sum of \$500.00 for each offense; seconded by Council Member Apodaca. The motion carried with a 4-3 vote.

AYES: 4

NAYES: 3

- q. Discussion And Possible Action On Interlocal Agreement And Ground Lease With Bexar County For Animal Services And Facility

Marc Schnall, City Attorney, reported on what has transpired since the last Council meeting in January. The discussion between Bexar County and City of Kirby addressed

termination of the Interlocal Agreement and the timing for the actual separation, funding matters, existing property inventory, and the logistics implementing this change in relationship. Also, discussed the modification of the Ground Lease Ms. Green, Bexar County, is saying that the earliest the County will be in a position to implement this change in relationship and the termination of the Interlocal Agreement and modification of the Ground Lease Agreement would be April 1. The County was working on finalizing and confirming the numbers for financing funding obligations for the period October 1 through December 31. The County's legal department prepared two documents for our review and comments. One is termination of the Interlocal Agreement and the other is an amendment to the Ground Lease.

Mr. Schnall said the City needs to get specific information from the County addressing the Ground Lease. He suggested City staff come up with a drawing with input from City Council as to what the City proposes to be the footprint of the Ground Lease.

Mayor Pierce asked that this item be brought back when there is more concrete information regarding the expansion and Ground Lease.

Mayor Pierce called for a 5 minute recess at 9:13 P.M. Mayor Pierce reconvened the regular meeting at 9:27 P.M.

r. Update, Discussion And Possible Action on Binz Engleman Road Reconstruction Project

City Manager Vernon provided a status update. There was an on-site inspection on Binz Engleman Road last week. The project manager from SAC, Mark Hill and Gilbert Salas were present. She recapped what was discussed at the meeting.

Mark Hill, Ford Engineering, gave a summary on the project. The concern is the amount of work invoiced verses the amount of time left in the contract. During today's meeting with TxDOT four options were discussed identifying what the City can do regarding the project.

OPTION 1: Continue to put the contractor on notice to comply with the baseline schedule, rates, and dates.

OPTION 2: Pursue finding the contractor in default.

OPTION 3: Terminate contract for the owner's convenience.

OPTION 4: Terminate contract for contractor's convenience.

Marc Schnall said the City would discard Options 3 and 4, and consider Options 1 and 2.

There was discussion addressing communication with residents to identify what is going to happen at their property and eliminate inconveniences for our residents. Also communicate with Friendship Park users about the reconstruction on Binz Engleman Road.

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

Mayor Pro-Tem Aldrich – She informed everyone that Kirby Hermann Sons Dance will be performing at the Rodeo, Sunday at 1:00 P.M.

Council Member Pierce – He thanked everyone for attending the meeting and wished them a Happy Valentine’s Day.

Mayor Pierce – She said candidate filing ends on February 15 at 5:00 P.M. Happy that Ms. Hinojosa decided to get involved and volunteer her time to be on the Planning and Zoning Commission and Building and Standards Commission.

11. Adjournment

The meeting adjourned at 10:04 P.M.

Lisa B. Pierce
Mayor

Patty Cox, TRMC
City Secretary