



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 28, 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 community in a fiscally responsible manner.”

4. Roll Call

PRESENT

Mayor Pierce
Council Member Lehman
Council Member Grant
Council Member Pierce
Council Member Wilson
Council Member Apodaca

ABSENT

Mayor Pro-Tem Aldrich

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

5. Citizen Participation

1. Ms. Mary Ortiz – She supports the age increase from 18 to 21 in purchasing tobacco products. She asks if we would delay the age to purchase to give teens a little more time to mature.

2. Mr. Jerry Sevedra – Member of American Heart Association would like to thank Council for the ordinance raising the age to purchase tobacco products. He suggested that the penalty for selling to a minor be placed on the person or retailer and not the clerk and adding a separate definition for E-cigarettes.

3. Mr. Boyd Baxter – He is a Prevention Specialist. Youth smoking is on the rise especially with E-cigarettes and vaping.

4. Mr. Steve Linscomb – He is with Judson ISD providing an update on projects going on at schools in Kirby.

6. Consideration Of And Action On Minutes

a. Regular Meeting February 14, 2019

Council Member Lehman moved to accept the minutes for February 14, 2019; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6 NAYES: 0

7. Discussion And Possible Action

a. Presentation, Discussion And Possible Action On The 2020 US Census, Richard Castanon

Richard Castanon presented 2020 US Census information and the implementation of the Community Partnership Engagement Program (CPEG) which is made up of the Complete Count Committee. This committee is 10 – 15 volunteers of the city appointed by the Mayor to develop a public awareness campaign to educate the community of the new way the Census is being done. It can be established by a Resolution. Dewayne Robinson from Bexar County spoke about the Census of the suburban city council focus on the Census.

b. Discussion And Possible Action On A Request For City Services For The 2019 Braylon Nelson Walk

Candice Matthews presented her request to have a fundraiser October 5, 2019 at Friendship Park for Braylon Nelson a survivor of road rage in Kirby 7 years ago. This is fundraiser for his medical care and physical therapy.

Council Member Grant moved to grant October 5, 2019 for the Braylon Nelson Walk; seconded by Council Member Wilson. The motion carried with a 6-0 vote.

AYES: 6 NAYES: 0

c. Discussion And Possible Action On A Request For City Services For The 2019 Suicide Awareness Event

Veronica Herrera requesting to use the Friendship Park Softball Field and Pavilion on September 7, 2019 to do a softball tourney and walk for Suicide Awareness. Mayor Pierce asked that staff verify field is not being utilized by GNELL.

Council Member Grant motioned to extend courtesy contingent on when the baseball field will be available; seconded by Council Member Wilson. The motion carried with a 6-0 vote.

AYES: 6 NAYES: 0

d. 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 Second Reading.

Council Member Grant motioned to accept Ordinance No. O-2019-854 to prohibit the sale of cigarettes, e-cigarettes, and other tobacco products to any person under the age of twenty-one; seconded by Council Member Apodaca. The motion carried with a 4-2 vote.

AYES: 4 NAYES: 2

e. 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 Second 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 segunda lectura.

Council Member Wilson 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 Council Member Apodaca. The motion carried with a 5-1 vote.

Council Member Lehman requested amount of money collected last fiscal year. City Manager Vernon provided amount of \$68,500.00.

AYES: 5

NAYES: 1

- f. Discussion And Possible Action On An Ordinance Of The City Of Kirby, Texas Amending Chapter 70 Of The Code Of Ordinances By Adding Section 70.06 To Prohibit The Operation Of Motor-Assisted Scooters On A Street, Highway, Or Sidewalk In The City Of Kirby; Authorizing The Impoundment Of Motor-Assisted Scooters Found In The City Of Kirby; And Setting A Penalty For Violations. This Is The First Reading.

City Manager Vernon said a recommendation by Chief Bois is to charge a thirty-five dollar impound fee and five dollar per day storage.

Council Member Grant moved to accept Ordinance No. O-2019-855 amending Chapter 70 of the Code of Ordinance by adding Section 70.06 to prohibit the operation of Motor-Assisted Scooters on a street, highway, or sidewalk in the City of Kirby; authorizing the impoundment of

Motor-Assisted Scooters found in the City of Kirby and setting a penalty for violations; Council Member Lehman seconded. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

g. Discussion and Possible Action On Binz Engleman Road Reconstruction Project.

Public Works Director Gilbert Salas provided a status update. There was a meeting with San Antonio Constructors, Ford Engineering and Mr. Salas and City Manager Vernon on February 21, 2019 in which a letter was given San Antonio Constructors giving them 10 days from the date of the letter to give a response.

h. Discussion And Possible Action On A Contract For The Collection Of Closed Water Utility Accounts.

Mayor Pierce stated two presentations were received at last meeting on February 14, 2019 from McCreary, Veselka, Bragg & Allen, LLC and Linebarger Goggan Blair & Sampson, LLC to enter a contract to collect on closed water utility accounts.

Council Member Pierce made a motion to enter a contract for collection on closed water utility accounts with MVBA for services March 1, 2019 through February 28, 2022 at a cost of twenty percent of what is collected per account; Council Member Lehman seconded. The motion carried 6-0 vote.

AYES: 6

NAYES: 0

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

Norma Hamby, Senior Center Manager states there are not any applications for this Board. There was no action.

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

Mayor Pierce states there are not any applications for this Committee. There was no action.

k. Update, Discussion And Possible Action On Appointing Regular Member(s) And Alternate Member(s) To The Building And Standards Commission.

Mayor Pierce states there are not any applications for this Commission. There was no action.

I. Discussion And Possible Action On Revisions To The City Of Kirby Personnel Policies Manual Regarding Service To The Public, Employee Responsibilities, Work Period And Compensatory Time.

City Manager Vernon informed Council of the changes to the Personnel Policy Manual. Update to Mission and Vision Statement. Section 2.19 Duty To Notify Of Arrest, Charges or Convictions. Section 6.05 Work Period and Section 6.09 Compensatory Time.

Mayor Pierce asks what is deemed a reasonable period for Comp Time to be used due to us being a small city. City Manager Vernon states employees have 120 days to use it, we will treat it the same as vacation extending the time to use it or pay it out.

Mayor Pierce states that Section 2.19 should also state in the case if there is a change in management, we should make sure all files be kept up to date.

Council Member Wilson made a motion to accept the Revisions to the City of Kirby Personnel Policies Manual; seconded by Council Member Grant effective immediately. The motion carried a 6-0 vote.

AYES: 6

NAYES: 0

8. 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 Grant – He thanked everyone for coming out tonight.

Council Member Lehman – We need to bring it up or it's a closed door on the committees and why people are not signing up for them. We are cutting off some people who would like to be on some of the boards that do not live in Kirby.

Mayor Pierce – Thanked everyone for coming. We have a special meeting March 7, 2019. GNELL opening day is March 2, 2019 at 9:00 am at the softball field and the Hazard Waste Drop Off is March 9, 2019.

11. Adjournment

The meeting adjourned at 8:01 P.M.

Lisa B. Pierce
Mayor

Patty Cox, TRMC
City Secretary