



Lisa B. Pierce, Mayor

Sylvia Apodaca
Mike Grant
Jerry Lehman

Kimberly McGehee-Aldrich
John W. Pierce
Debra Wilson

**CITY COUNCIL MINUTES
PUBLIC HEARING/REGULAR MEETING
THURSDAY, SEPTEMBER 12, 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 Wilson
Council Member Pierce

ABSENT

Mayor Pro-Tem Aldrich

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. Chris Garza – He reminded Council about the projects he proposed at the last council meeting. He asked Council to consider placing a traffic light at the corner of Binz Engleman and Ackerman Road.

2. Willie May Clay – She talked about ADA compliance at restaurants and VIA bus stop. She thanked Gilbert Salas for working with her.

3. BJ Voigt – She said she will participate in Community Garage Sale and clarified sale information.

4. Sharon Shuler – She said she will speak on item 9.I.

6. Consideration Of And Action On Minutes

- a. Regular Meeting August 22, 2019
- b. Public Hearing/Special Meeting August 29, 2019

Council Member Wilson moved to accept the regular meeting minutes of August 22, 2019 and public hearing/special meeting minutes of August 29, 2019; seconded by Council Member Grant. With all voting, “aye” the motion carried.

7. Presentations

- a. Delinquent Utility Accounts Collection Report – McCreary Veselka Bragg And Allen, P.C. Attorneys At Law

Katherine Torrence and Steve Whigham were present representing McCreary Veselka Bragg and Allen, P.C. Attorneys at Law. Mr. Whigham presented the report covering March 25, 2019 – September 11, 2019. He explained the collection process.

Mayor Pierce closed the regular meeting at 7:29 P.M. and opened the public hearing.

8. Public Hearing

a. Crime Control Prevention District Fiscal Year 2019-2020 Budget

Mayor Pierce asked if there was anyone present to speak on the Crime Control Prevention District Fiscal Year 2019-2020 Budget. There was no one to speak.

Mayor Pierce closed the public hearing at 7:30 P.M. and reconvened the regular meeting.

9. Discussion And Possible Action

a. Discussion And Possible Action On Crime Control Prevention District Fiscal Year 2019-2020 Budget

Chief Bois presented the Crime Control Prevention District Fiscal Year 2019-2020 Budget and identified the modifications to expenditures and capital items.

Council Member Grant moved to accept the Crime Control Prevention District Fiscal Year 2019-2020 Budget; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

b. Discussion And Possible Action On An Interlocal Cooperation Agreement With The Alamo Area Metro SWAT Team

Chief Bois presented the Interlocal Cooperation Agreement with the Alamo Area Metro SWAT Team. Asked council to approve the agreement.

Council Member Grant moved to approve the Interlocal Cooperation Agreement with the Alamo Area Metro SWAT Team; seconded by Council Member Apodaca. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Council Member Pierce)

c. Update, Discussion And Possible Action On An Eagle Scout Project At Basketball Court On City Owned Property Adjacent To The Kirby Senior Center

Anthony Quiboloy, Life Scout, Troop 1412 identified his Eagle Scout project for the park adjacent to the Kirby Senior Center. He provided City Council with the Navigating the Eagle Scout Service Project booklet and re-clarified the project. The scope of project has not changed and will

remain focused around creating the following: three picnic tables with 10'X10' concrete slabs; also, two 4'X4' concrete slabs for City garbage cart placement.

d. Discussion And Possible Action Awarding A Contract For The Hickory Hill Reconstruction Project

Craig Wilson, M&S Engineering, presented the bid tabulation. This is a CDBG project, he stated that R.L. Jones, LP is the low bidder on the project in the amount of \$429,533.00.

Council Member Wilson moved to award the bid to R.L. Jones, LP in the amount of \$429,533.00; seconded by Council Member Grant. The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

e. Discussion And Possible Action On Awarding A Contract For The 2018 Street Bond Projects Phase 1

Craig Wilson, M&S Engineering, presented the bid tabulation and scoring criteria. He recommended J & P Paving be awarded the bid because they had the “best value” score. He explained the scoring process and Phase 1 project. The Council can follow his recommendation or select the contractor by the lowest bid or “best value” score.

Council Member Pierce moved to award the 2018 Street Bond Projects - Phase I to J & P Paving in the amount of \$152,002.94; seconded by Council Member Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

f. Discussion And Possible Action On Binz Engleman Road Reconstruction Project

Gilbert Salas, Director of Public Works, presented the update on the Binz Engleman Reconstruction Project.

g. Discussion And Possible Action To Accept Kimberly Keene’s Resignation From The Building And Standards Commission Effective Immediately

Mayor Pierce read Kimberly Keene’s resignation from the Building and Standards Commission, to be effective immediately.

Council Member Grant moved to accept Kimberly Keene’s resignation from the Building and Standards Commission, to be effective immediately; seconded by Council Member Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- h. Discussion And Possible Action On Appointing One Regular Member And Up To Two Alternate Members To The Building And Standards Commission

Mayor Pierce stated Kristina Aldrup has expressed an interest in being appointed as a regular member of the Building and Standards Commission.

Council Member Grant moved to appoint Kristina Aldrup as a regular member filling the term expiring 2020; seconded by Council Member Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- i. Discussion And Possible Action On Appointing Members To the Kirby Senior Center Corporation Board

Norma Hamby, Senior Center Manager, said she did not receive any applications.

- j. Discussion And Possible Action On Appointing Up To Four Members To A Charter Review Commission

Mayor Pierce read section 12.11 from the Charter addressing the Charter Review Commission. She stated there are four vacancies on the Commission.

City Manager Vernon said there have not been any applications submitted to be considered.

Mayor Pierce called for a short recess; she reconvened the meeting at 8:37 P.M.

- k. Discussion And Possible Action To Schedule A Joint Workshop/Meeting Of City Council And All Boards/Commissions/Committees

After considering the dates for the workshop, Council Member Lehman moved to meet on October 19, 2019. The motion died for the lack of a second.

Council Member Apodaca moved to meet on October 26, 2019 at 9:00 A.M for a joint workshop/meeting of the City Council and Planning and Zoning Commission, Building & Standards Commission, Economic Development Committee, Beautification & Recycle Committee and Charter Review Commission; seconded by Council Member Grant. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

I. Discussion And Possible Action On Private Development Projects On Springfield Road

City Manager Vernon identified upcoming projects on Springfield Road and the Specific Use Permit process addressing the use of the property. She provided an update on various code violations on Springfield Road.

Marc Schnall, City Attorney, addressed potential violations and ordinances.

Mayor Pierce recognized Ms. Shuler who was signed up to speak in regards to this item.

Ms. Shuler expressed her concerns with private development projects on Springfield Road.

m. Discussion And Possible Action On Ordinance No. O-2019-864 Repealing Sections 94.01 And 94.02 Of The Nuisance Provisions In Chapter 94 Of The Code Of Ordinances Of The City And Adopting New Sections 94.01 And 94.02 Of The Nuisance Provisions In Chapter 94 Of The Code Of Ordinances Of The City. This Is The First Reading.

Marc Schnall, city attorney, identified the provisions related to activity on property adjacent to an owner's property that should be clarified. This ordinance includes a clear requirement to maintain the center line of a public owned strip of land.

Council Member Grant moved to accept Ordinance No O-2019-864 repealing Sections 94.01 and 94.02 of the nuisance provisions in Chapter 94 of the Code of Ordinances of the City and adopting new Sections 94.01 ad 94.02 of the nuisance provisions in Chapter 94 of the Code of Ordinances of the City; seconded by Council Member Wilson. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Council Member Pierce)

n. Discussion And Possible Action On Ordinance No. O-2019-865 Repealing Existing Chapter 91 Of The Code Of Ordinances And Adopting A New Chapter 91 Entitled "Animals" To Set Out Provisions As To Animals, Including An Animal Shelter, Animal Control Officers, Licensing, Animal Bites And Animal Care, Spaying And Neutering, Rabies Control, Adoption Of Animals, Fees, Enforcement, And Related Matters, And Setting A Fine Not To Exceed The Amounts Set Out In Section 10.99 Of The Code Of Ordinances For Each Violation. This Is The First Reading.

Council Member Grant moved to postpone this item for editing; seconded by Council Member Pierce. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- o. Discussion And Possible Action On Ordinance No. O-2019-866 Amending Sections 150.15, 150.16, 150.27, 150.28, 150.32, 150.33, And 150.35 Of The City's Code Of Ordinances Relating To Building, Mechanical, Plumbing, Existing Building, Performance, And Fuel Gas Codes And Adding Sections 150.37, 150.38, And 150.39 Relating To 2018 International Fire Code, 2018 International Swimming Pool And Spa Code, And 2018 International Green Construction Code To The City's Code Of Ordinances To Adopt Certain 2018 International Codes And Standards, Establishing Certain Building Code And Building Related Regulations And Requirements, And Establishing A Penalty Of A Fine Of Not Less Than \$500 Nor More Than \$2,000 For Violations With Each Day A Violation Occurs Constituting A Separate Offense. This Is The First Reading.

Council Member Grant moved to postpone this item until further information on local amendments have been considered; seconded by Council Member Pierce. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- p. Discussion And Possible Action On Ordinance No. O-2019-867 Repealing Chapter 32, Article II-Building And Standards Commission And Adopting A New Chapter 32, Article II – Building And Standards Commission; Finding The Meeting At Which This Ordinance Is Passed Is Open To The Public As Required By Law; Providing A Severability Clause; And Establishing An Effective Date. This Is The First Reading.

City Manager Vernon stated the Building and Standards Commission had a workshop on August 27, 2019. There was representation from City Attorney's office who went through the current ordinance and updated it with current state law changes and to clearly align with rules and procedures of the Building and Standards Commission.

Mayor Pierce commended Jack Major and the Building and Standards Commission for their time going through the rules and procedures.

Council Member Grant moved to approve Ordinance No. O-2019-867 repealing Chapter 32, Article II-Building and Standards Commission and adopting a new Chapter 32, Article II – Building and Standards Commission; finding the meeting at which this ordinance is passed is open to the public as required by law; providing a severability clause; and establishing an effective date; seconded by Council Member Wilson. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- q. Discussion And Possible Action On Ordinance No. O-2019-868 Making Appropriations For The Support Of The City Of Kirby For The Fiscal Year Beginning October 1, 2019 And Ending September 30, 2020 Appropriating Money To A Sinking Fund To Pay Interest And Principal Due On The City's Indebtedness; And Adopting The Annual Enterprise And General Fund Budgets Of The City Of Kirby For 2019-2020 Fiscal Year. This Is The First Reading.

City Manager Vernon stated this is the first reading and asked for clarification on the 2% increase that was discussed at the last meeting. Do we want to implement that October 1 across the board or use it to fund the new pay scale for departments to evaluate their staff? There was a consensus of the Council to use up to 2% to fund the new pay scale for departments to evaluate their staff.

Council Member Wilson moved to approve Ordinance No. O-2019-868 making appropriations for the support of the City of Kirby for the fiscal year beginning October 1, 2019 and ending September 30, 2020; appropriating money to a sinking fund to pay interest and principal due on the City's indebtedness; and adopting the annual budgets (General Fund, Water Fund, and Interest & Sinking Fund) of the City of Kirby for the 2019-2020 fiscal year; seconded by Council Member Grant. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- r. Discussion And Possible Action On Ordinance No. O-2019-869 Levying Ad Valorem Taxes For Use And Operation Of The Municipal Government Of The City Of Kirby, Texas For The 2019 Tax Fiscal Year; Providing For Apportioning Each Levy For Specific Purposes; And, Providing When Taxes Shall Become Due And When Same Shall Become Delinquent If Not Paid. This Is The First Reading.

Council Member Wilson moved that the property tax rate be increased by the adoption of a tax rate of \$0.728626, which is effectively a 13.31% increase in the tax rate, per Ordinance No. O-2019-869, an ordinance of the City of Kirby, Texas levying ad valorem taxes for use and support of the municipal government of the City for fiscal year beginning October 1, 2019 and ending September 30, 2020; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid; and providing for an effective date; seconded by Council Member Grant. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

Council Member Wilson moved to approve and adopt the \$0.598626 per \$100 valuation for maintenance and operations (M&O) for the 2019 tax rate supporting the annual budget; seconded by Council Member Grant. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

Council Member Wilson moved to approve and adopt the \$0.130000 per \$100 valuation for Interest & Sinking Debt Service for the 2019 tax rate supporting the annual budget; seconded by Council Member Grant. The motion carried with the 6-0 vote.

AYES: 6

NAYES: 0

- s. Discussion And Possible Action To Ratify The Property Tax Revenue Increase Reflected In The Annual Budget For The Fiscal Year Beginning October 1, 2019

Council Member Wilson moved that we ratify the property tax revenue increase which is a 13.31% increase from last year's budget, which is \$316,429; seconded by Council Member Grant. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- t. Discussion And Possible Action On Designation Of One Mailing Address And One Electronic Mail Address For Receiving Written Requests For Public Information

Council Member Grant moved to accept Resolution No. R-2019-712 designating one mailing address and one electronic mail address for receiving written request for public information; seconded by Council Member Pierce. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

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 Grant – He provided history on the Binz Engleman Road and Ackerman Road intersection. He addressed comments that have been made through social media.

Council Member Wilson – She said on October 27, 2019, 3:00 P.M. – 5:00 P.M. Kirby Baptist Church will host their Fall Festival and said she will not be able to attend the next Council meeting.

Council Member Apodaca – She said she attended the active shooter class and thanked Chief Bois and said she would like to see more classes offered.

Mayor Pierce – She reminded everyone there will be public notices of Planning and Zoning Commission public hearings regarding Springfield Road properties. On October 31 there will be the Harvest Festival at the Senior Center and they are accepting donations. On October 26 there will be a joint workshop with Council and our committees and commissions. National Night Out will be on October 1. This Saturday, September 14 Penny Paws will be at the Kirby Animal Services in Public Works cul-de-sac, noon – 2 PM; Saturday September 14 - 10 AM – 2 PM Kirby Community resource fair, 4932 Old Seguin Road. She thanked city staff for the time they spent on preparing the budget. She thanked Tina for her time. She thanked everyone who spoke this evening. She asked that staff follow up with Binz Engleman and Springfield Road.

City Manager Vernon – She announce the Annual Community Wide Garage Sale October 11 – 13, 2019. Curbside bulk pick up is October 14 – 31. Government 101 Citizen Academy is October 15, 22, 29 and November 5, 6 PM – 8 PM.

11. Adjournment

The meeting adjourned at 10:35 P.M.

Lisa B. Pierce
Mayor

Patty Cox, TRMC
City Secretary