



Lisa B. Pierce, Mayor

Sylvia Apodaca
Mike Grant
Jerry Lehman

Kimberly McGehee-Aldrich
John W. Pierce
Joe Salazar

**CITY COUNCIL MINUTES
PUBLIC HEARING/ REGULAR MEETING
THURSDAY, JULY 23, 2020 – 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 – Called in to meeting
Council Member Pierce
Council Member Grant
Council Member Apodaca
Council Member Salazar

ABSENT

Mayor Pro-Tem Aldrich

5. Citizen Participation

1.) B.J. Voigt – She thanked all volunteers who showed up at the Police Department on Saturday.

2.) Roger Romens – He said at the last Council meeting the General and Water Fund budgets were amended and dispensed with second reading. This action was troubling because it did not afford the general public to opportunity for input or questions. Previously the City Attorney advised Council about dispensing of second readings and said it was for extreme emergencies only. The motion passed unanimously and then dispensed with second reading. He has a concern was about replacing the fence at the water tower for \$10,000.

3.) Chris Garza – He said he will wait for the Public Hearing.

4.) Mike Martin – He said City Council members are city leaders and should pay attention to people speaking at the podium.

6. Consideration Of And Action On Minutes

- a. Special Meeting/Workshop – July 9, 2020
- b. Regular Meeting – July 9, 2020

Council Member Apodaca moved to approve the minutes for the Special Meeting/Workshop – July 9, 2020; seconded by Council Member Salazar. The motion carried with a 5-0-1 vote.

AYES: 5 NAYES: 0 ABSTAIN: 1 (Council Member Grant)

Council Member Grant moved to approve the minutes for Regular Meeting – July 9, 2020; seconded by Council Member Apodaca. The motion carried with a 5-0-1 vote.

AYES: 5 NAYES: 0 ABSTAIN: 1 (Council Member Lehman)

7. Public Hearing

- a. Crime Control Prevention District Fiscal Year 2020-2021 Budget

Mayor Pierce closed the regular meeting and opened the public hearing at 7:10 P.M.

1.) Chris Garza – He spoke about the approval of the Crime Control Prevention District budget. We are approving a budget for a wish list. He suggested removing the line item in case it's for an item we may never receive.

2.) Roger Romens – He said on June 23 Council met about the Crime Control Prevention District budget. He addressed discrepancies in the budget. The budget he received from City Hall today is not reflective of the May 28, 2020 amendment City Council approved.

City Manager Vernon explained the difference.

Mayor Pierce closed the public hearing and reconvened the regular meeting at 7:15 P.M.

8. Presentation

a. COVID-19 Emergency Action Plan Update

Interim Fire Chief Hilburn provided an update on COVID-10 Emergency Action Plan.

9. Discussion And Possible Actions

a. Discussion And Possible Action To Consider Transferring Ownership Of Explorer Street And Telstar Drive To Springfield Manor Apartments Management Company

City Manager Vernon provided history on this property. There were two options: City of Kirby could completely rehab Explorer Street and Telstar Drive or if funding isn't available for funding the two streets, then transfer full ownership of the two streets at zero cost, due to the amount of work needed on the streets, to Springfield Manor Apartment Management Company. During discussion with the city attorney, we were reminded that we are not able to give away City owned property. It would have to be sold at fair market value. Staff's recommendation is looking at an option letting them take over the streets because we are limited in our ability to maintain them. We will keep in mind that we still own the utilities and if needed, would have to go in and take care of any issues.

Paul Fletcher, on behalf of city attorney, was available to answer questions.

Mayor Pierce provided the street assessment on the two streets. The street assessment is located on our website. Explorer was rated 49 or 3.04 and Telstar was rated 75 or 2.69.

Michael Shackleford said he represents the owner, and not management company. He provided history on the property. They had a full assessment done on the property and it does not match the City's assessment. They are willing to take responsibility for ownership at no cost considering the cost to rehab the streets. They received the information from Ms. Vernon that there cannot be a transfer at no cost. He said other municipalities have done a long-term lease for 70 years for \$1.00 and they would take ownership of the road with the long-term lease. They

would maintain, rehab and anything else that the streets needed. The municipality would have access to the right of way for utility improvements if needed. (33.27)

Mr. Fletcher said since we just now heard about the long-term lease, he would like to look at this option.

Council concurred to bring back first meeting in August.

- b. Discussion And Possible Action On Ordinance No. O-2020-880 An Ordinance Adding Section 36.09 To Chapter 36 Of The Code Of Ordinances Of The City Of Kirby, Texas, Establishing A Failure To Appear Offense, Setting Out A Defense To Said Offense, And Authorizing The Judge Of The Municipal Court To Assess A Failure To Appear Fee And Adding Section 36.10 To Chapter 36 Of The Code Of Ordinances Of The City Of Kirby, Texas, Providing That A Failure To Appear Fee Shall Not Exceed \$500.00. This Is The Second Reading.

Council Member Grant moved to approve Ordinance No. O-2020-880 an Ordinance adding Section 36.09 to Chapter 36 of the Code of Ordinances of the City of Kirby, Texas, establishing a Failure to Appear offense, setting out a defense to said offense, and authorizing the Judge of the Municipal Court to assess a Failure to Appear fee and adding Section 36.10 to Chapter 36 of the Code of Ordinances of the City of Kirby, Texas, providing that a Failure to Appear fee shall not exceed \$500.00; seconded by Council Member Salazar. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- c. Discussion And Possible Action On Crime Control Prevention District Fiscal Year 2020-2021 Budget

Finance Director Tina Ynfante presented the proposed budget and amended budget. She identified the changes that were made to the budget. The resident who spoke earlier in the meeting was not provided the current budget when he requested a copy earlier today.

City Manager Vernon provided copies of the current budget to the audience and informed them they can speak if they have questions.

1.) Roger Romens – He asked that the City update the Website so residents will have accurate information.

Council Member Grant moved to accept the Crime Control Prevention District Fiscal Year 2020-2021 Budget; seconded by Council Member Salazar. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

d. Update, Discussion And Possible Action On Binz Engleman Road Reconstruction Project

Michael Ives, Public Works Director, provided an update on the Binz Engleman Road Reconstruction Project.

Mayor Pierce read a letter from San Antonio Constructors, LTD.

Council commented on the request from San Antonio Constructors, LTD. Mr. Ives replied to their questions.

There was discussion about the discrepancies with the Project. There was no action taken.

e. Discussion And Possible Action On Appointing Up To Four Alternate Members To The Building And Standards Commission

There were not any applications.

f. Discussion And Possible Action On Appointing A Member To The Kirby Senior Center Corporation Board

There were not any applications.

g. Discussion And Possible Action On Appointing A Member To The Economic Development Committee

There were not any applications.

h. Update, Discussion And Possible Action On Springfield Road Properties – Possible Executive Session Pursuant To Texas Government Code Section 551.071, Consultation With Attorney

Mayor Pierce closed the regular meeting at 8:11 P.M. and Council went into executive session.

Mayor Pierce stated the Executive Session ended at 8:32 P.M. there was not any action taken and reconvened the regular meeting at 8:40 P.M.

Council Member Grant moved that the City of Kirby take legal action to enforce the City ordinances and plat requirements for Springfield Industrial Park; seconded by Council Member Salazar. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- i. Discussion And Possible Action On Resolution No. R-2020-723 A Resolution Of The City Of Kirby, Texas, Calling A General/Special Election On November 3, 2020; For The Purpose Of Electing Three Council Members For Two Year Terms And One Council Member For A One Year Term To Complete An Unexpired Term On The City Council, Designating The Polling Places, Designating Voting System And Directing The Giving Of Notice Of Such Election; And Providing Details Relating To The Holding Of Such Election.

Council Member Grant moved to accept Resolution No. R-2020-723 a Resolution of the City of Kirby, Texas, calling a General/Special Election on November 3, 2020; for the purpose of electing three council members for two year terms and one council member for a one year term to complete an unexpired term on the City Council, designating the polling places, designating voting system and directing the giving of notice of such election; and providing details relating to the holding of such election; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

10. Request 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 asked if school doesn't start, is it possible to extend the pool season. City Manager Vernon said the pool company contacted her and asked if the City wanted to extend the season a couple of weeks. She said she told them no because it would be for weekends only. We could revisit this, but it will be an additional expense.

Council Member Lehman – He thanked everyone for putting up with him, he has a journey ahead of him. He is here in spirit and thanked everyone for attending the meeting.

Council Member Apodaca – She thanked City employees for their hard work.

Mayor Pierce – She thanked everyone for attending the meeting. Thank you for your interaction and comments. Not everything that is mentioned is accurate. She thanked all the volunteers who painted the fence on Saturday. She clarified a comment made about the amended budget. The fence was located at the public works yard and not water tower. City Manager Vernon explained the \$10,000 amendment to finish out the project. Our City Attorney reviews our agendas and he cleared dispensing the second reading.

Mayor Pierce said she is looking toward resolution on Binz Engleman Road and Springfield Road, and keep on track with Ackerman Road issue. She said if there is something Council can discuss about Ackerman Road in an open meeting, then place this on the first meeting in August. If it requires an executive session then she preferred not placing it on an agenda.

11. Adjournment

The meeting adjourned at 9:02 P.M.

Lisa B. Pierce
Mayor

ATTEST:

Patty Cox, TRMC
City Secretary