



Janeshia A. Grider, Mayor

Mike Grant
Sylvia Apodaca
Joe Molina

Maria Lozano
Englan Sanchez
Sally J. Hitt

**CITY COUNCIL AGENDA
REGULAR MEETING
THURSDAY, NOVEMBER 14TH, 2024 - 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

This notice is posted pursuant to the Texas Open Meetings Act. The location where a quorum of the governmental body will be physically present is Kirby City Hall, City Council Chambers at 112 Bauman Street, Kirby, Texas 78219 and it is the intent to have a quorum present at that location and for the member of the governmental body presiding over the meeting to be physically present at that location. A member of the public who wishes to speak may do so by signing the participation sheet prior to the meeting being called to order.

Topic: Regular City Council Meeting

Date and Time: November 14th, 2024 at 7:00 P.M. (Central Time)

1. **Call Meeting to Order 7:01 PM**
2. **Invocation and Pledge of Allegiance to the Flag**
Moment of silence
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	Absent
Council Member Grant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Council Member Sanchez	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Note: Mayor, you have a quorum.

5. Citizens to Be Heard

Chris Garza addressed the council regarding an incident at a Crime Control town hall meeting held on November 2nd. He described a situation where tensions rose during a discussion about programs, with a hostile environment developing. Garza mentioned that Police Chief Cardona decided to eject attendees from the meeting, including himself, Susan Street, David Barbosa, and Roger Romans, while allowing other attendees—such as Council Members and their families—to stay inside. He expressed concerns about the fairness of the police actions, particularly when individuals were asked to leave the public park entirely. Garza emphasized that the park is a public facility funded by tax dollars and questioned why certain individuals were singled out while others were allowed to remain.

Garza also criticized the police for what he perceived as biased behavior, alleging that the police department targeted specific individuals who questioned their authority. He referenced past requests for an external investigation into the police, which were denied by the council. Garza concluded by calling for an independent investigation into the police department's actions and highlighting ongoing concerns about what he described as a "corrupt" police force. He expressed a lack of faith that the police would protect him in the same way they protect others, particularly those who do not challenge their actions.

Susan Street addressed the City Council with several concerns, focusing primarily on issues related to transparency and communication. She raised the following points:

1. **Garage Sale Notification:** Street mentioned concerns that the public, especially those who aren't electronically connected, may not have been adequately informed about the second citywide garage sale held from November 1st to 3rd. She explained that, while a flyer was posted on the city's webpage, she wasn't sure if physical flyers were posted at City Hall or local businesses, or if the information appeared on water bills. She suggested future notifications should include those who don't use electronic messaging.
2. **Lack of Transparency:** Street criticized the city for not properly informing the public about meetings for boards, commissions, and committees. She noted that meetings for entities like the Planning and Zoning Commission, Building and Standards, and the Crime

Control and Prevention District were not posted on the city calendar, nor were agendas available online. She questioned the lack of information, especially for a government that receives taxpayer dollars, and emphasized the need for greater transparency.

3. City Council Meetings and Agenda Packets: Street pointed out issues with the posting of city council meetings on the calendar, including incorrect upcoming dates. She also raised concerns that city council agenda packets had not been posted online since the May election. She mentioned having to request a copy of the agenda packet and pay for it, which she felt should not be necessary.
4. Financial Audit Issues: Street highlighted problems with the city's financial audit, noting that when it was recently posted on the website, significant portions of it (pages 52-111) were missing. She stressed that public records should be presented in their entirety by law.
5. Communication Issues: Street also referenced a situation where a member of the Planning and Zoning Commission had difficulty reaching the City Secretary about an upcoming meeting. She expressed concern that simple tasks like posting items on the city calendar weren't being done properly and questioned how well more complex tasks were being handled.

In summary, Street emphasized the need for better communication, transparency, and proper posting of public information by the city government.

6. Consideration of and Action on Minutes

- a. Regular Meeting Minutes – October 17, 2024
POSTPONED

Mayor Grider asked Ms. Applewhite if these were the ones that need to come back. Ms. Applewhite confirmed they need to come back.

7. Updates

- a. Update on Ackerman Road Project

Traffic and Detour Issues on Ackerman Road:

The Mayor raised concerns about unclear or confusing signage related to traffic detours around Ackerman Road, specifically regarding drivers being rerouted when trying to access locations like the VFW and Puppy Power. Some signs were leading drivers in the wrong direction or causing confusion about the detour path, particularly for people unfamiliar with the area.

Mr. Baine acknowledged that there had been a shift in traffic patterns, particularly due to work on Binz Engleman and Old Seguin Road. As traffic patterns have changed (such as now going north instead of south), some old detour signs may still be in place, which could be causing confusion. He assured that he would have his team inspect the area, remove outdated signs, and correct any signage issues. He also mentioned that Fox Cross was not a significant detour area and that only minor work was being done there. But he would have his person, David, look into this issue.

Signs for Businesses (Puppy Power and Barbershop):

The Mayor Pro-Tem inquired whether signs had been provided to guide people to businesses like Puppy Power and the local barbershop. She wanted to know if these signs were part of the project or if businesses had to make their own arrangements.

Mr. Baine clarified that signs for businesses like Puppy Power were not included in the original construction plans but were provided by the contractor as a separate effort. Ms. Applewhite, from the contractor's side, confirmed that the contractor had taken the initiative to put up the signs.

Council Member Molina clarified added that these signs had been put up by the previous superintendent. When the superintendent changed, discussions with businesses like Puppy Power and the barbershop led to these signs being placed, but they were not part of the official project budget.

Current Status of Ackerman Road Work:

Work Progress: Mr. Baine provided an update on the ongoing work on Ackerman Road:

- On the east side of Ackerman, work is being done to lay topsoil and sod between Binz Engleman to Harris Road. Daily traffic shifts are occurring as they work on the east side, with traffic moving to the west side.
- Between Sparkling and Peppermint, work is focused on sidewalk construction.
- From Old Seguin Road to Hedwig St. they are laying asphalt.
- They are also working on concrete collar for the Hedwig inlet.

Binz Engleman and Ackerman Intersection:

Traffic Flow: Council Member Molina noted that the intersection of Binz Engleman and Ackerman Road is currently closed for work. There is no access to Ackerman from Binz Engleman, coming out of this neighborhood, but traffic is now flowing from Binz Engleman to Old Seguin.

Timeline for Reopening: Mr. Baine confirmed that they expect to reopen the Binz Engleman and Ackerman intersection by the end of the month, according to the latest schedule.

8. Presentations

- a. Delinquent Tax Report

Postpone - Ms. Bush did not arrive

9. Items for Individual Consideration

- a. Discussion and Possible Action on Resolution 2024-785, A Resolution Accepting Change Order 1 : Alamo City Constructors is Requesting a Change to the Subgrade Treatment for the Foxcross Drive Street Reconstruction and Sanitary Sewer Replacement Project.

	<u>1st/2nd</u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion Passed (5/0) - Motion was passed to accept Change Order 1 for Foxcross Drive Street Reconstruction and Sanitary Sewer Replacement project.

Mr. Bain recommended a change order of \$18,876.30. He explained the need for the change order, to be able to add lime treated subgrade to add to the thickness of the concrete. They want the change order because they believe it will provide a better product and more long-lasting product.

- b. Discussion and Possible Action on Resolution 2024-790, A Resolution Approving the Tax Roll for the City of Kirby in accordance with Section 26.09(e) of the State Property Tax Code.

	<u>1st/2nd</u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion Passes (5/0)- A Resolution Approving the Tax Roll for the City of Kirby in accordance with Section 26.09(e) of the State Property Tax Code.

Council Member Molina questioned why this on the agenda.
Ms. Applewhite explained that this a formality.

- c. Discussion and Possible Action on Resolution 2024-791, A Resolution amending the signature authorization with Schertz Bank & Trust.

	<u>1st/2nd</u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Ms. Applewhite explained it is so that the City Secretary, Christine Wilson, can sign checks.

Mayor Grider explained that in the past City Managers were able to sign as well.

Mayor Grider proposed adding Wyndie Applewhite and Christine Wilson to the list of authorized signatories for checks. Wyndie Applewhite would sign only as a last resort. After consulting with the city's attorney, Natalie, it was confirmed that this would be acceptable.

Motion Passes (5/0) – A Resolution amending the signature authorization with Schertz Bank & Trust. to add Wyndie Applewhite and Christine Wilson to the signature authorization.

- d. Discussion and Possible Action on Resolution 2024-792, A Resolution authorizing the Ms. Applewhite to enter into an agreement with the City of Converse regarding surgical group pricing for the 2024-2025 fiscal year for sheltered animals.

POSTPONED

Ms. Applewhite stated it was interlocal agreement and needed to post pone until they change the agreement.

- e. Discussion and Possible Action on Resolution 2024-793, authorizing the Ms. Applewhite to execute the Engagement Letter between the City of Kirby and Armstrong, Vaughan & Associates, P.C., for Fiscal Year 2023/2024 Financial Statements audit.

	<u>1st/2nd</u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Mayor Pro-Tem Apodaca	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Ms. Applewhite explained that this is standard procedure for in accordance to general accounting principles and this is just a formality.

Mayor Grider confirmed that it is a formality and that the City of Kirby stay with Armstrong & Vaughn Assoc.

Motion Passes (4/1) - Discussion and Possible Action on Resolution 2024-793, authorizing the Ms. Applewhite to execute the Engagement Letter between the City of Kirby and Armstrong, Vaughan & Associates, P.C., for Fiscal Year 2023/2024 Financial Statements audit.

Mayor Grider stated voted no because of a dislike of how things have been handled in the past years and believes it would be in the best interest of the City of Kirby to shop around.

Discussion and Possible Action on Resolution 2024-794 Adopting a Policy Regarding Covered Applications and Prohibited Technology in Accordance with S.B. 1893.

Mayor Grider: Will you go into more detail about this?

Lawyer Natalie: Yeah, absolutely um so, this is what's colloquially been dubbed or called the Tik Tock ban for government issued devices, it was passed last year during the legislative session and then it wasn't in effect to have a policy or, the governing body didn't need to adopt the policy, until the Department of Information resources, and DPS put together a model policy. They finalized the model policy either last month or the month before and set a deadline for November, the end of November, for governing bodies to adopt the policy and so we've provided the model policy to the city staff so that they can add all the information for Kirby in it and have it in effect on time. Any questions?

There were no further questions.

	<u>1st/2nd</u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion Passes (5/0)- Accepting Resolution 2024-794 Adopting a Policy Regarding Covered Applications and Prohibited Technology in Accordance with S.B. 1893.

f. Discussion and Possible Action on a delinquent utility account.

Mayor stated going to Executive session.

10. Closed Session: Pursuant to Texas Government Code Section 551.071(2) (Consultation with City Attorney): the city of Kirby City Council will convene in executive session on the following items:

- i. Under 551.071(2) - Attorney Consultation on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar clearly conflicts with this chapter. To wit: delinquent utility account.

Entered into Closed Session:

Mayor announced entering into closed session 7:42PM.

Entered into Open Session: 8:46pm

11. Open Session: The City Council Will Reconvene into Regular Session Upon Conclusion of The Closed Session and May Recall Any Item Posted for Closed Session for Action, As Necessary.

Mayor - We have a motion to disconnect or instigate a suit and all other remedies afforded by law.

	<u>1st/2nd</u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion Passes (5/0)- Motion passes to disconnect or instigate a suit and all other remedies afforded by law.

12. Request and Announcements

Council Member Molina thanked everyone for attending the meeting and expressed appreciation to the city staff for their hard work. He then requested that the following items be placed on the next City Council agenda:

1. Updates on the Foxcross construction project.
2. Progress on the Ackerman Rd. project.
3. An update on the water main adjustment on Boatman.

These requests aim to keep the community informed on the status of these important infrastructure projects.

Mayor Pro-Tem Apodaca provided several updates on city events and community interest items:

1. **SA Compassion News:** A nonprofit organization helping with medical care, mental health services, foster care, veterans, and school programs, as well as hosting conferences and walk fundraisers. For assistance, visit their website at www.sa-compassion.com.
2. **Metzger Middle School Event:** On November 20, 2024, Metzger Middle School will partner with the San Antonio Food Bank to distribute food.
3. **Bexar Utility Assistance:** On November 21, 2024, True Vision Church will host the Bexar Utility Assistance event. To sign up, visit bexar.org/utilityassistance. Income limits are available on the website.
4. **VFW Turkey Bingo:** On Saturday, November 18, the Kirby VFW will host a Turkey Bingo event. Two cards for \$30, starting at 11:00 AM. Tickets available from Mayor Pro-Tem or pay at the door.
5. **Turner Club Anniversary:** The Turner Club is celebrating 171 years on November 16. Public bowling will not be available that day, but leagues will continue. Public bowling will start in the evening.
6. **November - Diabetes Awareness Month:**
 - **Quick Facts:** In the U.S., 38 million people have diabetes, with about 90-95% having type 2 diabetes. Many do not take their prescribed medication, leading to serious health complications such as blindness, kidney failure, heart attacks, strokes, and amputations. Insurance typically covers diabetes treatment; contact your primary care physician for more information.
 - For more info, visit the World Health Organization's website.
7. **I-35 Northeast Expansion:**
 - TX DOT is planning to shut down the Southbound I-35 Frontage Road at Rittman Road starting 11:00 PM Friday until 5:00 PM Monday. This is a key route to Kirby for those coming from I-35.
8. **Beautification and Recycling Annual Contest:**
 - The Annual Decorating Contest entry forms are due to the City Secretary by December 6. They are available on the city's website and in the City Hall lobby. Judging will take place December 10-11, with the final results announced on December 12.
9. **Boards, Committees, and Commissions:**
 - There has been confusion regarding the membership and vacancies on various city boards and commissions. Mayor Pro-Tem requested the next agenda to include an update on the current boards, committees, and commissions, including information on any vacancies.

Council Member Hitt thanked everyone for attending the meeting, highlighted the VFW's 171st anniversary, and wished everyone a good night.

Council Member Sanchez thanked everyone for attending the meeting and shared that she works for a diabetes company. She encouraged everyone to get tested for diabetes, explaining the differences between the types. Type 1 diabetes is an autoimmune disorder where the pancreas does not produce insulin, while Type 2 diabetes occurs when the body becomes resistant to insulin. She emphasized the importance of getting checked and taking care of one's health by visiting a doctor.

Mayor Grider provided several announcements:

- **Care Program:** A free event for expecting mothers or parents of children under 36 months, offering diapers, wipes, and other essentials. There are no income requirements. The next event will be on November 15, 2024, and the following one will be on November 22, 2024, from 10:00 am – 3:00 pm.
- **Christmas Tree Lighting:** This event will be held on December 6, 2024, from 6:00 pm – 9:00 pm.
- **Bexar County Veterans Department:** Thanked the department for hosting two workshops, Employment in Transition and Claims 101. These workshops were live-streamed on Facebook for those who could not attend in person. Personal assistance can be arranged by making an appointment with Bexar County Military Veterans Services.
- **Bexar County Utility Assistance:** This program, a collaboration between Bexar County Community and Development, CPS, and the City of Kirby, is aimed at assisting residents in need. It is for residents of Bexar County who do not live in San Antonio (e.g., Live Oak, Converse, Universal City, Leon Valley). The assistance will be available from November 18 – November 21, 2024. For more information, call Bexar County at 210-335-3666.
- **Christmas Parade:** The City of Kirby is accepting applications for businesses to participate in the upcoming Christmas Parade. Interested businesses can apply by contacting the City Secretary or visiting City Hall for the application.


13. Adjournment 8:59 PM

Christine Wilson
City Secretary

The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on this agenda if authorized by Texas Government Code Section 551.071, Consultation with

- Bexar County Utility Assistance: This program, a collaboration between Bexar County Community and Development, CPS, and the City of Kirby, is aimed at assisting residents in need. It is for residents of Bexar County who do not live in San Antonio (e.g., Live Oak, Converse, Universal City, Leon Valley). The assistance will be available from November 18 – November 21, 2024. For more information, call Bexar County at 210-335-3666.
- Christmas Parade: The City of Kirby is accepting applications for businesses to participate in the upcoming Christmas Parade. Interested businesses can apply by contacting the City Secretary or visiting City Hall for the application.

13. Adjournment 8:59 PM



Janeshia Grider,

Mayor



Christine Wilson
City Secretary

The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on this agenda if authorized by Texas Government Code Section 551.071, Consultation with Attorney; Texas Government Code Section 551.072, Deliberations about Real Property; Texas Government Code Section 551.074, Personnel Matters; Texas Government Code Section 551.076, Security Devices or Security Audits; and Section 551.087 of the Texas Government Code, Deliberation about Economic Development.

This meeting is wheelchair parking accessible at the main entrance located at 112 Bauman. Auxiliary services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours prior to the meeting) by calling 210/661-3198 or Relay Texas 800/735-2989 (hearing/speech impaired assistance).

DATE OF POSTING: November 8th, 2024 TIME OF POSTING: 5:30 P.M.