



Janeshia A. Grider, Mayor

Mike Grant
Sylvia Apodaca
Joe Molina

Maria Lozano
Englan Sanchez
Sally J. Hitt

**CITY COUNCIL AGENDA
REGULAR MEETING MINUTES
THURSDAY, SEPTEMBER 12TH, 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: September 12th, 2024 at 7:00 P.M. (Central Time)

1. **Call Meeting to Order 7:06**
2. **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	Absent
Council Member Grant	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Council Member Lozano	<input checked="" type="checkbox"/>	<input 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"/>

5. Citizens to Be Heard

De La Pena- De la Pena represented Saint Joan of Arc Church. He expressed his disappointment with the property sale of the church. De La Pena claimed the back-and-forth rhetoric during his communication with the city was petty and unproductive. He concluded by stating that the council had voted to approve the self-storage unit. He also stated that he emailed the City Manager but has yet to hear a response back. De La Pena wants to improve communication with the city.

Durrel Bess- Suggested that the council call for peace in meetings ahead of the upcoming November 5th election.

6. Consideration of and Action on Minutes

a. Regular Meeting Minutes – August 8th, 2024

	<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 checked="" 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 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			

b. Special Meeting Minutes – August 21st, 2024

	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

c. Special Meeting Minutes – August 22nd, 2024

	<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 checked="" 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 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"/>

d. Regular Meeting Minutes – August 22nd, 2024

	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Motion Passes

All Minutes approved (6/0)

7. Updates

a. Update on Foxcross Road Project

City Manager Applewhite confirmed that the city is in the process of getting the Foxcross Road Project contract started. The city is pending several documents expected in the coming days.

8. Consent Agenda

a. Action on Casting Vote for Randy Chriswell for Official Ballot Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election: Place 11

b. Action on Casting Vote for Allison Heyward for Official Ballot Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election: Place 12

c. Action on Casting Vote for Harlan Jefferson for Official Ballot Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election: Place 13

d. Action on Casting Vote for Mike Land for Official Ballot Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election: Place 14

1st/2nd Aye Nay

Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Motion passes (5/1): The City Council will cast their votes for Randy Chriswell, Allison Heyward, Harlan Jefferson, and Mike Land for the Texas Municipal League Intergovernmental Rick Pool Board of Trustees.

9. Items for Individual Consideration

- a. Discussion and Possible Action on Happy Kids Foundation 5k run.
 Yasmine Moreno and Kayla spoke on behalf of the Happy Kids Foundation. Their mission statement is to provide basic needs to children and provide them with the opportunity to have enrichment. They presented the council with a map of where the intended 5k will take place. The presenters are flexible about the time and date however, the plan is currently for October 26th from 8am-12pm.

City Manager Applewhite suggested the route be changed to go through the Hugo Lens Park instead of the Sunrise neighborhood which is under San Antonio Jurisdiction. Happy Kids Foundation agreed for the 5k to go through the city of Kirby walking trail.

Councilmember Molina asked if the 5k could take place on the Friendship Park Trail I Hugo Lens. This trail would keep the 5k runners off the main streets and away from the ongoing construction.

Chief Cardona Explained that 4 officers would be needed to ensure the safety of the participants. The Happy Kids Foundation representatives reiterated that they are flexible to the timing and route for the 5k.

The City Manager invited the participants to meet with her later in the week to work out the details. This will be tabled until the next council meeting.

VOTE POSTPONED

- b. Discussion and Possible Action on Appointment of Acting City Manager.

	<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 checked="" type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Council Member Hitt	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Motion Passes (5/1): The City Manager suggested that Xaviera Newton, the current City Secretary serve as the Acting City Manager in a temporary absence. Mayor Grider explained after the vote that the City Secretary serving as Acting City manager is standard for the City of Kirby.

c. Discussion and Possible Action on Ordinance 2024-930 Authorizing an Amendment to the Budget to Purchase a Server to Replace the Current Server Which Has Reached the End of its Life and is no Longer Supported by Microsoft as of October 2023.

1. Vote to Waive the Second Reading
2. Vote to Waive Second Reading for Ordinance

PULLED/POSTPONED

The City Manager explained that this item was pulled because the IT Consultant needs to present more bids. The current bid prices are unsatisfactory.

d. Discussion and Possible Action on Resolution 2024-781, A Resolution Accepting Change Order 11: Contractor is Seeking Financial Compensation for the Sanitary Sewer Lateral Conflict with Storm Sewer on Hedwig St. Which Includes the Installation of a New Sanitary Sewer Manhole at Approx. STA 8+75 and Two New Sanitary Sewer Services for the Ackerman Road 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 checked="" 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 checked="" 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"/>

Motion Passes (6/0): Mr. Bain explained that there is a conflict with the proposed storm sewer and the existing laterals. The expected time increase will be an additional 2 weeks and the pay increase from the city will be a little over \$62,000.

Councilmember Molina added that 14 days will be added to the project time. The expected completion date is sometime in November.

- e. Discussion and Possible Action on Resolution 2024-782, A Resolution Accepting Change Order 12: Contractor is Seeking Financial Compensation for the Additional Expenses Incurred for the Presence of Off Duty Police Officers to Control Traffic in and Around Detours in the Project for the Ackerman Road 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input checked="" type="checkbox"/> <input checked="" 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 type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion Passes (6/0): Austin Bridge and Road claimed that the public did not respect the signs that were posted during construction. For the safety of the public and staff they requested that an off-duty officer be present. The associated cost is not marked up- the company is not making money on this change order.

Mayor Grider reiterated that the number one concern is safety and, in the past, workers have been threatened with gun violence. She denounced the action as volatile and aggressive. She then asked for staff's suggestions.

Austin Bridge & Road added that having officers present during road construction is standard.

City Manager Applewhite explained that this proposal first occurred in 2023 under a different project manager. The contractor waived the cost previously. Austin Bridge & Road disagreed that the cost was waived. They claimed that there were various and diverse issues with the previous contractors. Because of this, many things have changed.

City Manager Applewhite recommended that a Police Officer be present for the safety of the public and staff.

Councilmember Molina asked for clarification of City Manager Applewhite's statement. He asked if our officers should be present to which she responded with an affirmative. Councilmember Molina then explained that the last contractor claimed they would cover the cost related to police. He also explained that future construction projects will cause extensive road closures. Councilmember Molina asked if the contractors would need officers in the future as well. His understanding was that this issue would not come before council again.

Austin Bridge & Road claimed that going forward, communication has improved. He does not foresee this issue coming to council again however, he would not like to make promises. They are on the "downside" of the job.

Councilmember Lozano reiterated that the original change order was for \$30,000. After this payment the council was told they would not be responsible for the payment of police officers. She asked if the change

order was from August of this year. Austin Bridge & Road answered that the change order was not from August of this year. They stopped using police officers in May. The dates on the change order do not reflect the times that police officers were present.

Lozano asked if off duty police officers were included in the original contract. Austin Bridge & Road claimed to have "ate the cost" for police officer thus far. Officers were not included in the contract which is why they are requesting a change order.

Councilmember Sanchez asked if it was customary to have a police officer present. Austin Bridge & Road explained that it is common but not present in every contract. Councilmember Sanchez asked why this was not presented in the original contract. Austin Bridge & Road restated that several things have changed. Mr. Bain added that the project was designed several years ago and was bid out twice. Their new contracts with the city include a police officer but that request is not present in older agreements.

Mayor Grider suggested splitting the cost of the police officers. Austin Bridge & Road agreed with the suggestion and claimed, in the future, communication will be better.

The city attorney, Natalie Thamm, recommended that an amendment made to the contract pertaining to the police officers so those change orders do not have to come to council.

Motion Passed (6/0): Motion was made to accept the change order with the city covering half the cost and the contractors covering the other half. The city's additional amount due will be \$31,800.

10. Closed Session: Pursuant to Texas Government Code Section 551.071(1) (Consultation with City Attorney): the city of Kirby City Council will convene in executive session on the following items:

- a. Update on Eclipse House Fire
- b. Discussion on City Ordinance and Code Violations (Postponed)

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.

12. 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 Interest.

Councilmember Lozano: Thanked everyone for being at the Council meeting. Lozano mentioned that she sees a lot of good change in the city like the new digital sign.

Councilmember Molina: Thanked everyone for coming out and thanked the city employees for their hard work. He mentioned that the heat caused more problem with the water lines and Councilmember Molina thanked Public Works for their diligence in getting the repairs completed. He requested that the Ackerman Road construction update be added to the next agenda. He also mentioned that several councilmembers went to the North East Partnership Luncheon. The presentation was done by railroad partners; citizens are encouraged to obey the traffic laws specifically with trains and the warning barricades that appear as one is passing.

Mayor Pro-Tem Apodaca: Announced that a drive through flu shots event is being held by various precincts. Mayor Pro-Tem Apodaca announced that personal vehicles will no longer need inspections but emission testing will be required in 2026. Apodaca concluded by thanking the City Manager and the Mayor for their efforts on the budget. She also thanked staff for their extra efforts.

Councilmember Hitt: Thanked everyone for attending and announced that voting will be taking place in late October and November. The city has handouts available at city hall with Polling locations. On November 16th the Kirby Bowling Alley is celebrating their 100th Birthday.

Councilmember Sanchez: Urged citizens to donate candy to the Kirby Senior Center. She also wished everyone a Happy Female Police Officer Day. She thanked two Policewomen in the audience and the Policewomen working in Animal Control.

Mayor Grider: Bexar County utility assistance is having an event at Kirby City Hall on 10/24-25 and at True Vision Church on 11/19-21st. Mayor thanked the pastors involving in facilitating the event. In November the City of Kirby will host a claims workshop for veterans and service members about to leave the military. The Care Program will be in Kirby from September 16, 23, and 30th; it provides diapers, clothing, and resources for the community. The Records on the Run Program will be back in Kirby on October 1st. Mayor Grider wanted to get feedback from Via on which bus routes will be removed

13. Adjournment 9:58pm

Xaviera Newton
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: September 9th, 2024

TIME OF POSTING: 6:00 P.M.