

CITY OF KIRBY, TEXAS

Timothy Wilson, Mayor



Stephanie Faulkner, Mayor Pro-Tem
Mike Grant
Jerry Lehman

Roger A. Romens
Debra Wilson

CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, DECEMBER 10, 2015 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219

1. **Call Meeting to Order:**

Mayor Wilson called the meeting to order at 7:00 P.M.

2. **Invocation and Pledge of Allegiance to the Flag:**

Mayor Wilson led the invocation and followed with the pledge of allegiance to the flag.

3. **Mission Statement:**

“The City of Kirby is dedicated to delivering excellent municipal services to our entire community in a fiscally responsible manner.”

4. **Roll Call:**

PRESENT

ABSENT

Mayor Wilson
Mayor Pro-Tem Faulkner
Council Member Grant
Council Member Lehman
Council Member Wilson
Council Member Romens

5. Citizen Participation:

1. Lee Anderson, 5002 Wheatland – Spoke regarding chemicals being used to clean the sidewalks on Wheatland and Boatman.

6. Consent Agenda:

- a. Special Meeting/Workshop Council Minutes - March 19, 2015
- b. Regular Council Minutes – November 12, 2015
- c. Public Hearing Council Minutes - November 19, 2015
- d. Special Council Minutes - November 19, 2015

Mayor Pro-Tem Faulkner moved to accept the consent agenda. The motion failed due to the lack of a second.

Council Member Romens suggested removing item 'a.' from the vote and name it separately for those members who were not present for the meeting.

Mayor Pro-Tem Faulkner moved to accept items b., c., and d.; seconded by Council Member Lehman.

The motion carried with 6-0 vote.

Council Member Lehman moved to accept item 'a'; seconded by Mayor Pro-Tem Faulkner.

The motion carried with a 4-2 vote.

AYES – 4

ABSTAIN – 2 (Council Members Grant and Romens)

7. Presentation:

- a. Overview Of Keep Kirby Beautiful – Sam Richardson

Sam Richardson provided the history of Keep Kirby Beautiful, an affiliate of Keep Texas Beautiful. Keep Kirby Beautiful is a community based organization to get the community more involved and take responsibility of their streets and City. Currently we are Category 3 which is for a City with the population between 5,500 to 9,000. Keep Kirby Beautiful is eligible to apply for \$130,000 grant money. Also, they are eligible to apply for the Government Achievement Award which is awarded annually. They also have scholarships for elementary schools. Keep Kirby Beautiful wants to adopt ten acres in Hugo Lentz Park to help the City maintain the area

and conduct at least ten events every year to get the community involved and coming to the Park.

8. Discussion And Possible Action:

- a. Discussion And Possible Action On Filling Vacancy Created By Resignation Of Ernest Spradling Including Consideration Of A Nominee Submitted By Ernest Spradling Pursuant To Section 2.06 (c) Of The City Charter And Consideration Of Other Potential Appointees If Such Nominee Is Not Appointed

Mayor Wilson explained this item is on the agenda to fill the vacancy created by the resignation of Ernest Spradling. With his resignation, he nominated John W. Pierce as his replacement. Mayor Wilson asked John W. Pierce if he would like to address Council. John W. Pierce said he didn't have any comments at this time.

Mayor Pro-Tem Faulkner moved to appoint John W. Pierce to fill the vacant position; seconded by Council Member Grant.

The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- b. Discussion And Possible Action To Consider Ordinance No. O-2015-775 Designating The Official City Newspaper For Publication of Matters Pertaining To The City Of Kirby. This Is The First Reading.

City Manager Vernon said this item was tabled on November 12, 2015 to allow Council Member Grant enough time to provide his report after his meeting with NE Herald representatives.

Council Member Grant said he arranged distribution of the NE Herald at six locations: Kirby Cleaners, Schertz Bank, City Hall, Senior Center, Kirby Food Mart and SK Food Mart.

Council Member Romens moved to approve Ordinance No. O-2015-775 designating the NE Herald as the official City newspaper for publication of matters pertaining to the City of Kirby; seconded by Council Member Grant.

The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- c. Discussion And Possible Action To Consider Ordinance No. O-2015-778 Repealing Ordinance No. O-2008-653 And Providing A Declaration Of Purpose; Providing A

Definition Of Garage/Yard/Estate Sales; Providing For A Requirement And Display Of Permit; Establishing A Permit Application Fee; Limiting The Number Of Garage/Yard/Estate Sales; Regulating Signage, Hours Of Operation And Prohibiting The Sale Of Prepared Food; Providing A Civil Remedy And A Penalty For Each Violation Thereof; And Providing For Severability. This Is The First Reading.

Mayor Pro-Tem Faulkner moved to accept Ordinance No. O-2015-778 repealing Ordinance No. O-2008-653 and providing a declaration of purpose; providing a definition of garage/yard/estate sales; providing for a requirement and display of permit; establishing a permit application fee; limiting the number of garage/yard/estate sales; regulating signage, hours of operation and prohibiting the sale of prepared food; providing a civil remedy and a penalty for each violation thereof; and providing for severability.

The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Council Member Lehman)

- d. Discussion And Possible Action To Consider Ordinance No. O-2015- 779 Of The City Of Kirby, Texas Amending Sections 93.04 And 93.05 Of The City's Code Of Ordinances Relating To Adoption Of The International Fire Code, 2015 Edition, And Local Amendments Thereto, 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.

Mayor Pro-Tem Faulkner identified the recommended changes the Ordinance Review Committee addressed at their last meeting. Kevin Riedel, Fire Chief, attended the meeting and provided the following recommendations for changes to Chapter 93:

Change the Edition of the International Code from 2006 to 2015.

Sec. 103.2. 1. The Fire Code Official for the City of Kirby shall be the **Fire Chief/Fire Marshal. (Include Fire Chief)**

903.2.10.6 **Buildings over 10,000 12,000**sq. ft. An automatic sprinkler system shall be installed throughout all new buildings with a building area over **10,000 12,000** sq. ft.

~~905.3.8~~ **905.3.3** **Building Area.** In buildings exceeding 10,000 square feet in area per story, Class I automatic wet or manual wet standpipes shall be provided where any portion of the building's interior area is more than 200 feet of travel, vertically and horizontally, from the nearest point of fire department vehicle access.

1020.1.7 Smoke proof Enclosures. In buildings required to comply with Section 403 or 405, each of the exits of a building that serves stories where any floor surface is located more than 55 feet above the lowest level of fire.

Section ~~2204~~ 2304 is amended to read as follows:

~~2204.3~~ 2304.3 Unattended Self-service Motor Fuel-dispensing Facilities. Unattended self-service motor fuel-dispensing facilities shall comply with Sections 2204.3.1 through 2204.3.13.

2204.3.9 All fire suppression systems shall be installed, and maintained by companies and persons holding the required certificates of competency and registrations issued by the State Fire Marshal's Office.

Mayor Pro-Tem Faulkner moved to approve Ordinance No. O-2015- 779 Of The City Of Kirby, Texas amending Sections 93.04 and 93.05 of the City's Code of Ordinances relating to adoption of the International Fire Code, 2015 Edition, and local amendments thereto, 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; seconded by Council Member Lehman.

The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- e. Discussion And Possible Action Regarding Adoption Of Hugo Lentz Park By Keep Kirby Beautiful

City Manager Vernon stated Keep Kirby Beautiful is asking to adopt ten acres in Hugo Lentz Park. They will have to be specific when they submit their request for what they want and come back to Council.

Discussion included applicants would bring applications to City Council for review and approval and staff was asked to create a form for adoption of the streets, roads, or certain areas, that would be presented to Council.

Mayor Pro-Tem Faulkner moved that staff create a form for the adoption of parks, roadways, etc. for organizations in the City; seconded by Council Member Romens.

The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

f. Discussion Regarding Recommended Changes To Chapter 132 "Restrictions For Sex Offenders" Of Title XIII Of The Code Of Ordinances

Kevin Bois, Police Chief, said he was asked a question about registered sex offenders attending City events with children present. Currently, our ordinance addresses location and not events. The recommended changes submitted to the Ordinance Review Committee are as follows:

132.01 DEFINITIONS.

CHILD, CHILDREN, or MINOR (added CHILDREN)

VIDEO ARCADE FACILITY.

(1) Is open to public, including persons who are younger than 17 years of age; (changed from 17 years of age or younger)

(

YOUTH CENTER.

(1) Is intended primarily for use by persons who are younger than 17 years of age; (changed from 17 years of age or younger)

EVENT. A social occasion or activity that

(1) Is intended primarily for persons who are 17 years of age or younger; or

(2) Any gathering that by its very nature would tend to attract children.

(EVENT is a new section to the ordinance.)

132.02 OFFENSES.

(C) end of sentence...younger than 17 years of age. (changed from 17 years of age or younger)

(D) it is unlawful for a sex offender to attend a CITY sponsored event that is intended primarily for persons who are younger than 17 years of age or any other gathering that by its very nature would tend to attract children. (This is a new section.)

(E) It is unlawful for a sex offender to attend ANY PRIVATELY sponsored event

Mayor Wilson suggested change "primary" to "that may attract."

Council asked that the changes be referred to Marc Schnall, City Attorney.

g. Discussion And Possible Action To Accept Resolution No. R-2015-664 Casting Votes For Candidate(S) For Bexar Appraisal District Board Of Directors For The 2016-2017 Terms

After discussion, Mayor Pro-Tem Faulkner moved to cast two votes for Sergio Rodriquez and one vote for Yvonne Cats; seconded by Council Member Grant.

The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- h. Discussion And Possible Action To Appoint A Member To The Beautification And Recycle Committee To Terms Expiring October 2016

Sam Richardson, Vice-Chairperson Beautification and Recycle Committee, introduced Blanche Felan, applicant for the Committee.

Council Member Grant moved to appoint Blanche Felan to the Beautification and Recycle Committee to fill a vacancy to a term expiring October 2016; seconded by Council Member Lehman.

The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

9. Council Updates:

- a. Planning & Zoning
 - b. Buildings & Standards
 - c. Crime Control
 - d. Beautification & Recycling
 - e. Parks & Recreation
 - f. Economic Development
 - g. Ordinance Review
- a. Council Member Romens – The next meeting is the second Tuesday in January.
- b. Council Member Lehman – Waiting for the next meeting to be scheduled. All the committees should be invited to the January 23rd workshop to provide their input into City goals.
- c. Chief Bois – All their events were ready to take place.
- d. Sam Richardson –The last clean-up was at Friendship Park and the next clean-up will be December 19 on Kirby Drive, 9:00 A.M. – 11:00 A.M. Extended his appreciation for everyone’s support.

e. There were not any comments.

f. Mayor Wilson – Alamo Workforce gave an excellent presentation at the Senior Center. We need to find a solution to get businesses involved and a new strategy to improve economic development.

g. Mayor Pro-Tem Faulkner – The next meeting will be conducted at John Sterling Building on December 16 at 6:00 P.M.

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 Romens – Looking forward to the January 23, 2016 workshop.

Mayor Pro-Tem Faulkner – Asked for an update on the warrant offer position. Do we have an update from VIA. City Manager Vernon said VIA reported the last two easements were not acquired, so they moved forward without them. The improvements will begin at the beginning of the new year.

Council Member Lehman – Last Friday the Senior Center hosted a breakfast for the Economic Development Committee. Alamo Workforce gave a fabulous presentation. Thanked the Senior Center for hosting.

Council Member Grant – Asked if we can look at new chairs.

Council Member Romens – Requested an update on the Hike and Bike Trail.

Mayor Wilson – January agenda start with MPO projects and VIA update. If you have a concern you want Judson ISD to address, contact the School Board. Will meet with Republic Services and bring proposed contract to Council. Monique Vernon represented the City at the NE Partnership casting our vote in support of the Lone Star Rail project. Congratulations to Mr. Pierce. Mayor Wilson stressed customer service be enhanced for our residents.

11. Adjournment:

The Council meeting adjourned at 7:55 P.M.

Timothy Wilson
Mayor

ATTEST:

Patty Cox, TRMC
City Secretary