

CITY OF KIRBY, TEXAS

Timothy Wilson, Mayor



Stephanie Faulkner, Mayor Pro-Tem
Mike Grant
Jerry Lehman

John W. Pierce
Roger A. Romens
Debra Wilson

CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, JANUARY 28, 2016 – 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 Pierce
Council Member Lehman
Council Member Wilson
Council Member Romens

5. Citizen Participation:

1. Sam Richardson, 4802 Gibbs Sprawl, February 6 Beautification clean-up, March 19 Keep Texas Beautiful clean-up.

Although Mayor Wilson deviated from the agenda, the minutes will be prepared in the order the agenda was posted.

6. Consent Agenda:

a. Quarterly Investment Statement For October 1, 2015 – December 31, 2015

Mayor Pro-Tem Faulkner moved to approve the Consent Agenda; seconded by Council Member Grant. With all voting, “aye” the motion carried.

7. Presentation:

a. Stormwater Update – Givler Engineering

Roger Aguillon, Director of Public Works, asked if this item could be postponed to the next meeting, due to an unforeseen incident.

b. Metropolitan Planning Organization (MPO) Grants Update

City Manager Vernon informed Council this fiscal year both the hike and bike trail and Binz Engleman Road reconstruction projects will move forward for construction. We will bid the construction work. Ford Engineering will be overseeing the projects.

8. Public Hearing:

a. Public Hearing to hear a request for a variance to the Zoning Ordinance to allow a carport that was constructed fifteen feet within the twenty-five foot front

setback; located at Lot 36, Block 30, CB 4018B; otherwise known as 4806 Cobb Valley, City of Kirby, Bexar County, Texas.

Mayor Wilson opened the public hearing at 7:10 P.M.

Mayor Wilson closed the public hearing at 7:12 P.M.

- b. Public Hearing to hear a request for a variance to the Zoning Ordinance to allow a carport that was constructed twelve feet and six inches within the twenty-five foot front setback; located at Lot 17, Block 14, CB 4018B; otherwise known as 4835 Featherock, City of Kirby, Bexar County, Texas.

Mayor Wilson opened the public hearing at 7:12 P.M.

Mayor Wilson closed the public hearing at 7:12 P.M.

- c. Public Hearing to hear a request for a variance to the Zoning Ordinance to allow the construction of a carport ten feet within the twenty-five foot front setback; located at Lot 24, Block 9, CB 4018B; otherwise known as 4855 Swann Lane, City of Kirby, Bexar County, Texas.

Mayor Wilson opened the public hearing at 7:13 P.M.

Mayor Wilson closed the public hearing at 7:13 P.M.

9. Discussion And Possible Action:

- a. Discussion And Possible Action on a request for a variance to the Zoning Ordinance to allow a carport that was constructed fifteen feet within the twenty-five foot front setback; located at Lot 36, Block 30, CB 4018B; otherwise known as 4806 Cobb Valley, City of Kirby, Bexar County, Texas.

Vice-Chairperson, Richardson, Planning and Zoning Commission, informed Council the Commission recommended approval of the variance. The Commission would be reviewing the section of ordinance that addresses the building setback lines.

Mr. Carlos Davila, applicant, was present to answer questions.

Council Member Grant moved to approve the request for a variance to the Zoning Ordinance to allow a carport that was constructed fifteen feet within the twenty-five foot front setback; located at Lot 36, Block 30, CB 4018B; otherwise known as 4806 Cobb Valley, City of

Kirby, Bexar County, Texas with the stipulation to obtain a permit and inspection of the carport; seconded by Mayor Pro-Tem Faulkner.

The motion carried with a 7-0 vote.

AYES – 7

NO – 0

- b. Discussion And Possible Action on a request for a variance to the Zoning Ordinance to allow a carport that was constructed twelve feet and six inches within the twenty-five foot front setback; located at Lot 17, Block 14, CB 4018B; otherwise known as 4835 Featherock, City of Kirby, Bexar County, Texas.

Vice-Chairperson Richardson, Planning and Zoning Commission, informed Council the applicant renovated the existing carport and changed with width of the carport. The Planning and Zoning Commission voted to recommend the variance.

Council Member Grant moved to accept the variance to the Zoning Ordinance to allow a carport that was constructed twelve feet and six inches within the twenty-five foot front setback; located at Lot 17, Block 14, CB 4018B; otherwise known as 4835 Featherock, City of Kirby, Bexar County, Texas; seconded by Mayor Pro-Tem Faulkner.

The motion carried with a 7-0 vote.

AYES – 7

NO – 0

- c. Discussion And Possible Action on a request for a variance to the Zoning Ordinance to allow the construction of a carport ten feet within the twenty-five foot front setback; located at Lot 24, Block 9, CB 4018B; otherwise known as 4855 Swann Lane, City of Kirby, Bexar County, Texas.

Vice-Chairperson, Richardson, Planning and Zoning Commission, informed Council the Commission recommended approval of the variance.

Council Member Grant moved to accept the variance to the Zoning Ordinance to allow the construction of a carport ten feet within the twenty-five foot front setback; located at Lot 24, Block 9, CB 4018B; otherwise known as 4855 Swann Lane, City of Kirby, Bexar County, Texas; seconded by Council Member Romens.

The motion carried with a 7-0 vote.

AYES – 7

NO – 0

- d. Discussion And Possible Action To Consider Ordinance No. O-2016-780 Amending Chapter 132, "Restrictions For Sex Offenders," To Title XIII Of The Code Of Ordinances By Adding And Modifying Certain Definitions, By Modifying The Provisions As To The Places Where A Person Who Is Required To Register As A Sex Offender May Not Enter Or Remain; Containing A Savings Clause; Prescribing A Maximum Penalty Of Five Hundred Dollars (\$500) Per Day For Violation, With Each Day Constituting A Separate Violation; And Providing For Publication And An Effective Date. This Is The First Reading.

Chief Bois provided an overview of the changes to the ordinance. The city attorney reviewed the changes.

Council Member Grant moved to accept Ordinance No. O-2016-780 amending Chapter 132, "Restrictions For Sex Offenders," to Title XIII of the Code of Ordinances by adding and modifying certain definitions, by modifying the provisions as to the places where a person who is required to register as a sex offender may not enter or remain; containing a savings clause; prescribing a maximum penalty of five hundred dollars (\$500) per day for violation, with each day constituting a separate violation; and providing for publication and an effective date; seconded by Mayor Pro-Tem Faulkner.

The motion carried with a 7-0 vote.

AYES – 7

NO – 0

- e. Discussion And Possible Action To Consider Appointing Two Regular Members To The Parks And Recreation Committee With One Term To Expire On October 1, 2016 And The Other Term To Expire On October 1, 2017.

Mayor Wilson presented the names of two volunteers for the Parks and Recreation Committee, Norma Hamby and Sylvia Habad.

Mayor Pro-Tem Faulkner moved to appoint Norma Hamby to the Parks and Recreation Committee with the term expiring on October 2017 and Sylvia Habad to the Parks and Recreation Committee with the term expiring on October 2016; seconded by Council Member Lehman.

The motion carried with a 7-0 vote.

AYES – 7

NO – 0

- f. Discussion And Possible Action To Consider Ordinance No. O-2016-781 Adding Chapter 134 To The Code Of Ordinances To Prohibit Possession Of A Concealed Handgun Or Of An Open Carry Handgun (A) In The City Council Chambers Of The City Of Kirby, Texas, And At Other Places At Kirby City Hall When Such City Council Chambers Or Other Places Are Being Used For A Meeting Subject To The Texas Open Meetings Act, As The Municipal Courtroom For The City, Or As A Polling Place For Elections (Including Early Voting), And (B) In Any Office Of The Municipal Court And Setting Out The Penalty For Violation. This Is The First Reading.

Mayor Wilson stated the attorney general's opinion at this time would not allow us to prevent concealed handguns or open carry out of the foyer. This ordinance gives the City the option of posting a specific notice to prohibit a license holder from carrying a handgun in the room(s) where a meeting of a governmental entity is held if the meeting is an open meeting subject to the Open Meetings Act.

Council Member Grant moved to accept Ordinance No. O-2016-781 adding Chapter 134 to the Code of Ordinances to prohibit possession of a concealed handgun or of an open carry handgun (A) in the city council chambers of the City of Kirby, Texas, and at other places at Kirby city hall when such city council chambers or other places are being used for a meeting subject to the Texas open meetings act, as the municipal courtroom for the City, or as a polling place for elections (including early voting), and (b) in any office of the municipal court and setting out the penalty for violation; seconded by Mayor Pro-Tem Faulkner.

The motion carried with a 7-0 vote.

AYES – 7

NO – 0

- g. Discussion And Possible Action Adopting Ordinance No. O-2016-782 Amending The 2015-2016 Municipal Budget Of The City Of Kirby. This is the First Reading.

City Manager Vernon responded to questions regarding the budget amendment.

The changes to the 2015-2016 Municipal Budget that were discussed were:

Police Department –

PD-1 Work boot reimbursement of \$1,320 in uniform expense which is \$120 per officer (9) and detective (2) per year.

PD-2 Recruiting is increased by \$1,000 for recruiting new officers

Animal Care Services -

Building maintenance is increased by \$15,000 due to animal shelter renovations and operations.

Streets -

Street sweeper supplies need to add \$1,000 for supplies (brushes, etc.)

General Operation -

Telephone increased by \$1,110 for purchase of three new wireless phones, and includes monthly fees for next eight months (Police, public Works, and Animal Care Services)

Mayor Wilson inquired about including funds for city council chairs. City Manager Vernon stated the chairs will cost \$1,800 which will be added to City Council Miscellaneous Account.

Council Member Romens said his concern is we will be tapping into our savings and not working with budget we have.

Council Member Grant moved to adopt Ordinance No. O-2016-782 Amending The 2015-2016 Municipal Budget of the City of Kirby; seconded by Mayor Pro-Tem Faulkner.

The motion carried with a 7-0 vote.

AYES – 7

NO – 0

h. Discussion And Possible Action To Dispense With The Second Reading Of Ordinance No. O-2016-782 So That Ordinance No. O-2016-782 Becomes Effective Immediately

Council Member Grant moved to dispense with the second reading of Ordinance No. O-2016-782 so that Ordinance No. O-2016-782 becomes effective immediately; seconded by Council Member Wilson.

The motion carried with a 7-0 vote.

AYES – 7

NO – 0

10. Department Updates:

- a. Administration
- b. Public Works
- c. Finance

- d. Fire
- e. Police
- f. Animal Care Services

a. Administration - City Manager Vernon – Working on a new round of CDBG funding, a resolution will be provided to Council at our next meeting to apply for funding. Council Member Lehman had suggested Autumn Lane and we have also considered sewer and water lines. We are allowed to submit multiple applications. We must give a very accurate cost on the application. Council Member Grant requested a copy of the information. We are moving forward working on the boundary adjustment, there will be a city wide park clean-up on March 19.

b. Public Works - Roger Aguillon – Crack seal on Gaiety Lane, encountered problems with the sewer main on Old Seguin Road at the bridge project. There were several sewer problems in the City this month.

c. Finance - Tina – Working on quarterly and monthly reports, etc., 1099 and 1095C, W2's, and proposed amended budget.

d. Fire - Assistant Fire Chief Alfaro – Chief Riedel was at another event. Chief Alfaro provided the number of calls for the month of December. HOB0 Fest plans are underway.

e. Police - Chief Bois – Working on end of year reports and provided the number of calls of service. A new officer has been hired, one officer left, last week met with Joan of Arc and the Living History Association. There will be a rehearsal on Saturday at Joan of Arc so you might hear muskets firing.

f. Animal Care Services - Chief Bois – Monday, Wednesday and Friday the exclusion process will be taking place and will start the rehabilitation. Animals being picked up are being housed at alternate facilities.

11. 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 – Asked who is the Volunteer Fire Department representative for HOB0 Fest? Assistant Fire-Chief Alfaro said he is the President of the Volunteers.

Council Member Wilson – Asked for an update on the pool, also she would like to include the warrant camera information on the next agenda.

Council Member Grant – Everyone is doing a good job.

Council Member Lehman – Asked if staff is following up on the fuel adjustment company. City Manager Vernon stated yes we are, but currently we are under contract with Comdata. Council Member Lehman inquired about the license plate reading progress. Chief Bois said he will follow up on the paperwork from the vendor and will need to set up a merchant account.

Mayor Pro-Tem Faulkner – Place the swimming pool on an agenda, so we can move forward with it. Recognized Norma Hamby, Senior Center Manager, so she could invite everyone to the Sweetheart Dinner at the Senior Center. Also, Ms. Hamby said they will receive two new buses through VIA in October. The Senior Center is also working on a CDBG grant for a new parking lot.

Mayor Pro-Tem Faulkner asked Chief Bois for an update on the car seats. Chief Bois said the department is in possession of 4 new car seats with the fifth one coming soon.

Mayor Pro-Tem Faulkner asked Roger Aguillon how do we track street lights that are going out. Chief Bois said the police officers can help and also you can contact CPS Energy throughout website to report the outages. Asked if we could place the speed trailer at Swann Lane. Chief Bois said he will assign officers to the area .

Mayor Pro-Tem Faulkner asked for an update on the bond issue for water. Mayor Wilson said he will provide the update. Council needs to find a way to resolve the concern with the concession stand and move forward so it will not be an issue moving into the future. We are losing more police officers as they move to other cities that can pay more. We should consider a contract with new police officers for repayment of training. She asked for an update on code compliance issues that have been discussed at recent meetings. We adopted guidelines for adopt a spot, but as a council we need to look at the application and consider limiting the size of the spot.

Mayor Wilson asked staff to send the solid waste contract to City Council before the next meeting. He identified some of the changes to the contract that are being negotiated. Place the five year budget on the first meeting in March agenda. Thanked Norma and Sylvia for volunteering to serve on the Parks and Recreation Committee. Place the cost for two water storage tanks, sewer/water lines, valve replacement on the second meeting in March agenda. We should use CDBG grant funds for street repair. He will be meeting with representatives of Briar Wood Apartment tomorrow with city staff. We need to make sure all city facilities are being kept clean and will get with Norma to write a Mayor's blog for the next newsletter to feature the Senior Center events.

12. Adjournment

The Council meeting adjourned at 8:21 P.M.

Timothy Wilson
Mayor

ATTEST:

Patty Cox, TRMC
City Secretary