

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, JUNE 9, 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 7:06 P.M.

2. Invocation and Pledge of Allegiance to the Flag

Council Member Grant 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 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, informed Council that the VFW will provide overflow parking for the 4th of July event, \$5.00 per space. The Beautification & Recycle Committee will have a booth at the event.

2. Mary Wright, urged Council to not allow LED street lights in the City because they did not belong in residential areas. She announced she will be moving into Kirby in two weeks.

3. Jody Flynn - 5619 Old Seguin Road, said she will wait until the ordinance discussion.

4. Rothie Hackstadt, 4818 Binz Engleman, informed Council between Buzz Aldrin and the street by Friendship Park there are people who drive very fast and some do not stop at the Buzz Aldrin stop sign. He said he did not have an objection if Council would approve speed bumps. Mayor Wilson asked Chief Bois to conduct a traffic study.

6. Consent Agenda:

a. Public Hearing/Regular Meeting Minutes – May 26, 2016

Mayor Pro-Tem Faulkner moved to accept the consent agenda; seconded by Council Member Grant.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

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

7. Discussion And Possible Action

a. Discussion And Possible Action Regarding Bureau Veritas Inspection Process

Greg Hallmark, representative of Bureau Veritas, was present to answer questions.

Mayor Pro-Tem Faulkner said citizens approached her about inspections at their property and they observed the inspector already had the inspections written and did not look at the property.

Mr. Hallmark asked what type of inspection was being conducted. Mayor Pro-Tem Faulkner said they were for building and plumbing. Mr. Hallmark said the inspector will partially complete the form upon arrival at the property to identify the property and other information, but after the inspection he will indicate whether the inspection passed or failed.

Mayor Wilson closed the discussion on Item a. to move to Item m.

- b. Discussion And Possible Action To Consider Ordinance No. O-2016-788, An Ordinance Amending the Zoning Ordinance of the City Of Kirby, Texas, To Grant Specific use Permit #2016-004 For Outdoor Storage In A (C-1) Commercial Office And Retail District Located At: CB: 5865, LOT 18, Otherwise Known As 5631 Seguin Road, City Of Kirby, Bexar County, Texas. This Is The Second Reading.

Jody Flynn reiterated her concerns she presented at the last meeting, and informed Council she supports new businesses coming into Kirby.

Mr. Fernando Duran, applicant, addressed Council and let them know he would operate a construction business and store equipment at the back of the property. He said eventually he wanted to build an office for their equipment. He said the equipment they are storing is in concrete boxes.

Council Member Grant thought it was presumptuous to place equipment on the property without a specific use permit to allow the use.

Council Member Romens said this has the potential of disrupting that whole area for C-1 Commercial zoning.

Mayor Wilson explained the area was specifically zoned commercial for storefront businesses and outdoor storage was not suitable use of the property.

Mr. Duran said he was not told it was a commercial property and his realtor did not disclose this to him.

Mayor Pro-Tem Faulkner moved to deny Ordinance No. O-2016-788; seconded by Council Member Grant.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

- c. Discussion And Possible Action To Consider Ordinance No. O-2016-789, An Ordinance Amending the Zoning Ordinance Of the City Of Kirby, Texas, To Grant Specific Use Permit #2016-005 For Use Of The Property As A Single Family Residence In A (C-2) Commercial District Located At CB 5941, BLK 2, LOT SE 147.2 FT OF W 50 FT OF 11, Also Known As 519 Edalyn St., Kirby, TX, 78219, City Of Kirby, Bexar County, Texas. This Is The Second Reading.

Council Member Grant moved to approve Ordinance No. O-2016-789; seconded by Council Member Lehman.

Council Member Grant withdrew his motion and Council Member Lehman withdrew his second to the motion.

Mayor Wilson confirmed there was a two year restriction in the ordinance. After discussion Council Member Grant moved to approve Ordinance No. O-2016-789 amending the Zoning Ordinance of the City of Kirby, Texas, to grant Specific Use Permit #2016-005 for use of the property as a Single Family Residence in a (C-2) Commercial District located at CB 5941, Blk 2, Lot SE 147.2 FT OF W 50 FT OF 11, also known as 519 Edalyn St., Kirby, TX, 78219, City of Kirby, Bexar County, Texas; seconded by Council Member Lehman with a two year restriction.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

- d. Discussion And Possible Action To consider Ordinance No. O-2016-786 Repealing Chapter 112 Of The Code Of Ordinances Of The City Of Kirby And Adopting A New Chapter 112 Of The Code Of Ordinances Of The City Of Kirby To Define And Regulate Solicitors Of Services, Funds Or Property For Charitable Or Non-Profit Purposes, Itinerant Merchants, Itinerant Vendors, Peddlers And Persons Selling Or Taking Orders For Goods, Wares, Merchandise, Services, Photographs, Or Subscriptions And Related Matters And To Provide A Penalty For Violations. This Is The Second Reading.

Council Member Wilson moved to accept Ordinance No. O-2016-786 repealing Chapter 112 of the Code of Ordinances of the City of Kirby and adopting a new Chapter 112 of the Code of Ordinances of the City of Kirby to define and regulate solicitors of services, funds or property for charitable or non-profit purposes, itinerant merchants, itinerant vendors, peddlers and persons selling or taking orders for goods, wares, merchandise, services, photographs, or subscriptions and related matters and to provide a penalty for violations; seconded by Council Member Lehman.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

- e. Discussion And Possible Action To Consider Ordinance No. O-2016-784 Amending Sections 113.01 And 113.02 Of Chapter 113 Of The Code Of Ordinances Of The City Of Kirby, Texas To Adopt By Reference New State Rules For Food Establishments. This Is The Second Reading.

Mayor Pro-Tem Faulkner moved to accept Ordinance No. O-2016-784 amending Sections 113.01 and 113.02 of Chapter 113 of the Code of Ordinances of the City of Kirby, Texas to adopt by reference new state rules for food establishments; seconded by Council Member Wilson.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

- f. Discussion And Possible Action To Consider Ordinance No. O-2016-791 Amending Section 113.01 Of The Code Of Ordinances Of The City Of Kirby To Define “Temporary Food Establishment” And Amending Section 113.07 (D) Of The Code Of Ordinances Of The City Of Kirby To Revise City Rules As To Food Handler Training And To Exempt Food Handlers Working Only At A Temporary Food Establishment From The Training Requirements. This Is The First Reading.

Council Member Grant moved to accept Ordinance No. O-2016-791 amending Section 113.01 of the Code of Ordinances of the City of Kirby to define “Temporary Food Establishment” and amending Section 113.07 (D) of the Code of Ordinances of the City of Kirby to revise City rules as to food handler training and to exempt food handlers working only at a temporary food establishment from the training requirements; seconded by Council Member Lehman.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

- g. Discussion And Possible Action to Consider Ordinance No. O-2016-790, Repealing Ordinance No. 2 And Adopting A New Corporate Seal For The City Of Kirby. This Is The Second Reading.

Council Member Grant moved to accept Ordinance No. O-2016-790 repealing Ordinance No. 2 and adopting a new corporate seal for the City of Kirby; seconded by Mayor Pro-Tem Faulkner.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

h. Discussion And Possible Action Regarding The Friendship Park Hike & Bike Trail Project

Mark Hill, Ford Engineering, provided an update on the Friendship Park Hike & Bike Trail Project. The budget for the project is \$509,196. The anticipated letting date will be in August and approximately 120 days to complete after the contract is accepted and consider rain days. The project could be completed by January 2017.

i. Discussion And Possible Action Regarding The Binz Engleman Road Reconstruction Project

Mark Hill, Ford Engineering, provided an update on the Binz Engleman Road Reconstruction project. The budget for the project is \$2,119,072 construction cost. The plans identified remove parking on the south side of Binz Engleman, minimum lane width of 11' for driving (one lane each direction), minimum 6' for bike lane. There are many mailboxes along the road and some are custom mailboxes. Because they are not in the City's or TxDot requirements to keep them custom mailboxes, they will be replaced with standard mailboxes and give the owner back the materials from the custom mailbox. There was discussion about driveways and sidewalks. The anticipated letting date is in August or September and this project will take approximately one year.

j. Discussion And Possible Action Regarding The John Sterling Park Improvements Project

Mark Hill, Ford Engineering, provided an update on the John Sterling Park Improvements Project. The cost will be within budget and they will look at sidewalks that need to be replaced.

Council Member Grant moved to approve the proposal for John Sterling Park Improvements Project; seconded by Mayor Pro-Tem Faulkner.

The motion carried with a 7-0 vote.

AYES – 7

NO – 0

k. Discussion And Possible Action To Consider Bexar Metro 9-1-1 Network District Proposed Fiscal Year 2017 Budget

Council Member Grant moved to accept the Bexar Metro 9-1-1 Network District Proposed Fiscal Year 2017 Budget; seconded by Council Member Lehman.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

I. Discussion And Possible Action Regarding 2016 Pool Policies

City Manager Vernon said the pool policies were approved last year and a few updates were made to the pool policies this year.

Council Member Grant moved to accept the 2016 Pool Policies; seconded by Mayor Pro-Tem Faulkner.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

m. Discussion And Possible Action Regarding The City of Kirby's Permitting Process

Mayor Wilson asked City Secretary Patty Cox to provide Council with the overview for the permitting process. Ms. Cox provided a step by step flow chart with the step by step process for permitting. Mayor Wilson asked that there be a step to indicate that the landscape plans were submitted and approved for commercial property and the variance request process.

Mayor Wilson asked that a form be created to request individual departments sign off on the plans if they meet their approval.

Greg Hallmark said they try to have commercial reviews completed and returned to the city within ten days and five days for residential plan reviews. If the contractor doesn't reply to their comments, that causes a delay in the process. Also, 2015 Energy Codes needs to be adopted in September.

Council Member Romens asked if they conduct landscape reviews on residential property. The reason he was asking was because of the amount of rain we have experienced the landscape could change and cause flooding into neighbor property.

Greg Hallmark said they do not review landscape. If a City has a fence ordinance, on the building final they will indicate if landscape (irrigation) and fence are not completed. If installing an irrigation system a permit is required.

- n. Discussion And Possible Action Establishing 2016-2017 Goals For The City Of Kirby

Mayor Wilson asked the Council to submit five items they would like to see the City improve on to Mayor Wilson and City Manager Vernon no later than Friday, June 17.

Mayor Pro-Tem Faulkner moved to table discussion to the next agenda; seconded by Council Member Grant.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

- o. Discussion And Possible Action Regarding The City Of Kirby's Marketing & Branding Plans

Mayor Wilson asked City Manager Vernon go over Facebook and Twitter.

City Manager Vernon provided Council information on Facebook and Twitter. The tagline contest ended May 31 and the entrants will be reviewed at the next Council meeting and awarded at the 4th of July event.

- p. Discussion And Possible Action Regarding Boundary Adjustment Request To The City Of San Antonio

Mayor Wilson suggested giving City Manager Vernon the authority to negotiate with the City of San Antonio regarding the boundary adjustment. San Antonio is asking for Kirby to re-consider the one-time cash payment. They would like Kirby to pay San Antonio 50% of all property, sales, and franchise taxes on the properties for 15 years and take over Summerfest Road maintenance and a portion of FM 78 near the former Sysco property. He said Kirby's counter proposal would be 50% of all revenues for ten years.

After their discussion, Mayor Pro-Tem Faulkner moved to give City Manager Vernon the authority to negotiate the boundary adjustment with 50% property, sales, and franchise taxes on properties for 10 year; seconded by Council Member Grant.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

- q. Discussion And Possible Action To Consider John Houlton's Resignation From Beautification And Recycle Committee

Mayor Pro-Tem Faulkner moved to accept John Houlton's resignation from Beautification and Recycle Committee; seconded by Council Member Grant.

The motion carried with a 6-0 vote.

AYES – 6

NO – 0

8. Council Updates

- a. Planning & Zoning
- b. Buildings & Standards
- c. Crime Control
- d. Beautification & Recycling
- e. Parks & Recreation
- f. Economic Development
- g. Ordinance Review

a. Planning & Zoning – Council Member Romens said the next meeting will be conducted on June 14, 2016. He will mention to the Commission that Council will be discussing goals.

b. Building and Standards – Council Member Lehman addressed the property located at 107 MacRae. City Manager Vernon said the next meeting is in July.

c. Crime Control – Council Member Pierce said their next meeting will be in July.

d. Beautification & Recycling – Council Member Wilson said the next clean-up will take place on Arneson. The Committee wants to design a banner to bring attention to their events also distribute flyers to get more people involved.

e. Parks & Recreation – Council Member Grant said the Committee is moving forward with the 4th of July event.

f. Economic Development – City Manager Vernon said the next meeting is June 22, 2016 at 5:30 P.M.

g. Ordinance Review – Mayor Pro-Tem Faulkner said the next meeting will be June 22 at 6:30 P.M.

9. 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 Grant – Requested more elaborate information on code compliance in the Police Department monthly report.

Council Member Lehman – Concurred with Council Member Grant, he would like more information about code compliance activity. Also, FM 78 needs to be cleaned up.

Council Member Romens – There is poor drainage on City streets that pool water. He asked if the City planned on removing silt and excess flood water from the various areas in the City.

Council Member Wilson – Thanked Finance Director Tina Ynfante for going over and above getting lifeguards hired. She said she has received complaints about potholes on Cinderella and Diadem. Dispatchers did a very professional job with calls they receive and Flag Day is June 14 at Fire Station.

Mayor Pro-Tem Faulkner - Requested an update on the Binz Engleman Road property be place on the next agenda. City Manager Vernon informed Council the staff mailed an invitation to the residents affected by the changes to attend a meeting at city hall on June 16 to discuss the City's plans for the property. Mayor Pro-Tem Faulkner asked if the date for the next city wide garage sale has been set. City Manager Vernon said it will be in September because of the Republic Services schedule. Mayor Pro-Tem Faulkner announced there is tennis in the park and they will also have a summer program. Registration is for youth 6 – 18 years old. She said several events occurred that made her proud to live in Kirby. She provided examples. After listening to recordings that were emailed to Council, she let Chief Bois know that the dispatchers deserve an award. That recording was just one example of what they deal with on a daily basis. She requested that City Council and city staff inquire and investigate the callers information and who the City Council member is who is feeding him the information he addressed in the recording they were emailed. Currently there are 50 plus City employees and only three of them have been called out during the citizen's participation. Her question is, "Why are only those two or three being targeted by citizens who never even participated in any of our meetings?" Also, Mr. James Craig mentioned at the last meeting the City Manager's salary and the fact that her and Chief Bois do not live in the City and said according to a city council member that's not allowed. Mayor Pro-Tem Faulkner stated that according to the state code for the state of Texas Section 552.1175 which applies to law enforcement it automatically makes their personal information confidential. Council needs to take action to protect our employees against rogue council members putting the lives in danger and in jeopardy of our city employees. At a minimum this is targeting or harassment and with this information on the state code this council member has now crossed a line and I believe action needs to be taken. She requested an investigation both on a legal and ethical level be pursued.

Mayor Wilson read a letter from St. Joan of Arc thanking the City for placing “In God We Trust” on our vehicles. He asked Council to provide City Secretary with their shirt size and get everyone a new shirt. He thanked Council Member Romens for bringing up the effects of the flooding. Council will be asked to consider amending the budget to include a part time employee and overtime for public works staff. The pay scale will be discussed at the next Council meeting. Designated street fund and water fund needs to be discussed before the next budget is approved. The Senior Center breakfast is on Saturday.

10. Adjournment:

The meeting adjourned at 9:20 P.M.

Timothy Wilson
Mayor

ATTEST:

Patty Cox, TRMC
City Secretary