

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, OCTOBER 27, 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 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 Wilson
Council Member Pierce
Council Member Grant
Council Member Lehman
Council Member Romens

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

5. Citizen Participation

1. Steve Linscomb, Judson I.S.D., provided an update on the status of the 2016 Bond. The Board will be ranking the architects for the projects and seeking approval at the November 17, 2016 meeting. Hopefully around the first of the year there will be some construction taking place at Kirby Middle School.

2. Tom Armstrong, Republic Services – Apologized to the Mayor, Council and community for the amount of time it took to complete the curbside pick-up. Their records reflected that last year they picked up 129 tons of brush vs 329 tons of brush this year. They were unprepared because of the unforeseen circumstances.

3. Adele Douglas, 5406 Happiness – She said she will speak during the Binz Engleman property item.

4. Pat Selsor, 5414 Happiness – He said he will speak during the Binz Engleman property item.

5. Lisa Pierce, 5123 Happiness – She offered comments regarding marketing and communication in the City. Social media is a tool that most people will turn to when they are seeking information. The Ordinance Review Committee works very hard reviewing ordinances and providing recommendations to the Council and she would appreciate it if they would be brought before Council as fast as possible.

6. Consent Agenda

- a. Regular Meeting Minutes – October 13, 2016
- b. Discussion And Possible Action To Consider Ordinance No. O-2016-799 Electing For The City To Make Current Service And Prior Service Contributions To The City's Account In The Benefit Accumulation Fund Of The Texas Municipal Retirement System At The Actuarially Determined Rate Of Total Employee Compensation. This Is The Second Reading.

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

7. Public Hearing

a. Regarding Future Plans For Donated Property On Binz Engleman Road

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

1. Pat Selsor, 5414 Happiness – He asked Council to continue allowing access through the rear of his property.

2. Adele Douglas, 5406 Happiness – She asked Council if there were any pictures or proposals for the property owners to view.

Mayor Wilson stated the public hearing was to consider ideas that the property owners wanted to share for future plans for the donated property.

There being no other proponents or opponents to speak, Mayor Wilson closed the public hearing at 7:14 P.M.

8. Discussion And Possible Action

a. Discussion And Possible Action Regarding Future Plans For Donated Property On Binz Engleman Road

City Manager Vernon provided the history of the meetings with the property owners affected by the Binz Engleman Road decisions. The City's course of action would be to have the property appraised and sell it at the fair market value.

Marc Schnall, City Attorney, reiterated the information that the property would have to be appraised and sold at the fair market value. The Constitution does not let a City give away public property.

Marc Schnall said the consensus of the Council was to double check figures and dimensions of the lots and bring to Council a preliminary drawing from the city engineer.

Mayor Wilson asked that this item be place on the agenda for the first meeting in December.

b. Discussion And Possible Action To Appoint Members To The Beautification And Recycle Committee

Mayor Pro-Tem Faulkner moved to appoint Kara Steel, Donald Aldridge, and Francisco F. Canales to a term expiring October 1, 2018; seconded by Council Member Grant.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

c. Discussion And Possible Action To Appoint Members To The Building and Standards Commission

Mayor Pro-Tem Faulkner moved to appoint Gary Wilson and Mary Wright to the Building and Standards Commission; seconded by Council Member Grant.

Mayor Pro-Tem Faulkner moved to amend her motion to appoint Gary Wilson and Kimberly Keene, currently an alternate member, as regular members with the term expiring October 1, 2018 and Mary Wright as an alternate member with the term expiring October 1, 2018; seconded by Council Member Grant.

Mayor Wilson called for the vote on the amended motion:

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

Mayor Wilson called for the vote on the main motion:

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

d. Discussion And Possible Action To Appoint Members To The Parks and Recreation Committee

Mayor Wilson informed Council that Coach Stephen Mirza from SA Spartans is seeking appointment to the Parks and Recreation Committee.

Mayor Pro-Tem Faulkner moved to appoint Stephen Mirza, Angelica Page, Stacey Self and Sylvia Apodaca to the Parks and Recreation Committee with terms expiring on October 1, 2018; seconded by Council Member Grant.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

Council Member Romens stated that some of the Committee members are on other boards that contract with the City for use of the Park. He wanted to avoid a conflict of interest by preventing a quorum of their members on the Parks and Recreation Committee. He requested a list of board members who are contracting use of Friendship Park.

e. Discussion And Possible Action Regarding Established 2016-2017 Goals For The City Of Kirby

City Manager Vernon stated she would be addressing the currently funded grants, pending grants that have been applied for and grants we are going to apply for. She said currently funded are two MPO grants: Hike and bike trail and Binz Engleman Road reconstruction are on-going. The CDBG grants: John Sterling playground equipment (no restroom). On Pageland and Theodore, we should be able to start working on the design of that project in the next couple of month. The pending grant from Union Pacific Foundation is for lighting at the hike and bike trail. To be submitted is a Play Time grant for playground equipment. The new MPO call for projects was just released. We will be able to submit our next MPO request to consider Ackerman Road. There was a change in the program that the project would have to be a minimum of one million dollars. City must provide a 20% construction match. They reiterated that it is reimbursable and once they are under construction they suggested we bill them monthly. Council will be asked if they want to consider Ackerman Road only or also consider Old Seguin Road.

f. Discussion And Possible Action Regarding Lowering The Speed Limit On Ackerman Road

Chief Bois said Mayor Pro-Tem Faulkner requested lowering the speed limit from 35 mph to 25 mph. He said according to the Transportation Code Section 545.352 the lowest the speed limit allowed on a street in an Urban District is 30 mph.

Mayor Pro-Tem Faulkner proposed to Council that there be immediate action to make Ackerman Road safe also future action which includes grant money to fix the road because that takes year to receive. There are other cities with 20 mph speed limits with speed bumps. By lowering the speed limit and enforcing the speed limit will cause people to maybe look for an alternate route.

Council Member Pierce said we need to find a solution to keep our streets safe and enforce the rules.

Mayor Wilson said contact TxDot to find out why we can't lower the speed limit to 20 mph. Chief Bois said he would contact TxDot.

g. Discussion And Status Update On Vigilant License Plate Reader

Chief Bois provided the process it took to bring the license plate reader into action.

h. Consideration And Possible Action On Amending The Fiscal Year 2016-2017 Kirby Crime Control And Prevention District Budget

Mark Welch, President of Crime Control and Prevention District Board provided an overview of the amended FY 2016-2017 Budget.

Mayor Pro-Tem Faulkner moved to accept the Kirby Crime Control and Prevention District amended Fiscal Year 2016-2017 Budget; seconded by Council Member Grant.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

i. Discussion And Possible Action Regarding Garage Sale Signs

Council Member Grant said the residents are following the Garage Sale Ordinance.

City staff will ensure that residents sign the back of the garage sale sign stating they understand the Ordinance. This will be a way that Code Compliance will be able to determine that the resident was made aware of the requirement.

j. Discussion And Possible Action Regarding Water Storage Tanks

Mark Hill, City Engineer, informed Council that N.G. Painting, the contractor for the repainting of the elevated and ground storage tank interior and exterior has discovered extensive deterioration in the ground storage tank and elevated storage tank. He requested approval of a change order that would increase the cost of the project in the amount of \$32,200 to complete the additional services identified.

Mayor Pro-Tem Faulkner moved to approve the change order for repainting the water storage tank in the amount of \$32,200; seconded by Council Member Grant.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

k. Discussion And Possible Action On A Memorandum Of Agreement With The City Of San Antonio For A Municipal Boundary Adjustment

Mayor Pro-Tem Faulkner moved to accept the Memorandum of Agreement with the City of San Antonio for a Municipal Boundary agreement; seconded by Council Member Lehman.

The motion carried with a 7 – 0 vote.

AYES: 7

NAYES: 0

- I. Discussion And Possible Action On The Re-Appointment Of The Following Members Of The Kirby Crime Control And Prevention District: Mark Welch, Peter Kries, Jim Mini And Ken Thuleen, Beginning November 1, 2016

Council Member Grant moved to appoint Mark Welch, Peter Kries, Jim Mini and Ken Thuleen, Beginning November 1, 2016; seconded by Mayor Pro-Tem Faulkner.

Council Member Romens voiced a concern about a member of the Crime Control District.

The motion carried with a 5 – 1 vote.

AYES: 5

NAYES: 1 (Council
Member Romens)

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 Romens – He stated fourteen students were recognized for earning straight A's at Kirby Middle School and he supports recognizing excellence in the community. Also, tonight is a Block Party at Kirby Middle School. He talked to the art teacher at Wagner High School and the parents and artists need to sign a release form and return it to the teacher in order for the products can be brought before City Council. The City has provided that document to the schools.

Council Member Wilson – She thanked the Parks and Recreation Committee for their work in organizing Movie at the Park and thanked the Police Department and Fire Department and Dispatch for letting people know what happened last Wednesday and informing them to stay away from Ackerman. She said she appreciated all the work the whole City had done. Kirby Baptist Church will be having a Halloween event on Sunday afternoon.

Council Member Grant – He asked staff to contact the city attorney to create a fine enhancement program. The program will allow fines to be enhanced on code violations that are continuously violated by the same defendant. When the defendant pleads guilty and pays the fine and repeats the offense, then the fine will be enhanced until the defendant appears in municipal court.

Council Member Lehman – He stated the Senior Center will have a Halloween Bash for the kids on Monday, 6:00 P.M. – 8:00 P.M.

Mayor Pro-Tem Faulkner - She inquired when the ordinance addressing carports will be placed on a Council agenda. City Manager Vernon said the public hearing and discussion and possible action will be on the November 17, 2016 agenda.

Mayor Wilson – He thanked City staff and Council for the fruit basket when he had surgery. Last Wednesday there was an incident in the City and on Friday he met with City staff along with Mayor Pro-Tem Faulkner and discussed the event from beginning to end and failures to successes. He thanked City staff for coming to the debriefing. The Parks and Recreation event was great and he got to shoot the canon at the Reenactment at Friendship Park.

10. Adjournment

The meeting adjourned at 8:29 P.M.

Timothy Wilson
Mayor

ATTEST:

Patty Cox, TRMC
City Secretary