

CITY OF KIRBY, TEXAS

Timothy Wilson, Mayor



Stephanie Faulkner, Mayor Pro-Tem
Mike Grant
Jerry Lehman

Roger A. Romens
Ernest Spradling
Debra Wilson

CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, NOVEMBER 12, 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

Mayor Wilson
Mayor Pro-Tem Faulkner
Council Member Spradling, resigned and left the meeting at 7:04 P.M.
Council Member Lehman
Council Member Romens

ABSENT

Council Member Grant
Council Member Wilson

5. Citizen Participation

1. Council Member Spradling – 5218 Cinderella, announced he will turn in his resignation tonight and asked Council to consider his nomination of John Pierce to take his seat. Council Member Spradling left the meeting at 7:04 P.M.

2. Sam Richardson – 4802 Gibbs Sprawl Road, announced it's official Kirby is an affiliate of "Keep Texas Beautiful" and now we can be recognized as "Keep Kirby Beautiful." Keep Kirby Beautiful is looking at adopting a part of the Hugo Lentz Park.

6. Consent Agenda

- a. Regular Council Minutes – October 8, 2015
- b. Regular Council Minutes – October 22, 2015

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

7. Presentations

- a. Recognize Employee of the Month

Chief Bois introduced Samantha Centeno, dispatch supervisor and Maria Narvaiz, dispatcher, employees of the month.

- b. Introduction Of New Municipal Court Prosecutor Darrell Dullnig

Mayor Wilson introduced Darrell Dullnig, municipal court prosecutor.

Mr. Dullnig said he's looking forward to working with city staff.

- c. Cost Estimates On Sewer and Water Line Replacement – Roger Aguillon, Director Of Public Works

Roger Aguillon, Public Works Director, provided the estimates – Hickory Hill Water \$191,700.84; Coral Mist Water \$235,984.28; Cinderella Lane \$226,718.18. Painting the elevated tank will cost approximately \$290,000.

8. Public Hearing:

- a. 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 30, Block 14, CB 4018B; Otherwise Known As 4819 Dick Gordon, City Of Kirby, Bexar County, Texas.

Mayor Wilson opened the public hearing at 7:18 P.M.

Al Metz, 4819 Dick Gordon - Informed Council his mother wants a simple carport. There are five carports on his block and they are within the twenty-five (25') setback.

Mayor Wilson closed the public hearing at 7:20 P.M.

- b. Public Hearing To Hear A Request For A Variance To The Zoning Ordinance To Allow The Construction Of A Concrete Pad Two Feet Eight Inches Within The Five Foot Side Yard Setback; Located At Lot 17, Block 1, CB 4018A; Otherwise Known As 3718 Kirby Drive, City Of Kirby, Bexar County, Texas.

Mayor Wilson opened the public hearing at 7:20 P.M.

George Butchee, 3718 Kirby Drive - Informed Council he wanted to place a small concrete pad by his house to place his garbage cart on to keep it out of view from the street.

Mayor Wilson closed the public hearing at 7:21 P.M.

- c. Public Hearing To Hear A Request For A Variance To The Zoning Ordinance To Allow The Construction Of A Pergola Over Two Feet In Height Within The Twenty Five Foot Front Setback; Located At Lot 31, Block 20, CB 4018B Otherwise Known As 2811 Crest Lane, City Of Kirby, Bexar County, Texas.

Mayor Wilson opened the public hearing at 7:22 P.M.

Joe Rodriguez, 2811 Crest Lane informed Council would like to improve his property value and he did not intend to violate the ordinance.

Mayor Wilson closed the public hearing at 7:22 P.M.

- d. 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 16, Block 29, CB 4018B Otherwise Known As 4707 Swann Lane, City Of Kirby, Bexar County, Texas.

Mayor Wilson opened the public hearing at 7:22 P.M.

Mrs. Clark, 4707 Swann Lane - Informed Council she was here for the variance request for her carport.

Mayor Wilson closed the public hearing at 7:23 P.M.

9. Discussion And Possible Action

- a. Discussion And Possible Action To Consider A Variance Request To The Zoning Ordinance To Allow The Construction Of A Carport Ten Feet Within The Twenty-Five Foot Front Setback; Located At Lot 30, Block 14, CB 4018B; Otherwise Known As 4819 Dick Gordon, City Of Kirby, Bexar County, Texas.

Mayor Wilson stated Council is being asked to consider a variance request to the zoning ordinance to allow the construction of a carport ten feet within the twenty-five foot front setback; located at Lot 30, Block 14, CB 4018b; otherwise known as 4819 Dick Gordon, City of Kirby, Bexar County, Texas.

Sam Richardson, Vice-Chairperson Planning and Zoning Commission – The Commission approved all four variance requests.

Mayor Wilson said the pictures the resident provided showed one portable carport. He wanted to make sure this was not a temporary carport.

Mayor Pro-Tem Faulkner moved to approve the variance request to the Zoning Ordinance to allow the construction of a carport ten feet within the twenty-five foot front setback; located at Lot 30, Block 14, CB 4018b; otherwise known as 4819 Dick Gordon, City of Kirby, Bexar County, Texas, with the stipulation the carport is not a portable structure.

The motion carried with a 4-0 vote.

AYES: 4

NAYES: 0

- b. Discussion And Possible Action To Consider A Variance Request To The Zoning Ordinance To Allow The Construction Of A Concrete Pad Two Feet Eight Inches Within The Five Foot Side Yard Setback; Located At Lot 17, Block 1, CB 4018A; Otherwise Known As 3718 Kirby Drive, City Of Kirby, Bexar County, Texas.

The motion carried with a 4-0 vote.

AYES: 4

NAYES: 0

- i. Discussion And Possible Action To Consider The CPS Energy Solar Panel Program Application for Fire Station

Mayor Wilson said CPS Energy gave a presentation at the last meeting.

Charlie Alfaro, Assistant Fire Chief said he completed the application for the solar panels. It takes three to four weeks to receive confirmation if we met their criteria and then there will be a site visit. As soon as a decision is confirmed, Council will be notified.

Mayor Pro-Tem Faulkner moved to approve proceeding with the solar panel program application for the fire station; seconded by Council Member Lehman.

The motion carried with a 4-0 vote.

AYES: 4

NAYES: 0

- j. 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.

Mayor Wilson suggested a meeting with NE Herald.

Council Member Grant said he set up a meeting the NE Herald for next week.

Council Member Lehman moved to table this item; seconded by Mayor Pro-Tem Faulkner.

The motion carried with a 4-0 vote.

AYES: 4

NAYES: 0

- k. Discussion And Possible Action To Consider Ordinance No. O-2015- 776 Repealing The Current Text Of Chapter 90: Abandoned And Junked Vehicles, Of The Code Of Ordinances Of The City Of Kirby And Adopting A New Chapter 90: Abandoned And Junked Vehicles Of The Code Of Ordinances Of The City Of Kirby Including Provisions As To The Penalty For Offenses Under Chapter 90 Of The Code Of Ordinances. This Is The First Reading.

Mayor Pro-Tem Faulkner moved to approve Ordinance No. O-2015- 776 repealing the current text of Chapter 90: Abandoned And Junked Vehicles, of the Code of Ordinances of the City of Kirby and adopting a new Chapter 90: Abandoned And Junked Vehicles Of The Code Of Ordinances of the City of Kirby including provisions as to the penalty for offenses under Chapter 90 of the Code of Ordinances; seconded by Council Member Lehman.

City Manager Vernon stated the statement, “over five years old” will remain in the ordinance because it is in the Texas Transportation Code; therefore, we cannot remove the statement because it is part of a clause.

Mayor Pro-Tem Faulkner stated the new ordinance strengthens the ordinance allowing code compliance to determine if it is a health hazard.

The motion carried with a 4-0 vote.

AYES: 4

NAYES: 0

- I. Discussion And Possible Action To Consider Ordinance No. O-2015- 777 Enacting And Adopting A supplement To the Code Of Ordinances For The City Of Kirby, Texas. This Is The First Reading.

Mayor Pro-Tem Faulkner moved to approve Ordinance No. O-2015- 777 Enacting And Adopting A supplement To the Code Of Ordinances For The City Of Kirby, Texas; seconded by Council Member Lehman.

The motion carried with a 4-0 vote.

AYES: 4

NAYES: 0

- m. 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.

City Manager Vernon stated tonight's discussion involves garage sales. Prepared food would be discussed at another meeting and changes suggested by our health inspector can be discussed.

Council Member Romens suggested six garage sales per year for churches.

Mayor Pro-Tem Faulkner said she would go back to the Ordinance Review Committee with the suggestions.

- n. Discussion And Possible Action To Consider Resolution No. R-2015-662 A Resolution Regarding A Lease Purchase Agreement For The Purpose Of "Street Sweeper" Acquisition

Mayor Wilson said the cost for the street sweeper is \$181,836.00.

Manager Vernon informed Council once the financing obligation has been met, then we can purchase the street sweeper. We have a six year commitment and the first payment is \$32,398 and the last payment is \$37,169.

Mayor Pro-Tem Faulkner moved to accept Resolution No. R-2015-662 regarding a lease purchase agreement for the purpose of "Street Sweeper" acquisition; seconded by Council Member Romens.

The motion carried with a 4-0 vote.

AYES: 4

NAYES: 0

- o. Discussion And Possible Action To Consider Resolution R-2015-663 Amending Authorized Representative To The Texas Local Government Investment Pool ("TexPool/Texpool Prime")

City Manager Vernon stated this is a standard resolution to change our representative to Tina Ynfante.

Mayor Pro Tem Faulkner moved to accept Resolution R-2015-663 amending authorized representative to the Texas Local Government Investment Pool ("TexPool/Texpool Prime"); seconded by Council Member Lehman.

The motion carried with a 4-0 vote.

AYES: 4

NAYES: 0

10. Council Updates:

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

Mayor Wilson skipped this item.

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 – Thanked everyone for attending the meeting.

Mayor Pro-Tem Faulkner – The next Ordinance Review Committee meeting will be on Tuesday at 6:00 P.M. Kirby is striving to become a green city and said Madison High School has cool green toilets, look into this to save money.

Council Member Lehman – Suggested Council read an article in the latest issue of the Texas Town and City Magazine. The article was about streets that need fixing and how the City of Mesquite issued bonds for community improvements.

Mayor Wilson – Read a card he received from a student regarding an incident at Hopkins a few weeks ago. The card was from Connor thanking the police department for their protection. Kirby Christmas on December 12 at Senior Center Gazebo, received a letter from a 17 year old driver bringing the road conditions on Binz Engleman and Ackerman. The cost to repair Ackerman Road is approximately \$5.5 and \$2.3 million to repair Binz Engleman. Bexar County is looking for volunteers for an Exploratory Committee.

Mayor Wilson named all the veterans employed by the City and thanked them for their service.

12. Adjournment

The meeting adjourned at 8:40 P.M.

Timothy Wilson
Mayor

ATTEST:

Patty Cox, TRMC
City Secretary