



Timothy Wilson, Mayor

Stephanie Faulkner, Mayor Pro-Tem
Mike Grant
Jerry Lehman

John W. Pierce
Roger A. Romens
Debra Wilson

**CITY COUNCIL MINUTES
PUBLIC HEARING/REGULAR MEETING
THURSDAY, DECEMBER 8 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

Mayor Wilson
Mayor Pro-Tem Faulkner
Council Member Wilson
Council Member Pierce
Council Member Lehman
Council Member Grant
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. Debra McMillan, 4511 Hoeneke – She asked to speak during public hearing item 7.b.
2. Patricia Baber, 3402 Autumn Ln. – She has concerns about lose animals in her area. She thanked the fire department for the ambulance service they provided and they took great care of her.

6. Consent Agenda

- a. Regular Meeting Minutes – November 10, 2016
- b. Public Hearing/Special Meeting Minutes – November 17, 2016
- c. Acceptance Of Quarterly Investment Report – July Through September 2016

Mayor Pro-Tem Faulkner moved to accept the Consent Agenda; seconded by Council Member Grant. With all voting, “aye” the motion carried with a 6-0 vote.

7. Public Hearing

- a. Rezoning Of 0.4640 Acres Located At CB 5191 P-5 ABS 883, Otherwise Known As 4815 Gibbs Sprawl Road, Kirby, TX 78219, From The Current Zoning Of Commercial, Office And Retail (C-2) To Residential (R-1) To Allow Residential Use Only

Mayor Wilson opened the public hearing at 7:09 P.M. There were not any proponents or opponents present to speak. Mayor Wilson closed the public hearing at 7:10 P.M.

- b. Public Hearing On Potential Payment To Fire Chief Kevin Riedel Of An Amount In Excess Of Contractual Amount Including Statements Of Public Purpose To Be Served By Such Excess Payment And Of Other Matters Related To Such Payment

Debra McMillan, 4511 Hoeneke – She voiced her concerns that this action would benefit one person and asked how does this keep in line with the mission statement of being fiscally responsible.

Mayor Wilson opened the public hearing at 7:55 P.M.

City Manager Vernon stated the purpose of the public hearing is to discuss an incentive payout for Chief Riedel's retirement. Chief Riedel has expressed his intent to retire December 31, 2016. This will be a cost savings to the city in the amount of approximately \$33,000 savings for the remainder of the fiscal year.

Mayor Wilson closed the public hearing at 7:56 P.M.

8. Presentations

a. Smart Grid Initiative – CPS Energy

Roland Hinojosa, CPS Energy Community Relations introduced Raul Flores, CPS Energy. Mr. Flores provided information regarding the equipment, meter installation, benefits of the smart meter, including utility benefits, program timeline, and communications. Residents have an opt out option should they chose not to use the Smart Grid meter. He spoke about fees associated with the Smart Grid Initiative. He replied to questions Council asked regarding the process to opt out of the program, variations with the rates, health concerns, and complaints from others who are using the Smart Grid meters.

9. Discussion And Possible Action

a. Presentation, Discussion And Possible Action Regarding The City Logo Design Project

Council Member Romens stated he spoke with Ms. Parham, Kirby Middle School art teacher, and she has not received the permission slips from the parents. Ms. Parham informed him that she will provide a free design service to the City to create a City logo. She will provide three different drawings for the City to consider. He asked that this item be placed on the next Council agenda.

b. Discussion And Possible Action Regarding Ordinance No. O-2016-800 Repealing Section 55.02 Of The Code Of Ordinances And Adopting A New Section 55.02 Of The Code Of Ordinances And Adopting Chapter 56, Post-Construction Storm Water Management, Of The Code Of Ordinances Establishing Post-Construction Storm Water Management Practices As Required By The United States Environmental Protection Agency And The Texas Commission On Environmental Quality; Incorporating New Definitions In Section 55.02; Incorporating Post-Construction Storm Water Management Practices; Providing For A Penalty Of A Fine Of Not More Than \$500.00 For Each Offense Under Chapter 56 And For

Violators To Bear The Expenses Of Restoration Necessitated By Violation Of Chapter 56, With Each Day A Violation Occurs Being A Separate Offense; Providing For A Civil Penalty Of Up To \$1,000.00 Per Day For A Violation Of Chapter 56 And For A Civil Penalty Of Up To \$5,000 Per Day For Certain Point Source Effluent Limitations Or Discharge Of A Pollutant Into A City Sewer System; Repealing All Ordinances Or Parts Of Ordinances In Conflict Herewith; Providing A Savings Clause; Providing For The Inclusion In The Code Of Ordinances; Providing For An Effective Date, And Establishing A Fee For Reviewing Proposed Storm Water Pollution Prevention Plans. This Is The Second Reading.

Council Member Grant moved to adopt Ordinance No. O-2016-800 repealing Section 55.02 of the Code of Ordinances and adopting a new Section 55.02 of the Code of Ordinances and adopting Chapter 56, Post-Construction Storm Water Management, of the Code of Ordinances establishing Post-Construction Storm Water Management Practices as required by the United States Environmental Protection Agency and the Texas Commission on Environmental Quality; incorporating new definitions in Section 55.02; incorporating Post-Construction Storm Water Management Practices; providing for a penalty of a fine of not more than \$500.00 for each offense under Chapter 56 and for violators to bear the expenses of restoration necessitated by violation of Chapter 56, with each day a violation occurs being a separate offense; providing for a civil penalty of up to \$1,000.00 per day for a violation of Chapter 56 and for a civil penalty of up to \$5,000 per day for certain point source effluent limitations or discharge of a pollutant into a city sewer system; repealing all ordinances or parts of ordinances in conflict herewith; providing a savings clause; providing for the inclusion in the Code of Ordinances; providing for an effective date, and establishing a fee for reviewing Proposed Storm Water Pollution Prevention Plan; seconded by Council Member Lehman.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

- c. Discussion And Possible Action Regarding Ordinance No. O-2016-801 Discussion And Possible Action Regarding Amending Section 153.053 Of The Zoning Ordinance To Change The Front Yard Setback For Unenclosed Carports From The Current Twenty Feet (20') To Fifteen Feet (15') Feet; And Amending Sections 153.019 And 153.020 Of The Zoning Ordinance By Adding A Subpart (C) To State That Materials Other Than Metal Or Aluminum Must Be Used On The Lower One-Third Of The Front And Sides Of Buildings Located In The C-1 And C-2 Commercial Districts That Are Visible From Public Streets Or Neighboring Property. This Is The Second Reading.

Council Member Grant moved to adopt Ordinance No. O-2016-801 amending Section 153.053 of the Zoning Ordinance to change the front yard setback for unenclosed carports from the current twenty feet (20') to fifteen feet (15') Feet; and amending Sections 153.019

and 153.020 of the Zoning Ordinance by adding a subpart (C) to state that materials other than metal or aluminum must be used on the lower one-third of the front and sides of buildings located in the C-1 and C-2 Commercial Districts that are visible from public streets or neighboring property; seconded by Mayor Pro-Tem Faulkner.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

- d. Discussion And Possible Action Regarding Ordinance No. O-2016-802, An Ordinance Adopting Chapter 99 To The Code Of Ordinances To Authorize Enforcement Of Municipal Ordinances Regarding Fire Protection, Structural Integrity, Zoning, Disposal Of Refuse Or Dangerously Damaged Or Deteriorated Structures Or Improvements. This Is The Second Reading.

Council Member Lehman moved to adopt Ordinance No. O-2016-802 adopting Chapter 99 to the Code of Ordinances to authorize enforcement of municipal ordinances regarding fire protection, structural integrity, zoning, disposal of refuse or dangerously damaged or deteriorated structures or improvements; seconded by Council Member Grant.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

- e. Discussion and Possible Action Regarding Ordinance No. O-2016-803, An Ordinance Amending the Zoning Ordinance of the City of Kirby, Texas to Change The Zoning Of The Property Commonly Known As 4815 Gibbs Sprawl Road, Kirby, Texas, Being 0.4640 Acres Out Of County Block 5191, P-5, ABS 883, From "C-2" Commercial District To "R-1" Single Family Dwelling District. This Is The First Reading.

Mayor Wilson recognized that the Ms. Barbara Bowie, applicant, was not present. He stated the Planning and Zoning Commission recommended approval of the zoning request. City Secretary Patty Cox explained the applicant wants to be able to claim a homestead exemption and tax exemption for 65 years old and over. Mayor Wilson informed the Council their options are to approve or deny the zoning request.

Council Member Grant moved to deny Ordinance No. O-2016-803 amending the Zoning Ordinance of the City of Kirby, Texas to change the zoning of the property commonly known as 4815 Gibbs Sprawl Road, Kirby, Texas, being 0.4640 acres out of County Block 5191, P-5, ABS 883, from "C-2" Commercial District To "R-1" Single Family Dwelling District; seconded by Council Member Wilson.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

f. Presentation, Discussion And Possible Action To Consider 2017 MLK/Freedom Riders Parade To Be Conducted By The Dr. Bowie Foundation

Barbara Bowie, Dr. Bowie Foundation, was not present to promote the 2017 MLK/Freedom Riders Parade.

Mayor Wilson suggested that Council consider allowing the parade and waive the rental fees for Friendship Park.

Council Member Grant moved to allow the parade and waive the rental fees for Friendship Park; seconded by Mayor Pro-Tem Faulkner.

City Manager Vernon provided an overview of the event.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

g. Discussion And Possible Action On Personnel Policies Manual Revisions

City Manager Vernon identified the changes to the Personnel Policies Manual:

On page 44, paragraph 2; Use of Vacation Leave – delete “Upon completion of one year of continuous service with the City, only Department Head approval is required, except for leave in excess of two weeks, which requires City Manager approval.”

On page 54, section 9.04, number 2, delete (10.6 hours for firefighters) because that is an error.

On page 55, section 10.02, paragraph 3; within 24 hours because documents for work related injuries are due within a certain timeframe.

Council Member Grant moved to approve the changes to the Personnel Policies Manual; seconded by Council Member Wilson.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

- h. Discussion And Possible Action Regarding Resolution No. R-2016-679 Of The City Council Of The City Of Kirby, Texas Authorizing The Submission Of The Proposed Reconstruction Of Ackerman Road, Sidewalks And Bike Lanes In The FY 2017 – 2020 Transportation Improvement Program Of The San Antonio-Bexar County Metropolitan Planning Organization And Assumption Of Responsibility For Local Share Of Costs

Council Member Grant moved to accept Resolution No. R-2016-679 of the City Council of the City of Kirby, Texas authorizing the submission of the proposed reconstruction of Ackerman Road, sidewalks and bike lanes in the FY 2017 – 2020 Transportation Improvement Program of the San Antonio-Bexar County Metropolitan Planning Organization and assumption of responsibility for local share of costs; seconded by Mayor Pro-Tem Faulkner.

City Manager Vernon provided the costs associated with the project. The total cost estimate is \$6.2 million to fix Ackerman Road. The MPO is an 80% reimbursable grant and we have to match at least 20%. For this particular project it will be \$1.2 million match. At the training workshop there was discussion that they like to see an overmatch; therefore a 1% overmatch for us will be \$62,306. If funded, our 21% match will be \$1.3 million.

The motion carried with a 7 – 0 vote.

AYES: 7

NAYES: 0

- i. Discussion And Possible Action Regarding Resolution No. R-2016-680 Of The City Council Of The City Of Kirby, Texas Authorizing The Submission Of The Proposed Reconstruction Of Old Seguin Road, Sidewalks And Bike Lanes In The FY 2017 – 2020 Transportation Improvement Program Of The San Antonio-Bexar County Metropolitan Planning Organization And Assumption Of Responsibility For Local Share Of Costs

Mayor Wilson said one of the suggestions that was made during discussing about the project was constructing Old Seguin Road with underground drainage. Mayor Pro-Tem Faulkner voiced her concern that by submitting two applications are we going to cause one application to be eliminated.

Council Member Romens asked if there is a chance both projects will be approved at same time.

Mayor Wilson suggested reaching out to VIA for help because they use both roads.

Mayor Pro-Tem Faulkner moved to accept Resolution No. R-2016-680 Of The City Council Of The City Of Kirby, Texas Authorizing The Submission Of The Proposed Reconstruction Of Old Seguin Road, Sidewalks And Bike Lanes In The FY 2017 – 2020 Transportation

Improvement Program Of The San Antonio-Bexar County Metropolitan Planning Organization And Assumption Of Responsibility For Local Share Of Costs ; seconded by Council Member Grant.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

j. Discussion And Possible Action Regarding Credit Card Programs And Fees

Tina Ynfante, Finance Director provided quotes for the credit card machines, TSYS (Authorized.net) and Priority Payment Systems South. There was a third company from Dallas that submitted a quote, but they are disqualified because they are not able to interact with our INCODE server. TSYS (Authorize.net) is the company we are currently using. After reviewing the quotes, staff recommended continuing service with TSYS (Authorize.net). Staff will pursue a wireless card reader to utilize at the animal shelter, dispatcher center and pool.

Council Member Grant moved to use TSYS; seconded by Mayor Pro-Tem Faulkner

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

k. Discussion And Possible Action Regarding Ordinance No. O-2016-804 Repealing Ordinance No. 89-457 and Establishing New Rules And Order Of Businesses For Meetings Of The City Council Of The City Of Kirby, Texas. This Is The First Reading.

Council Member Grant moved to accept Ordinance No. O-2016-804 Repealing Ordinance No. 89-457 and Establishing New Rules And Order Of Businesses For Meetings Of The City Council Of The City Of Kirby, Texas; seconded by Mayor Pro-Tem Faulkner.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

l. Discussion And Possible Action Regarding Ordinance No. O-2016-805 Repealing Ordinance No. 89-458 And Establishing A Packet Fee For All Candidates Of A Special Or General Election. This Is The First Reading.

Council Member Romens moved to accept Ordinance No. O-2016-805 Repealing Ordinance No. 89-458 And Establishing A Packet Fee in the amount of \$7.00 For All Candidates Of A Special Or General Election; seconded by Council Member Wilson.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

- m. Discussion And Possible Action To Consider Ordinance No. O-2016-806 Designating The Official City Newspaper For Publication of Matters Pertaining To The City Of Kirby. This Is The First Reading.

Council Member Grant moved to accept Ordinance No. O-2016-806 designating the Northeast Herald as the official City newspaper for publication of matters pertaining to the City of Kirby; seconded by Council Member Romens.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

- n. Discussion And Possible Action To Appoint A Member To The Beautification And Recycle Committee To A Term Expiring October 1, 2018

Mayor Pro-Tem Faulkner moved to appoint George Lombardo to the Beautification and Recycle Committee to a term expiring October 1, 2018; seconded by Council Member Wilson.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

- o. Presentation, Discussion And Possible Action On A GIS System For The City Of Kirby

City Manager Vernon identified the various uses of a GIS System. ESRI, Inc. was recommended by the city engineer and the cost for the system is \$6,500. This includes one desk top license, and on-line licenses for five users. This will be addressed with a budget amendment in January.

Mayor Pro-Tem Faulkner moved to approve the purchase of a GIS for the City of Kirby; seconded by Council Member Grant.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

- p. Status Update On City Of Kirby Goal Number One: City Appearance

City Manager Vernon provided the following update for City Appearance:

1. To create a map of the City detailing the condition of each property through color coding them.
2. Public Works will establish a street sweeping schedule.
3. Kirby gives back clean-up project. Select four houses and on a Saturday get together to clean up the property. The Code Compliance officer will spearhead in spring. We need to get donations.
4. Quarterly yard recognition. The Beautification and Recycle Committee has nomination forms available. In January the Committee will vote on the winner. The winner will be recognized at a Council meeting.
5. Update entrance areas. There's an entrance from FM 78, Old Seguin, and Ackerman Road. The landscapers will take care of the entrances.
6. Mayor Wilson suggested promoting the adopt a spot program. Some things that can be done on rainy days include, but not limited to straighten signs, report street signs that the names are misspelled or signs that you cannot read. Public Works is doing a really good job at Friendship Park.

q. Status Update On City Of Kirby Personnel

City Manager Vernon provided an update on personnel:

Patrol officer and code compliance – Chief Bois is going through interviews and hopefully he will have recommendations for hire next week; program coordinator – posted; part time dispatcher – posted; and municipal clerk – hired.

Mayor Pro-Tem Faulkner asked about hiring lifeguards and who is going to oversee the pool this year. We need to hire a pool manager to hire lifeguards before spring break.

Mayor Wilson expressed the value of the City's employees and the Council concurred. Mayor Wilson stated the City Manager should have the flexibility to retain our employees.

City Manager Vernon informed Council we are hiring temporary staff in Public Works to fill the void in the position because of leave and the budget will need to be amended to identify the cost.

Mayor Wilson said the budget will be amended to reflect the cost for an assistant public works director position in January.

10. Executive Session

- a. Deliberate The Employment, Evaluation, And/Or Duties Of Fire Chief Kevin Riedel. Possible Executive Session Pursuant To Texas Government Code Section 551.074, Personnel Matters

Mayor Wilson closed the regular meeting and entered into an executive session at 7:38 P.M.

Mayor Wilson reconvened the regular meeting at 7:50 P.M.

11. Reconvene To Open Session

- a. Discussion And Possible Action On Potential Payment To Fire Chief Kevin Riedel Of An Amount In Excess Of Contractual Amount

Mayor Pro-Tem Faulkner moved to approve the one-time payment to Chief Kevin Riedel in the amount of \$19,833.83 as a payout for retirement as of December 31, 2016 potentially saving the City of Kirby \$33,669.48 for the fiscal year; seconded by Council Member Grant.

The motion carried with a 6 – 1 vote.

AYES: 6

NAYES: 1 (Council Member Romens)

12. 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 Pierce – He asked that the City Manager’s review be placed on the next agenda. He voiced his concern with golf carts on public streets. On Saturday the Crime Control District Board will host their Second Annual Hot Chocolate Social and Santa will be available to visit with children and have a photo opportunity starting at 4 P.M. at the Senior Center, and the animal shelter is having their Wellness On Wheels from 8:00 A.M. to 11:00 A.M. Saturday. He asked everyone to be safe.

Council Member Romens – He wished everyone happy holidays and be safe.

Council Member Wilson – She said Mrs. Lee Turkock wanted to thank Officer Scurlock for his service. She asked everyone to remember what Christmas is about. She will not be at the next Council meeting due to a prior commitment.

Council Member Grant – He said \$12,000 would have to be raised for a new digital sign. The property owner on Seguin Road has not removed his outdoor storage. He wished everyone a Merry Christmas.

Council Member Lehman – He asked if anyone contacted the Senior Center to inquire if the Gazebo was available for the Hot Chocolate Social. He asked that removal of members from the Economic Development Committee be placed on an agenda in January.

Mayor Pro-Tem Faulkner – She said there will not be any tennis on Saturday.

Mayor Wilson – He congratulated Chief Bois and Assistant Chief Alfaro for passing the water exam. He hosted a mock Council meeting with the Kirby Middle School Honor Society. He asked them to pick four people to represent themselves and from those four he asked them to name four issues they have with the City and they said sidewalks, City appearance, the playground and graffiti. Certificates will be distributed to them recognizing them as Council Members for a day at their Council meeting. He asked Council to provide the City Manager with their recommendations for the amended budget. He invited everyone to attend the Hot Chocolate Social. The next Council meeting is next Thursday.

10. Adjournment

The meeting adjourned at 9:11 P.M.

Timothy Wilson, Mayor

ATTEST:

Patty Cox, TRMC
City Secretary