



*Timothy Wilson, Mayor*

Stephanie Faulkner, Mayor Pro-Tem  
Mike Grant  
Jerry Lehman

John W. Pierce  
Debra Wilson

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**CITY COUNCIL MINUTES  
REGULAR MEETING  
THURSDAY, FEBRUARY 23, 2017 – 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

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**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

Mayor Wilson  
Council Member Wilson  
Council Member Lehman  
Council Member Pierce  
Council Member Grant

ABSENT

Mayor Pro-Tem Faulkner

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

**5. Citizen Participation**

1. Lisa Pierce, 5123 Happiness – She spoke about the Ackerman Road speed limit change that was discussed at a recent meeting. She said she is not sure if lowering the speed limit is the right choice, but maybe more enforcement in the area will help.

2. Roger Romens, 4827 Neil Armstrong Dr. – He asked Council what it means to reside in the City of Kirby. He informed Council that a member of the Council had signed a deed of trust on February 2, 2017. He identified the property and stated this is a violation of the City Charter and cited the section of the Charter.

**6. Consent Agenda**

a. Regular Meeting Minutes – February 9, 2017

Council Member Lehman moved to accept the consent agenda; seconded by Council member Grant. With all voting, “aye” the motion carried.

**7. Presentation**

a. Annual Presentation On The Storm Water Program – Abraham Galindo, Givler Engineering

Abraham Galindo, Givler Engineering presented an overview of the Storm Water Program.

**8. Discussion And Possible Action**

a. Discussion And Possible Action On Accepting Roger Romens’ Resignation From City Council

Council Member Grant moved to accept Roger Romens’ resignation from City Council; seconded by Council Member Lehman.

The motion carried with a 5 – 0 vote.

b. Discussion And Possible Action On Filling Vacancy Created By Resignation Of Roger Romens Including Consideration Of A Nominee Submitted By Roger Romens Pursuant To Section 2.06 (c) Of The City Charter And Consideration Of Other Potential Appointees If Such Nominee Is Not Appointed

Council Member Wilson moved to accept Roger Romen's nomination of Barbara Bowie to fill the vacancy created by the resignation of Roger Romens for the remainder of the term; seconded by Council Member Grant.

Council Member Lehman asked Barbara Bowie if she will be able to attend the Council meetings. Barbara Bowie informed Council Member Lehman that she will be attending the Council meetings.

The motion carried with a 4 – 1 vote. (Against – Council Member Lehman)

c. Discussion And Possible Action Of Accepting The Audit For FY 2015-2016

Deborah Fraser, Armstrong Vaughn and Associates, presented the audit for FY 2015-2016. The City of Kirby received an unmodified opinion which means after adjustments our statements are fairly stated and materially correct. She provided an overview of the sections of the audit. She addressed the Balance Sheet for Governmental Funds, Budget and Actual Schedule of Revenues, Expenditures and Changes in Fund Balance, Schedule of Changes – Net Pension Liability and Related Ratios (last two calendar years), and the Statistical Section.

Council Member Grant moved to accept the audit for FY 2015-2016; seconded by Council Member Wilson.

The motion carried with a 4 – 0 vote.

d. Discussion And Possible Action To Consider Appointment Of Member(s) To Fill Vacancies On The Economic Development Committee

Mayor Wilson stated Jose Garcia and Cory A. Mobley are being considered for appointment to fill two vacancies on the Economic Development Committee.

Council Member Grant moved to appoint Jose Garcia and Cory A. Mobley to fill the two vacancies on the Economic Development Committee; seconded by Council Member Lehman.

The motion carried with a 4 – 0 vote.

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

Council Member Grant moved to postpone this item until the next meeting; seconded by Council Member Pierce

The motion carried with a 4 – 0 vote.

- f. Discussion And Possible Action To Consider Ordinance No. O-2017-810 Repealing Sections 94.15 Through 94.17 Of The Noise Provisions In Chapter 94 Of The Code Of Ordinances Of The City And Adopting New Sections 94.15 Through 94.17 Of The Noise Provisions In Chapter 94 Of The Code Of Ordinances Of The City. This Is The First Reading.

Lisa Pierce, Chairperson, Ordinance Review Committee, addressed Council and stated City Attorney Marc Schnall reviewed the Committee's recommendations.

Council Member Wilson moved to adopt Ordinance No. O-2017-810 repealing Sections 94.15 through 94.17 of the noise provisions in Chapter 94 of the Code of Ordinances of the City and adopting new Sections 94.15 through 94.17 of the noise provisions in Chapter 94 of the Code of Ordinances of the City; seconded by Council Member Grant.

Marc Schnall, City Attorney, informed Council that 'phonograph' was inadvertently left in the ordinance in two places. In order to delete the term a motion would need to be acted on or leave it in.

Council Member Wilson moved to amend her motion to remove 'phonograph' from the ordinance in Section 94.17 in subsection (A) phonograph and subsection (H) or phonograph; seconded by Council Member Grant.

The motion for the amendment carried with a 5 – 0 vote.

Mayor Wilson called for the motion to accept the main motion inclusive of the amendment.

The motion to accept this ordinance inclusive of the amendment carried with a 4 – 0 vote.

- g. Discussion and Possible Action To Consider Ordinance No. O-2017-811 Repealing Sections 94.01 And 94.02 Of The Nuisance Provisions In Chapter 94 Of The Code Of Ordinances Of The City And Adopting New Sections 94.01 And 94.02 Of The Nuisance Provisions In Chapter 94 Of The Code Of Ordinances Of The City. This Is The First Reading.

Council Member Grant moved to adopt Ordinance No. O-2017-811 repealing Sections 94.01 and 94.02 of the nuisance provisions in Chapter 94 of the Code of Ordinances of the City and adopting new Sections 94.01 and 94.02 of the nuisance provisions in Chapter 94 of the Code of Ordinances of the City; seconded by Council member Lehman.

Mayor Wilson asked city attorney Marc Schnall to confirm that if there is a violation that includes weeds, brush and grass on the citation then a warning does not have to be issued on the second time there is a violation that falls under weeds, brush and grass.

Marc Schnall said that assuming a warning was given and it encompasses all three of those elements, and one of those elements was not cured then a citation can be issued for the uncured element without an additional warning.

The motion carried with a 4 – 0 vote.

- h. Discussion And Possible Action To Consider Ordinance No. O-2017-812 Repealing Chapter 70 – Traffic Rules Of The Code Of Ordinances And Adopting New Chapter 70 – Traffic Rules Of The Code Of Ordinances. This Is The First Reading.

Chief Bois provided a brief overview of changes to the ordinance.

Council Member Grant moved to adopt Ordinance No. O-2017-812 repealing Chapter 70 – Traffic Rules of the Code of Ordinances and adopting new Chapter 70 – Traffic Rules of the Code of Ordinances; seconded by Council Member Wilson.

The motion carried with a 4 – 0 vote.

- i. Discussion And Possible Action To Consider Ordinance No. O-2017-813 Repealing Chapter 71 – Stopping, Standing, And Parking Of The Code Of Ordinances And Adopting A New Chapter 71 – Stopping, Standing, And Parking Of The Code Of Ordinances. This Is The First Reading.

Chief Bois provided a brief overview of changes to the ordinance.

Council Member Wilson moved to adopt Ordinance No. O-2017-813 repealing Chapter 71 – Stopping, Standing, and Parking of the Code of Ordinances and adopting a new Chapter 71 – Stopping, Standing, and Parking of the Code of Ordinances; seconded by Council Member Lehman.

The motion carried with a 4 – 0 vote.

## **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 Wilson – She thanked the fire and police departments for responding to a call at Kirby Baptist Church. She thanked Chief Bois for sending employees to look at the vehicles that were egged.

Mayor Wilson – He said the San Antonio Rodeo Ambassadors thanked city staff for their support every year. He said he provided Chief Bois and City Manager Vernon a copy of card that can be used to track code violations and other concerns by using them to create works orders to resolve the issues. He said section 2.02 does state you have to be a resident of the City, but a deed signature does not classify a homestead. He stated they have signed paperwork for their new house they are excited about it and sad. The next Council meeting will be their last meeting and he will submit his resignation at that meeting.

**10. Adjournment**

The meeting adjourned at 7:50 P.M.

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Timothy Wilson, Mayor

ATTEST:

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Patty Cox, TRMC  
City Secretary