



*Timothy Wilson, Mayor*

Stephanie Faulkner, Mayor Pro-Tem  
Mike Grant  
Jerry Lehman

John W. Pierce  
Roger A. Romens  
Debra Wilson

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**CITY COUNCIL MINUTES  
REGULAR MEETING  
THURSDAY, JANUARY 26, 2017 – 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

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**1. Call Meeting to Order**

The meeting was called to order at 7:03 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 Lehman  
Council Member Pierce  
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. LeAnn Gonzalez, 4827 Aspenwood – She voiced her concern about an illegal building permit and she distributed copies of an email sent to City Council earlier this week. She provided a history of her concerns in Kirby over the years.

2. James Craig, 4827 Aspenwood – He voiced his concern regarding the building permit Ms. Gonzalez spoke about. He said the police, city manager and mayor were not returning his calls.

3. Lisa Pierce, 5123 Happiness – She asked that the new ordinances on the agenda be tabled and sent back to the Ordinance Review Committee.

**6. Consent Agenda**

a. Regular Meeting Minutes – January 12, 2017

Mayor Pro-Tem Faulkner moved to accept the consent agenda; seconded by Council Member Grant. The motion carried with a 6-0-1 vote (Council Member Lehman abstained).

**7. Presentation**

a. Ackerman Road Traffic Study, Chief Kevin Bois

Chief Kevin Bois, Police Department, showed the traffic counter machine and provided an overview of the study. The results: over the period of 13 days, documented 16 hours, there were 120,000 vehicles and the average speed was between 30 – 35 MPH.

b. Employee Of The Month

Mayor Wilson presented Employee of the Month to Shane Davis and thanked him for stepping up while Roger Aguilon was on vacation during the holidays.

**8. Discussion And Possible Action**

- a. Discussion And Possible Action To Consider Ordinance No. O-2017-808 Amending FY 2016-2017 Budget. This Is The Second Reading.

Council Member Grant moved to accept Ordinance No. O-2017-808 amending FY 2016-2017 budget; seconded by Mayor Pro-Tem Faulkner.

The motion carried with a 7 – 0 vote.

AYES: 7

NAYES: 0

- b. Discussion And Possible Action To Consider Ordinance No. O-2017-807 Repealing Chapter 50 Of The Code Of Ordinances Of The City Of Kirby and Adopting A New Chapter 50, Public Utilities, Of The Code Of Ordinances Of The City Of Kirby To Establish Certain Additional Fees. This is the Second Reading.

Mayor Pro-Tem Faulkner moved to adopt Ordinance No. O-2017-807 repealing Chapter 50 of the Code of Ordinances of the City of Kirby and adopting a new Chapter 50, public utilities, of the Code of Ordinances of the City of Kirby to establish certain additional fees; seconded by Council Member Grant.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

- c. Discussion And Possible Action To Consider Ordinance No. O-2017-809, An Ordinance Repealing Chapter 54 Of The Code Of Ordinances Of The City Of Kirby, Texas, And Adopting A New Chapter 54 Of The Code Of Ordinances And Establishing Illicit Discharge Restrictions Pursuant To U.S. Environmental Protection Agency Guidelines And Adopted Texas Commission On Environmental Quality Standards, And Providing A Penalty Upon Conviction Of A Violation Of This Section In An Amount Not To Exceed \$500.00 Per Violation Per Day Unless The Violator Receives Actual Notice Of The Provisions Of This Ordinance In Which Case The Penalty Upon Conviction Is Not To Exceed \$1,000 Per Violation Per Day Or Not To Exceed \$5,000 Per Violation Per Day For Certain Violations Relative To Point Source Effluent Limitations Or The Discharge Of A Pollutant (Other Than From A Non-Point Source) Into A Sewer System, Including A Sanitary Or Storm Water Sewer System, Owned Or Controlled By The City, And Establishing An Effective Date. This Is The Second Reading.

Mayor Pro-Tem Faulkner moved to adopt Ordinance No. O-2017-809, an ordinance repealing Chapter 54 of the Code of Ordinances of the City of Kirby, Texas, and adopting a new Chapter 54 of the Code of Ordinances and establishing illicit discharge restrictions pursuant to U.S. Environmental Protection Agency guidelines and adopted Texas Commission on

Environmental Quality standards, and providing a penalty upon conviction of a violation of this section in an amount not to exceed \$500.00 per violation per day unless the violator receives actual notice of the provisions of this ordinance in which case the penalty upon conviction is not to exceed \$1,000 per violation per day or not to exceed \$5,000 per violation per day for certain violations relative to point source effluent limitations or the discharge of a pollutant (other than from a non-point source) into a sewer system, including a sanitary or storm water sewer system, owned or controlled by the city, and establishing an effective date; seconded by Council Member Wilson.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

d. Discussion And Possible Action Regarding Boards, Commissions And Committee Membership

Council Member Lehman moved to remove Barbara Bowie and John Houlton from the Economic Development Committee; seconded by Council Member Grant.

Council Member Romens suggested attendance be reflected when there's no quorum so there is a record of who did not attend the meeting.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

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

City Manager Vernon informed the Council that seven property owners are interested in purchasing lots.

Mayor Pro Tem Faulkner reminded Council that they agreed we would sell all or none.

Council Member Romens suggested an agreement for access be worked out.

Mayor Pro-Tem Faulkner moved not to subdivide and sell the property and keep as a green space; seconded by Council Member Grant.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

f. Discussion And Possible Action Regarding Generators For City Facilities

Roger Aguillon, Public Works Director, reviewed quotes from two companies for a generator at Well Site #3. Total cost is \$171,860.78 to include installation of a 350K generator. Shawn Lopez, Walker Shaw Pierce, explained they will handle the purchase for the project through the Buy Board. Official engineering plans are needed to determine appropriate generator size and power.

Council Member Grant moved to enter into a contract with Walker Shaw Pierce to purchase a generator for the well site; seconded by Council Member Romens.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

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

This item was tabled to the February 9, 2017 Council meeting.

- h. Discussion And Possible Action To Consider Establishing An Outdoor Vehicle Storage Lot On Gaiety Lane

Roger Aguillon, Public Works Director, discussed the costs for fencing and lighting.

Mayor Wilson suggested staff check with CPS Energy on light installation.

Hilda Maria Ochoa, Vice President, 8A Electric, offered their lighting expert to perform an analysis for free.

Mayor Pro-Tem Faulkner moved to approve \$18,754.34 for the fence and pursue the free light analysis; seconded by Council Member Grant.

Staff will bring back the number of spaces sectioned by the type of vehicle so Council can set a price per space.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

- i. Discussion And Possible Action To Consider Parks And Recreation Committee Recommendations For Playground Equipment And Movie Screen

Kelly Wilson, Parks and Recreation Committee Chairman, shared the Committee's recommendations: move the John Sterling Park playground equipment to Autumn Ln. and requested \$2,500 or less for a movie screen, projector, etc. for events.

Mayor Pro-Tem Faulkner moved to relocate the playground equipment at the John Sterling Park and gravel to Autumn Lane and purchase movie equipment not to exceed \$3,000; seconded by Council Member Grant.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

- j. Discussion And Possible Action To Consider Ordinance No. O-2017-810 Repealing Sections 94.15 Through 94.17 Of The Noise Ordinance Of The City And Adopting New Sections 94.15 Through 94.17 Of The Noise Ordinance Of The City. This Is The First Reading.

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

The motion carried with a 7 – 0 vote.

AYES: 7

NAYES: 0

- k. Discussion and Possible Action On Ordinance No. O-2017-811 Repealing Sections 94.01 and 94.02 of the Nuisance Ordinance of the City and Adopting New Sections 94.01 and 94.02 of the Nuisance Ordinance of the City. This Is The First Reading.

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

The motion carried with a 7 – 0 vote.

AYES: 7

NAYES: 0

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

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

The motion carried with a 7 – 0 vote.

AYES: 7

NAYES: 0

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

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

The motion carried with a 7 – 0 vote.

AYES: 7

NAYES: 0

- n. Discussion And Possible Action To Consider Resolution No. R-2017-684 Calling A General Election On May 6, 2017; For The Purpose Of Electing A Mayor And Three Council Members; Designating The Polling Places And Directing The Giving Of Notice Of Such Election; And Providing Details Relating To The Holding Of Such Election, In The City Of Kirby.

Council Member Lehman moved to accept Resolution No. R-2017-684 Calling A General Election On May 6, 2017; For The Purpose Of Electing A Mayor And Three Council Members; Designating The Polling Places And Directing The Giving Of Notice Of Such Election; And Providing Details Relating To The Holding Of Such Election, In The City Of Kirby; seconded by Mayor Pro-Tem Faulkner.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

## **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 stated that 'No Parking' on Binz Engleman Road by the bridge needs to be enforced.

Council Member Grant – He said he is working on four digital sign quotes and a fundraiser to fund the sign. He thanked the City for the flowers and food.

Council Member Lehman – He missed last meeting due to a medical procedure and thanked Council for the food and water.

Mayor Pro-Tem Faulkner – She said Tennis in the Park is Saturday, January 28 at 11:00 A.M. The Ordinance Review Committee's next meeting is February 8.

Mayor Wilson thanked Mayor Pro-Tem Faulkner for the idea of sending food to the Council members. He said the street sweeper has been out in the City, there is no tolerance for graffiti, our committees need members, and he will set a meeting with a shopping center on FM 78.

**10. Adjournment**

The meeting adjourned at 8:24 P.M.

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Timothy Wilson, Mayor

ATTEST:

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Patty Cox, TRMC  
City Secretary