

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
PUBLIC HEARING/SPECIAL MEETING
THURSDAY, NOVEMBER 17, 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

Mayor Wilson
Mayor Pro-Tem Faulkner
Council Member Wilson
Council Member Pierce
Council Member Lehman
Council Member Romens

ABSENT

Council Member Grant

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

5. Citizen Participation

There were not any citizens signed up to participate.

6. Public Hearing

Public Hearing to consider the following item:

- a. 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.

Mayor Wilson opened the public hearing at 7:02 P.M. There being no one to speak as a proponent or opponent, Mayor Wilson closed the public hearing at 7:03 P.M.

7. Presentations

- a. Employee Of The Month

Fire Chief Kevin Riedel introduced Captain William Hilburn as the employee of the month. Chief Riedel shared Captain Hilburn's accomplishments as the Emergency Officer for the City.

- b. Presentation By Linebarger, Goggan, Blair & Sampson, L.L.P. On Delinquent Revenue Collection Year End Report

Lydia Gibson, Linebarger, Goggan, Blair & Sampson, LLP provided an overview of the fees and fines, also delinquent tax collection for the year

8. Discussion And Possible Action

- a. 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 First Reading

Council Member Romens stated his concern with the commercial districts requiring materials other than metal or aluminum being used on the lower one-third of the front and sides of buildings. He felt it was an encumbrance to the commercial businesses in the Commercial C-2 District.

The Council discussed whether the ordinance should be broken down into three ordinances.

Marc Schnall, City Attorney, explained the ordinance could be rewritten to reflect three different ordinances. The City will have to go through the publishing of the public hearing again.

Mayor Pro-Tem Faulkner moved to approve 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 Council Member Wilson.

The motion carried with a 5 – 0 vote.

AYES: 5

NAYES: 0

- 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 First Reading.

Abraham Galindo, Givler Engineering, explained this is a new section and provided a brief summary on the post-construction storm water management.

Mayor Pro-Tem Faulkner moved to approve 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.

The motion carried with a 5 – 0 vote.

AYES: 5

NAYES: 0

- c. Presentation, Discussion And Possible Action On Well site Monitoring – Smith Pump Company

Roger Aguillon, Public Works Director, informed City Council the cost for monitoring the water level and power at the well sites is \$4,800 for each well site. The only thing not covered is the cost for the placement of a receiver that would be able to monitor and transmit the signal.

An additional cost that will be incurred by the City is excavation of a section of the well sites to install conduit to allow for the wiring connection to the elevated and ground storage tank and install inside the pump room at each well site so the monitor would be out of the elements.

City Manager Vernon said the total is \$9,893.00 because we have to add the cell phone package for each site.

Mayor Pro-Tem Faulkner moved to place the well monitoring into an amended water budget for an upcoming agenda, seconded by Council Member Wilson.

The motion carried with a 6 – 0 vote.

AYES: 6

NAYES: 0

Mayor Wilson called for a recess at 7:47 P.M.

Mayor Wilson reconvened the meeting at 7:55 P.M.

- 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 First Reading.

City Manager Vernon stated after the joint meeting with the Building and Standards Commission, city attorney drafted an ordinance.

Marc Schnall, City Attorney, provided an overview of the ordinance.

Council Member Romens moved to approve 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; seconded by Mayor Pro-Tem Faulkner.

The motion carried with a 5 – 0 vote.

AYES: 5

NAYES: 0

- e. Discussion And Possible Action Certifying And Approving The 2016 Tax Assessment Rolls As Submitted By The Bexar County Tax Assessor Collector For The City Of Kirby

City Manager Vernon stated Bexar County Tax Assessor Collector asked that the City of Kirby certify and approve the 2016 tax assessment roll.

Mayor Pro-Tem Faulkner moved to certify and approving the 2016 tax assessment rolls as submitted by the Bexar County Tax Assessor Collector for the City of Kirby; seconded by Council Member Lehman.

The motion carried with a 5 – 0 vote.

AYES: 5

NAYES: 0

f. Discussion And Possible Action Regarding Parking On Binz Engleman Road

Council Member Lehman said he requested this item be placed on the agenda. After receiving more information about the parking situation on Binz Engleman he decided not to pursue the issue.

g. Discussion And Possible Action To Consider A Plan To Clean Up Springfield Road Area

Council Member Lehman reached out to City Council to devise a plan to clean up the property behind the homes on Springfield Road.

Mayor Wilson suggested it would be neighborly to notify the residents that we will offer a one-time clean up to assist them with their tree limbs in their backyards. After this clean-up they will be responsible for maintaining the easement.

City Council discussed their options and public works will take care of the first clean-up.

h. Discussion And Possible Action On Compliance With The Zoning Ordinance By Owner Of The Property At 5631 Old Seguin Road

Police Chief Bois provided Council with an update on the compliance with the Zoning Ordinance by the owner of the property located at 5631 Old Seguin Road.

i. Discussion And Possible Action To Consider 2017 Holiday Schedule

City Council discussed the 2017 Holiday Schedule. Council Member Romens moved to amend the schedule removing Tuesday, December 26, 2017 from the schedule; seconded by Council Member Wilson.

The motion carried with a 5 – 1 vote.

AYES: 5

NAYES: 1 (Mayor Wilson)

j. Discussion And Status Update On The Municipal Boundary Adjustment

City Manager Vernon provided Council with an update and plan on the transition with our new residents and businesses.

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 Pierce – He stated the Crime Control District Board met on November 13 and on December 10 Kirby Christmas at Senior Center Gazebo, Blue Santa donations are needed. They are waiting for the City’s decision regarding the GIS System. He inquired about the emergency vet for the Animal Shelter. City Manager Vernon said not yet.

Council Member Romens – He wished everyone a Happy Thanksgiving and be safe.

Council Member Wilson – She inquired about the solar system working at the fire station. Mayor Wilson stated the City was waiting to find out.

Council Member Lehman – He stated there was not a quorum for the Economic Development Committee meeting. He thanked everyone for attending the council meeting. He wished everyone a Happy Thanksgiving.

Mayor Pro-Tem Faulkner – She requested an update on personnel. She requested that Title 5 ordinances be placed on the next agenda. There will be Tennis in the Park on December 10.

Mayor Wilson – He requested an update on December 8 agenda on the GIS. He has a meeting with Holt Generators for the water system. He asked that City appearance be placed on the next agenda. He wished everyone a Happy Thanksgiving.

10. Adjournment

The meeting adjourned at 8:55 P.M.

Timothy Wilson, Mayor
City Manager

Patty Cox, TRMC
City Secretary