

CITY OF KIRBY, TEXAS



Lisa B. Pierce, Mayor

Sylvia Apodaca
Mike Grant
Jerry Lehman

Kimberly McGehee-Aldrich
John W. Pierce
Debra Wilson

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

1. Call Meeting to Order

Mayor Pierce called the meeting to order at 7:00 P.M.

2. Invocation and Pledge of Allegiance to the Flag

Mayor Pierce 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 Pierce
Mayor Pro-Tem Lehman
Council Member Pierce
Council Member Wilson
Council Member Aldrich

ABSENT

Council Member Grant

Council Member Apodaca

5. Citizen Participation

1. Patricia Baber – She said she has two concerns - one addressed mowing a drainage area and the other addressed mowing a dead end area.

2. Rosalinda Cruz - She asked City Council for help with her garbage carts because she's not able to move the cart. Mayor Pierce asked Ms. Cruz to leave her name and phone number for City staff to call her.

3. Steve Linscomb –Judson I.S.D. Communications Director– He provided an update on the bond improvements at Hopkins Elementary and Kirby Middle School.

4. Ms. Blanche Felan – She asked City Council if there will be plenty of garbage carts along the Hike and Bike Trail. Also, will there be signage to bringing awareness to the public to keep our parks clean. She said there is a large pile of dirt behind her yard and not sure if this is from the contractor or someone else leaving dirt there.

6. Consideration Of Minutes:

a. Regular Meeting Of October 12, 2017

Mayor Pro-Tem Lehman moved to accept the minutes of October 12, 2017; seconded by Council Member Aldrich. With all voting, "aye" the motion carried with a 5-0-1 vote.

AYES: 5

NAYES: 0

ABSTAIN: 1

(Council Member Wilson)

7. Public Hearing

- a. A Variance Request To The Building Code, Section 150.16 (D)(a) To Waive The Requirement Of The Installation Of An Automatic Sprinkler System In A 4,000 Square Foot Open Storage Pole Barn; Located At NCB 17729 P-2B(.38) & P-2C(.43AC) CB 5865 BLK LOT NE IRR 188.29 FT OF 4; Commonly Known As 5140 Gibbs Sprawl Road, City Of Kirby, Bexar County, Texas.

Mayor Pierce closed the regular meeting at 7:12 P.M. and opened the public hearing at 7:12 P.M. There being no proponents or opponents to speak, Mayor Pierce closed the public hearing at 7:13 P.M.

- b. A Variance Request To The Zoning Ordinance - Section 153.059 To Allow The Construction Of A Carport To Be Built Two Feet From The Side Property Line And Eight Feet From The Main Structure; Located At CB 5092 P-16 ABS 134; Commonly Known As 4210 Ackerman Road, City Of Kirby, Bexar County, Texas.

Mayor Pierce opened the public hearing at 7:13 P.M.

Mr. Joe Goodwin, applicant, said the Planning and Zoning Commission approved the variance. He informed Council a neighbor attended the meeting and informed the Planning and Zoning Commission she was a proponent for the carport and variance. The carport will protect his motor home before the next hail storm.

There being no other proponents or opponents to speak, Mayor Pierce closed the public hearing at 7:15 P.M. and reconvened into the regular meeting.

8. Discussion And Possible Action

- a. Discussion And Possible Action On A Request For A Variance To The Building Code, Section 150.16 (D)(a) To Waive The Requirement Of The Installation Of An Automatic Sprinkler System In A 4,000 Square Foot Open Storage Pole Barn; Located At NCB 17729 P-2B(.38) & P-2C(.43AC) CB 5865 BLK LOT NE IRR 188.29 FT OF 4; Commonly Known As 5140 Gibbs Sprawl Road, City Of Kirby, Bexar County, Texas.

Mayor Pierce stated the Planning and Zoning Commission voted unanimously to recommend approval to the City Council.

Council Member Wilson moved to approve the variance to the Building Code, Section 150.16 (D)(a) to waive the requirement of the installation of an automatic sprinkler system in a 4,000 square foot open storage pole barn; located at NCB 17729 P-2B(.38) & P-2C(.43AC) CB 5865 BLK LOT NE IRR 188.29 FT of 4; commonly known as 5140 Gibbs Sprawl Road, City of Kirby, Bexar County, Texas; seconded by Council Member Aldrich. With all voting, "aye" the motion carried with a 6-0 vote.

AYES: 6 NAYES: 0

- b. Discussion And Possible Action On A Request For A Variance To The Zoning Ordinance - Section 153.059 To Allow The Construction Of A Carport To Be Built Two Feet From The Side Property Line And Eight Feet From The Main Structure; Located At CB 5092 P-16 ABS 134; Commonly Known As 4210 Ackerman Road, City Of Kirby, Bexar County, Texas.

Mayor Pierce said the Planning and Zoning Commission voted unanimously to recommend approval to the City Council.

Council Member Pierce moved to approve the variance to the Zoning Ordinance - Section 153.059 to allow the construction of a carport to be built two feet from the side property line and eight feet from the main structure; located at CB 5092 P-16 ABS 134; commonly known as 4210 Ackerman Road, City of Kirby, Bexar County, Texas; seconded by Mayor Pro-Tem Lehman. With all voting, "aye" the motion carried with a 6-0 vote.

AYES: 6 NAYES: 0

c. Discussion And Possible Action On Resolution No. R-2017-695 Of The City Of Kirby City Council For The Adoption Of The City Of Kirby Cafeteria Plan

Tina Ynfante, Finance Director, stated the wellness plan that was approved by the City Council this year was included in the City of Kirby Cafeteria Plan.

Mayor Pro-Tem Lehman moved to accept Resolution No. R-2017-695 of the City of Kirby City Council for the adoption of the City of Kirby Cafeteria Plan; seconded by Council Member Aldrich. With all voting, "aye" the motion carried with a 6-0 vote.

AYES: 6 NAYES: 0

d. Discussion And Possible Action On Awarding A Bid For City Of Kirby's Bank Depository Services

City Manager Vernon stated the bid for depository services was advertised in the NE Herald and we received one bid from Schertz Bank and Trust which is also our current provider. The State requirements are to bid for the depository at least every five years. After reviewing the documents submitted by Schertz Bank and Trust, she and Tina recommend awarding the bid to Schertz Bank and Trust for a period beginning November 1, 2017 through October 31, 2022. A representative from Schertz Bank and Trust was present to answer questions. Wendy Griffin, Chief Operating Officer, stated they plan to grow with Kirby during the next five years. They appreciate the opportunity and they appreciate the business.

Council Member Aldrich moved to award the bid for City of Kirby's bank depository services to Schertz Bank & Trust; seconded by Council Member Wilson. With all voting, "aye" the motion carried.

AYES: 6 NAYES: 0

e. Discussion And Possible Action To Award A Bid For Binz Engleman Road Reconstruction

Mayor Pierce said at this time we have not received TxDOT's concurrence to award the bid.

Council Member Pierce moved to table awarding the bid for Binz Engleman Road Reconstruction; seconded by Mayor Pro-Tem Lehman. With all voting, "aye" the motion carried with a 6-0 vote.

AYES: 6 NAYES: 0

f. Discussion And Possible Action On A Proposal For Engineering Services From Ford Engineering For Scotsman And Arneson

City Manager Vernon stated this is one of our CDBG funded projects awarded for Scotsman and Arneson. Ford Engineering has put together their engineering fees for the proposal and Miles Stanley is present to provide the information.

Miles Stanley, Ford Engineering, provided the proposal for Scotsman and Arneson stating the anticipated design will include: the reclamation of the existing asphalt pavement, with additive for base stabilization; curb/sidewalk/driveway replacement as needed; correction of minor street ponding issues; and adjustment of utilities as needed; also topographic survey, geotechnical and civil design. The cost for this service is \$30,135.00

Mayor Pierce asked what additional services and significant changes in scope will be negotiated separately that would affect the compensation in the amount of \$30,135.00.

Miles Stanley stated that by adding another section to the street or something that would completely change the scope of the project would affect the compensation. He did not foresee any changes occurring on this particular project.

Council Member Wilson moved to accept the proposal in the amount of \$30,135 for engineering services from Ford Engineering for Scotsman and Arneson; seconded by Council Member Aldrich. With all voting, "aye, the motion carried.

AYES: 6 NAYES: 0

g. Discussion And Possible Action On Ordinance No. O-2017-821 Repealing Chapter 33 – Police Department Of The Code Of Ordinances And Adopting a New Chapter 33 – Police Department Of The Code Of Ordinances. This Is The First Reading.

City Manager Vernon stated the Ordinance Review Committee made recommendations for changes to Chapter 33 – Police Department and they were submitted to city attorney, Marc Schnall.

Mayor Pierce stated the Ordinance Review Committee had input from Police Chief Kevin Bois and City staff.

Council Member Wilson moved to accept Ordinance No. O-2017-821 repealing Chapter 33 – Police Department of the Code of Ordinances and adopting a new Chapter 33 – Police Department of the Code of Ordinances; seconded by Council Member Aldrich. With all voting, “aye” the motion carried with a 6-0 vote.

AYES: 6 NAYES: 0

- h. Discussion And Possible Action On Ordinance No. O-2017-822 Repealing Chapter 34 – Records Management Of The Code Of Ordinances And Adopting A New Chapter 34 – Records Management Of The Code Of Ordinances. This Is The First Reading.

City Manager Vernon stated this ordinance was reviewed by City staff and the Ordinance Review Committee. She said that page one of the ordinance reflects microfilm and magnetic tape records. These two types of records are mentioned in the Texas State Library and Archives Commission record retention requirements and Marc Schnall said to leave the items in the ordinance because on the last page of the ordinance is the definition of micrographics.

Council Member Aldrich moved to accept Ordinance No. O-2017-822 repealing Chapter 34 – Records Management of the Code Of Ordinances And Adopting A New Chapter 34 – Records Management of the Code of Ordinances; seconded by Council Member Wilson. With all voting, “aye” the motion carried.

AYES: 6 NAYES: 0

- i. Discussion And Possible Action On Ordinance No. O-2017-823 Repealing Chapter 36 – Municipal Court Of The Code Of Ordinances And Adopting A new Chapter 36 - Municipal Court Of The Code Of Ordinances. This Is The First Reading.

City Manager Vernon stated the majority of the updates made to this ordinance addressed the uses of the municipal court building security fund and municipal court technology fund. The updates are in compliance with the Texas Transportation Code and the Texas Code of Criminal Procedures.

Council Member Wilson moved to accept Ordinance No. O-2017-823 repealing Chapter 36 – Municipal Court of the Code of Ordinances and adopting a new Chapter 36 - Municipal Court of the Code of Ordinances; seconded by Mayor Pro-Tem Lehman. With all voting, “aye” 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 asked that an update on the swimming pool be placed on the next agenda. She shared her experience at the TML Conference. She asked that we keep our creeks clean to help eliminate mosquitos. Kirby Baptist Church will have their annual Harvest Fest on Sunday, 3:00 P.M. – 5:00 P.M.

Council Member Aldrich – She thanked everyone for attending the meeting. She welcomed Council Member Apodaca to her first Council meeting and Movie in the Park is this Saturday, the movie is Hocus Pocus and it starts at 7:15 P.M. at Friendship Park. There will be a costume contest at 6:45 P.M. This is a Parks and Recreation Committee event.

Mayor Pro-Tem Lehman – He said that last Friday he and Gilbert, Assistant Public Works Director, attended a CPS Energy meeting. It was very informative and they addressed HB-1004. He said he spoke with City Manager Vernon and she will contact their attorney and Marc Schnall to prepare an ordinance to present to City Council. He asked that a discussion regarding incorporating our Economic Development Committee be placed on the next agenda.

Council Member Pierce – He thanked everyone for attending the meeting and welcomed Council Member Apodaca. He asked that the Gaiety property be placed on the next agenda.

Mayor Pierce – She thanked everyone for attending the meeting and she thanked the citizens for speaking and being a part of the solution. Texas Revolt Reenactment was last weekend and this is the second year that San Antonio Living came to the City. They are talking about returning to Kirby for a third year. Turner Club hosted the NEISD Special Olympic bowling tournament. She commended the City for the three sector brush and bulk pick up. Next year we will address the guidelines more clearly to help eliminate confusion. She thanked Ms. Felan and Council Member Wilson for their input about the hike and bike trail. The digital sign update will be placed on the next agenda. She received an email from SAWS stating their next public meeting addressing their rates will be November 1 at 10:00 A.M.

10. Adjournment

The meeting adjourned at 7:55 P.M.

Lisa B. Pierce
Mayor

ATTEST:

Patty Cox, TRMC
City Secretary