

CITY OF KIRBY, TEXAS



Lisa B. Pierce, Mayor

Barbara Collins Bowie
Mike Grant
Jerry Lehman

Kimberly McGehee-Aldrich
John W. Pierce
Debra Wilson

**CITY COUNCIL MINUTES
PUBLIC HEARING/REGULAR MEETING
THURSDAY, SEPTEMBER 14, 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 Grant
Council Member Pierce
Council Member Wilson
Council Member Aldrich

ABSENT

Council Member Bowie

5. Citizen Participation

There were not any citizens signed up to participate.

6. Consideration Of Minutes:

a. Regular Meeting Of August 24, 2017

Council Member Wilson moved to accept the minutes of August 24, 2017; seconded by Council Member Grant. With all voting, "aye" the motion carried with a 6-0 vote.

AYES: 6 NAYES:0

b. Public Hearing/Special Meeting Of August 31, 2017

Mayor Pro-Tem Lehman moved to accept the minutes of August 31, 2017; seconded by Council Member Aldrich. With all voting, "aye" the motion carried with a 6-0 vote.

AYES: 6 NAYES:0

7. Consent Agenda

a. Acceptance Of Quarterly Investment Report For Period Ending June 30, 2017

b. Acceptance Of Quarterly Financial Report For Period Ending June 30, 2017

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

AYES: 6 NAYES:0

8. Presentations

a. Recognize Yard Of The Quarter Winner

Chairperson Barbara Herb, Beautification and Recycle Committee, introduced Mary and Louis Navaira, winners of the Yard of The Quarter.

Mayor Pierce presented Mr. and Mrs. Navaira a certificate recognizing them for the pride they take in maintaining and beautifying their yard.

b. Status Update On Kirby Bexar Animal Facility

Council Member Grant provided an update on the Kirby Bexar Animal Facility.

9. Public Hearing

- a. To Hear A Request Submitted By The Property Owner To Consider A Variance To The Zoning Ordinance Section 153.020 (B) (9) And Sign Ordinance Sections 154.06 (A), (C), And (D) To Allow A Sign Advertising Off Premise Businesses; Allow 250 Square Feet Maximum Face Area; And Allow 40 Feet Height; Located At CB 5941 BLK 1 LOT 146.7 Feet Of SW; Otherwise Known As 5310 FM 78, City Of Kirby, Bexar County, Texas.

Mayor Pierce opened the public hearing at 7:07 P.M. There were not any proponents or opponents to speak. Mayor Pierce closed the public hearing at 7:08 P.M.

- b. To Hear A Request Submitted By The Property Owner To Consider A Variance To The Zoning Ordinance Section 153.020 (B)(9) To Allow The Construction Of A New Silo That Is Approximately 45 Feet In Height And Exceeds The Maximum Height Limit; Located At NCB 17729 P-2B(.38) & P-2C(.43AC) CB 5092 P-2A(3.577AC) & P-2B (3.62) ABS 134 CB 5865 BLK LOT NE IRR 188.29FT Of 4; Otherwise Known As 5140 Gibbs Sprawl Road, City Of Kirby, Bexar County, Texas.

Mayor Pierce opened the public hearing at 7:08 P.M. There were not any proponents or opponents to speak. Mayor Pierce closed the public hearing at 7:09 P.M.

10. Discussion And Possible Action

- a. Discussion And Possible Action To Consider A Variance To The Zoning Ordinance Section 153.020 (B) (9) And Sign Ordinance Sections 154.06 (A), (C), And (D) To Allow A Sign Advertising Off Premise Businesses; Allow 250 Square Feet Maximum Face Area; And Allow 40 Feet Height; Located At CB 5941 BLK 1 LOT 146.7 Feet Of SW; Otherwise Known As 5310 FM 78, City Of Kirby, Bexar County, Texas.

Jose Garcia, applicant, provided an overview of the project. The request is for the installation of a digital billboard. He studied the safety of the sign and benefits to the community and local government. The sign will increase the tax base because this is a business sign. The sign will not extend beyond his property. The sign should be installed around the first quarter of the year in 2018. He stated that in case of an emergency or if the City of Kirby wanted to communicate information to the community the sign will be available, no fee, for the City of Kirby. It will take approximately two hours to load onto the sign.

Mayor Pierce asked if anyone has notified the area military installations of the sign. Mr. Garcia said according to the FAA there could be interference with communication depending on the vendor that is installing the sign. The vendor should be FAA approved and supported. The company he is using is Watchfire and they are in compliance with the FAA rules and regulations.

Mayor Pierce stated the Planning and Zoning Commission is offering their recommendation to Council to approve the variance request.

Other areas of discussion were the promotion of the City, advertising for area businesses, TxDOT has been notified and the sign will be below their 50 foot height requirement, and the brightness of the sign can be adjusted.

Council Member Grant moved to accept the variance request to the Zoning Ordinance Section 153.020 (B) (9) and Sign Ordinance Sections 154.06 (A), (C), and (D) to allow a sign advertising off premise businesses; allow 250 square feet maximum face area; and allow 40 feet height; located at CB 5941 BLK 1 LOT 146.7 Feet Of SW; otherwise known as 5310 FM 78, City of Kirby, Bexar County, Texas; seconded by Council Member Wilson. The motion carried with a 6-0 vote.

AYES: 6

NAYES:0

- b. Discussion And Possible Action To Consider A Variance To The Zoning Ordinance Section 153.020 (B)(9) To Allow The Construction Of A New Silo That Is Approximately 45 Feet In Height And Exceeds The Maximum Height Limit; Located At NCB 17729 P-2B(.38) & P-2C(.43AC) CB 5092 P-2A(3.577AC) & P-2B (3.62) ABS 134 CB 5865 BLK LOT NE IRR 188.29FT Of 4; Otherwise Known As 5140 Gibbs Sprawl Road, City Of Kirby, Bexar County, Texas.

Joe Alva, Lundy Franke, Engineers, introduced Ms. Lucia Herrera the project engineer.

Ms. Herrera informed Council they are requesting the variance because the silo is 45 feet in height and exceeds the City's height requirement. Cody Clark, Clark Construction, said the silo will contain calcium carbonate that is a binding material used for striping streets and roads.

Council Member Grant moved to accept the variance request to the Zoning Ordinance Section 153.020 (B)(9) to allow the construction of a new silo that is approximately 45 feet in height and exceeds the maximum height limit; located at NCB 17729 P-2B(.38) & P-2C(.43ac) CB 5092 P-2A(3.577AC) & P-2B (3.62) ABS 134 CB 5865 Blk Lot NE IRR 188.29 ft of 4; otherwise known as 5140 Gibbs Sprawl Road, City of Kirby, Bexar County, Texas; seconded by Mayor Pro-Tem Lehman.

Mayor Pierce asked Chief Alfaro if our emergency services is equipped to take care of any emergency occurrences. Chief Alfaro said there are not any explosive hazards or transport hazards. If any of the material spilled out of the silo the only concern is inhalation of the powdery material before they can wet it down and then clean up the spill. She stated the Planning and Zoning Commission is offering their recommendation to Council to approve the variance request.

The motion carried with a 6-0 vote.

AYES: 6

NAYES:0

- c. Discussion And Possible Action Pertaining To Ordinance No. O-2017-818 Making Appropriations For The Support Of The City Of Kirby For The Fiscal Year Beginning October 1, 2017 And Ending September 30, 2018 Appropriating Money To A Sinking Fund To Pay Interest And Principal Due On The City's Indebtedness; And Adopting The Annual Enterprise And General Fund Budgets Of The City Of Kirby For 2017-2018 Fiscal Year. This Is The First Reading.

City Manager Vernon informed Council they have been provided a revised copy of the proposed budget in event the items discussed tonight were approved by Council.

Council Member Aldrich moved to approve Ordinance No. O-2017-818 making appropriation for the support of the City of Kirby for the fiscal year beginning October 1, 2017 and ending September 30, 2018; appropriating money to a sinking fund to pay interest and principal on the City's indebtedness; and adopting the annual budgets (General Fund, Water Fund, and Interest & Sinking Fund) of the City of Kirby for the 2017-2018 fiscal year; seconded by Council Member Wilson. The motion carried with a 6-0 vote.

AYES:6

NAYES: 0

- d. Discussion And Possible Action To Ratify The Property Tax Revenue Increase Reflected In The Annual Budget For The Fiscal Year Beginning October 1, 2017

Council Member Pierce moved that we ratify the property tax revenue increase which is a 10.76% increase from last year's budget, which is \$183,038; seconded by Council Member Aldrich. The motion carried with a 6-0 vote.

AYES:6

NAYES: 0

- e. Discussion And Possible Action Pertaining To Ordinance No. O-2017-819 Levying Ad Valorem Taxes For Use And Operation Of The Municipal Government Of The City Of Kirby, Texas For The 2017 Tax Fiscal Year; Providing For Apportioning Each Levy For Specific Purposes; And, Providing When Taxes Shall Become Due And When Same Shall Become Delinquent If Not Paid. This Is The First Reading.

Council Member Wilson moved that that the property tax rate be increased by the adoption of a tax rate of \$0.729376, which is effectively a 10.76% increase in the tax rate, per Ordinance No. O-2017-819, an ordinance of the City of Kirby, Texas Levying Ad valorem taxes for use and support of the municipal government of the City for fiscal year beginning October 1, 2017 and ending September 30, 2018; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid; and providing for an effective date; seconded by Council Member Grant. The motion carried with a 6-0 vote.

AYES:6

NAYES: 0

Council Member Wilson moved to approve and adopt the \$0.689376 per \$100 valuation for maintenance and operations (M&O) for the 2017-2018 tax rate supporting the annual budget, seconded by Mayor Pro-Tem Lehman. The motion carried with a 6-0 vote.

AYES:6

NAYES: 0

Council Member Wilson moved to approve and adopt the \$0.040000 per \$100 valuation for Interest & Sinking Debt Service for the 2017-2018 tax rate supporting the annual budget; seconded by Mayor Pro-Tem Lehman. The motion carried with a 6-0 vote.

AYES:6

NAYES: 0

- f. Discussion And Possible Action To Consider Ordinance No. O-2017-820 Amending The 2016-2017 Fiscal Year Municipal Budget Of the City Of Kirby. This Is The First Reading

Council Member Grant moved to accept Ordinance No. O-2017-820 amending the 2016-2017 Fiscal Year Municipal Budget of the City of Kirby; seconded by Council Member Aldrich. The motion carried with a 6-0 vote.

AYES:6

NAYES: 0

- g. Discussion And Possible Action To Appoint Member(s) To The Economic Development Committee

Mayor Pierce said Jacqueline Jackson, Chairperson of the Economic Development Committee, contacted her and asked that this item be tabled.

Council Member Grant moved to table this item; seconded by Council Member Aldrich. The motion carried with a 6-0 vote.

- h. Discussion And Possible Action To Appoint Member(s) To The Kirby Senior Center Board

Norma Hamby, Senior Center Manager, informed Council she received requests from Glenda Bayer and Patricia Baber to be appointed to the Kirby Senior Center Board.

Council Member Grant moved to appoint Glenda Bayer and Patricia Baber to the Kirby Senior Center Board; seconded by Council Member Wilson. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- i. Discussion And Possible Action To Award A Bid For Water Mains Replacements 2017

City Manager Vernon asked that this item be considered prior to discussing the proposed budget items.

Mark Hill, Ford Engineering, informed Council the bids received were for the Water Main Replacements 2017: Happiness, Scotsman and Arneson. Five bids were received on the referenced project. Review of the tabulation indicates that there were no irregularities for San Antonio Constructors; the base bid is \$357,540. Ford Engineering, Inc.'s recommendation is that San Antonio Constructors be awarded the project for the amount of \$357,540.

Council Member Grant moved to accept San Antonio Constructors \$357,540; seconded by Mayor Pro-Tem Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- j. Discussion And Possible Action To Award A Bid for Pageland/Theodor Reconstruction 2017

City Manager Vernon stated the funding we requested from Bexar County was \$250,000 and we were awarded \$218,000. There will be an increased cost in the amount of \$34,000 from the City. We will have \$218,000 from Bexar County and our match will go up slightly because we didn't receive as much funding as we anticipated.

Miles Stanley, Ford Engineering, informed Council four bids were received. Review of the tabulation indicates that there were no irregularities for R.L. Jones, LP, with a base bid in the amount of \$255,103.22. They recommended R.L. Jones be awarded the project for the amount of \$255,103.22 and that the additional funds described be allocated to complete the project.

Council Member Grant moved to award the bid to R.L. Jones for the amount of \$255,103.22; seconded by Council Member Wilson. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

11. 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 said a Special meeting will be held on September 21, 2017. She thanked animal control and the police department for collecting items for those affected by the hurricane. National Night Out is around the corner and asked businesses to advertise the flyers.

Council Member Grant – He said two citizens of Kirby his grandson and his friend Tristan are members of the National Guard and they have been activated. He thanked everyone for attending the meeting.

Mayor Pierce – She said the Suicide Awareness event had a nice turnout. They thanked the City for supporting them and they want to make this an annual event. She congratulation Mr. and Mrs. Navaira, winner of the Yard of the Quarter, the Community Garage Sale is October 6 – 8, 7 A.M. – 6 P.M., the Brush and Bulky Item Curbside Pick Up is also in October on designated days. She thanked staff for hard work on the budget.

12. Executive Session 551.071 Texas Government Code, Consultation With Attorney

a. For City Council To Receive Legal Advice On Council Compensation

Mayor Pierce stated there will not be an executive session; the city attorney is not present.

13. Adjournment

The meeting adjourned at 7:59 P.M.

Lisa B. Pierce
Mayor

ATTEST:

Patty Cox, TRMC
City Secretary