



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, DECEMBER 28, 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, arrived at 8:45 P.M.
Council Member Apodaca

ABSENT

Council Member Grant

5. Citizen Participation

1. Glenda Scott – She informed Council of her concerns with her neighbor. He had to repair her mailbox a couple of times because he knocked it over. His garage is an eyesore and there's a lot of noise coming from his property at night.

6. Consideration Of Minutes:

a. Regular Meeting Of December 14, 2017

Mayor Pro-Tem Lehman moved to approve the minutes of December 14, 2017; seconded by Council Member Pierce. With all voting, "aye" the motion carried with a 5-0 vote.

AYES: 5

NAYES: 0

7. Presentations

a. Introduction Of New Employees

Chief Bois introduced his new employees: Officer Abram Chavez, Officer Tony Lee Jones, Reserve Officer Cat Przyborowski., K-9 Jake, Part-time Records Clerk Jill Acha.

b. 2018 Fiesta Medal Project

City Manager Vernon distributed pictures of the medal for those attending the meeting and a medal for Council to view. She informed Council she worked with Assistant Fire Chief William Hilburn to design the first City of Kirby Fiesta Medal. The medals will go on sale January 2, 2018, \$5 for one or \$8 for two at city hall. She said the intent is to sell as many as possible in 2018 and then in 2019 sell them in the Fiesta Store as an annual event.

c. Blue Santa Program

Council Member Wilson moved to table this item until the next Council meeting; seconded by Council Member Pierce. With all voting, "aye" the motion carried with a 5 - 0 vote.

AYES: 5

NAYES: 0

8. Public Hearings

- a. A Variance Request To The Zoning Ordinance - Section 153.020 (B)(4) "C-2" Commercial District - To Allow The Existing Carport Built Within The Twenty-Five Foot (25') Front Yard Setback; And, Section 153.053 Property And Setback Lines - To Allow The Existing Enclosure Of The Carport To Remain; Located At CB 5941 BLK 5 Lot 51; Otherwise Known As 4807 Gibbs Sprawl Road, City Of Kirby, Bexar County, Texas.

Mayor Pierce closed the regular meeting at 7:24 P.M. and opened the public hearing.

There were not any proponents or opponents to speak. Mayor Pierce closed the public hearing at 7:25 P.M.

- b. A Variance Request To The Zoning Ordinance Section 153.090 Protection Of Existing Trees – To Allow Removal Of One Elm Tree And A Variance To The Sign Ordinance Section 154.06 (C)(2)(a) Sign Surface Area Limits - To Allow 134 Square Feet Of Maximum Face Area; And, Section 154.06 (D)(2) Height Of Signs - To Allow A Pole Sign With The Height Of Thirty-five (35') Feet; Located At CB 5865 LOT 1; Otherwise Known As 5565 FM 78, City Of Kirby, Bexar County, Texas.

Mayor Pierce opened the public hearing at 7:25 P.M.

J.D. Dudley, Real Estate Project Manager for Quik Trip, said they will plant two trees in place of the one elm tree that they are requesting to remove. The sign is more of a pylon sign and the face area is equivalent to the overall signage allowed for a commercial property.

There were not any proponents or opponents to speak. Mayor Pierce closed the public hearing at 7:28 P.M.

- c. A Request To Replat And Establish A 2.158 Acre Tract Of Land, Situated In The City Of Kirby, Texas, And Being A Portion Of The Previously Platted Lots 1-2, 5, And 7-9 Of The Brehm And Weyel Subdivision Of Record In Volume 2222 Page 76 Of The Deed And Plat Records Of Bexar County, Texas, Now Being Known As The Following Parcels Of Land; The Remaining Portion Of The North 75 Feet Of Lot 5 As Conveyed To Robert A. Mayle Of Record In Volume 8708 Page 729, All Of A Called 0.868 Acre Tract Of Land As Conveyed To Robert A. Mayle And Vincent Aquino Of Record In Volume 3655 Page 643, All Of A Called 1.04 Acre Tract Of Land As Conveyed To Alfred Kelso, Jr., Et Us, Of Record In Volume 6976 Page 1190 And All Of A Called 0.230 Acre Tract Of Land As Conveyed To Marco De La Torre Of Record In Volume 5696 Page 1208, Commonly Known As 5565 FM 78, Kirby, TX, All Of The Official Public Records Of Bexar County, Texas

Mayor Pierce opened the public hearing at 7:28 P.M.

There were not any proponents or opponents to speak. Mayor Pierce closed the public hearing at 7:30 P.M. and opened the regular meeting.

9. Discussion And Possible Action

- a. Discussion And Possible Action On A Variance Request To The Zoning Ordinance - Section 153.020 (B)(4) "C-2" Commercial District - To Allow The Existing Carport Built Within The Twenty-Five Foot (25') Front Yard Setback; And, Section 153.053 Property And Setback Lines - To Allow The Existing Enclosure Of The Carport To Remain; Located At CB 5941 BLK 5 Lot 51; Otherwise Known As 4807 Gibbs Sprawl Road, City Of Kirby, Bexar County, Texas.

Sam Richardson, Vice-Chairperson, Planning and Zoning Commission, informed Council that the Commission recommended approval to allow the existing carport built within the twenty-five foot (25') front yard setback; and, to allow the existing enclosure of the carport to remain with the proper permits and inspections. He further stated the Commission did not like the idea that the applicant did not cease construction when the inspection did not pass. A factor approving the variance request is that all the items that were visible in his front yard are now in the enclosed carport.

The Council discussed the process with permitting and inspecting the carport before the applicant enclosed the carport.

Ernest Henry, applicant, informed Council that the carport was constructed in a few hours and then it took him a few hours to enclose the carport. He explained he didn't know there was a difference between a carport and garage, so he put sides and a door on the carport. He also did not know about the front yard setback. It was not his intent to violate any rules. He stated the company he purchased the carport from came out and installed it. He was not aware they were contractors.

After discussing the variance request, Council Member Pierce moved to table this item until Council receives a legal opinion from the city attorney; Mayor Pro-Tem Lehman seconded.

With all voting, "aye" the motion carried with a 5-0 vote.

AYES: 5

NAYES: 0

- b. Discussion And Possible Action On A Variance Request To The Zoning Ordinance Section 153.090 Protection Of Existing Trees – To Allow Removal Of One Elm Tree And A Variance To The Sign Ordinance Section 154.06 (C)(2)(a) Sign Surface

Area Limits - To Allow 134 Square Feet Of Maximum Face Area; And, Section 154.06 (D)(2) Height Of Signs - To Allow A Pole Sign With The Height Of Thirty-five (35') Feet; Located At CB 5865 LOT 1; Otherwise Known As 5565 FM 78, City Of Kirby, Bexar County, Texas.

Sam Richardson, Vice-Chairperson, Planning and Zoning Commission, informed Council that the Planning and Zoning Commission recommended approval of the variance request.

Mayor Pro-Tem Lehman asked J.D. Dudley to confirm that they will replace one elm tree with two trees. J.D. Dudley said yes, they will replace one elm tree with two trees.

Council Member Pierce moved to approve the variance request to the Zoning Ordinance Section 153.090 Protection Of Existing Trees – to allow removal of one elm tree and a variance to the Sign Ordinance Section 154.06 (C)(2)(a) Sign Surface Area Limits - to allow 134 square feet of maximum face area; and, Section 154.06 (D)(2) Height Of Signs - to allow a pole sign with the height of thirty-five (35') feet; located at CB 5865 LOT 1; otherwise known as 5565 FM 78, City of Kirby, Bexar County, Texas; seconded by Mayor Pro-Tem Lehman. With all voting, “aye” the motion carried with a 5-0 vote.

AYES: 5

NAYES: 0

- c. Discussion And Possible Action On A Request To Replat And Establish A 2.158 Acre Tract Of Land, Situated In The City Of Kirby, Texas, And Being A Portion Of The Previously Platted Lots 1-2, 5, And 7-9 Of The Brehm And Weyel Subdivision Of Record In Volume 2222 Page 76 Of The Deed And Plat Records Of Bexar County, Texas, Now Being Known As The Following Parcels Of Land; The Remaining Portion Of The North 75 Feet Of Lot 5 As Conveyed To Robert A. Mayle Of Record In Volume 8708 Page 729, All Of A Called 0.868 Acre Tract Of Land As Conveyed To Robert A. Mayle And Vincent Aquino Of Record In Volume 3655 Page 643, All Of A Called 1.04 Acre Tract Of Land As Conveyed To Alfred Kelso, Jr., Et Us, Of Record In Volume 6976 Page 1190 And All Of A Called 0.230 Acre Tract Of Land As Conveyed To Marco De La Torre Of Record In Volume 5696 Page 1208, Commonly Known As 5565 FM 78, Kirby, TX, All Of The Official Public Records Of Bexar County, Texas

City Manager Vernon explained there were several parcels that were being combined to create the 2.158 acre tract of land.

Council Member Wilson moved to accept the request to replat and establish A 2.158 acre tract of land, situated in the City of Kirby, Texas, and being a portion of the previously platted lots 1-2, 5, and 7-9 of the Brehm and Weyel Subdivision of Record in Volume 2222 Page 76 of the Deed and Plat records of Bexar County, Texas, now being known as the following parcels of land; the remaining portion of the North 75 feet of Lot 5 as conveyed to Robert A.

Mayle of record in Volume 8708 Page 729, all of a called 0.868 acre tract of land as conveyed to Robert A. Mayle and Vincent Aquino of record in Volume 3655 Page 643, all of a called 1.04 acre tract of land as conveyed to Alfred Kelso, Jr., Et Us, of record in Volume 6976 Page 1190 and all of a called 0.230 acre tract of land as conveyed to Marco De La Torre of record in Volume 5696 Page 1208, commonly known as 5565 FM 78, Kirby, TX, all of the official public records of Bexar County, Texas; seconded by Mayor Pro-Tem Lehman. With all voting, "aye" the motion carried with a 5-0 vote.

AYES: 5

NAYES: 0

d. Discussion And Possible Action On The Procedure For A Potential Street Maintenance And Reconstruction Bond Election In 2018

City Manager Vernon stated that on November 9, 2017, City Council asked Ann Berger to work with City Manager Vernon and City Engineer to refine the projected costs related to the highest priority streets that need repair. Mark Hill, City Engineer, provided the names of the streets and dollar amount estimates to be considered in this bond.

Ann Berger, Regional Managing Director, First Southwest, provided an overview of the capacity analysis related to municipal streets repair and maintenance. She explained that with the recent passage of the Tax Cuts and Jobs Act tax plan, the full impact to interest rates and the municipal markets has not been understood. It may be important to revise the analysis again in January to incorporate market conditions closer to the time to consider calling a bond election.

Mayor Pierce agreed that the numbers should be reviewed in January to see how much it will cost homeowners.

City Manager Vernon said the final recommendation can be on the last agenda in January and then call the election the first meeting in February.

e. Discussion And Possible Action On Ordinance No. O-2017-828 Repealing Chapter 71 – Stopping, Standing, And Parking And Adopting A New Chapter 71 – Stopping, Standing, And Parking. This Is The Second Reading.

Council Member Pierce moved to accept Ordinance No. O-2017-828 repealing Chapter 71 – Stopping, Standing, And Parking and adopting a new Chapter 71 – Stopping, Standing, And Parking; seconded by Council Member Wilson. With all voting, "aye" the motion carried with a 5-0 vote.

AYES: 5

NAYES: 0

- f. Discussion And Possible Action On Ordinance No. O-2017-829 Adopting Chapter 56 Of The Code Of Ordinances Of The City Of Kirby, Texas For Public Right-Of-Way Management; Regulating The Physical Use, Occupancy And Maintenance Of City Rights-Of-Way By Wireless Network Providers; Describing The Purpose; Providing Definitions; Providing City Procedures For Applications For Permits; Establishing Time Periods For Approval Of Permit Applications; Providing Application Fees And Annual Public Right-Of-Way Rental Rates; Providing Restrictions On Placement Of Network Nodes And Node Support Poles In Municipal Parks And Residential Districts; Adopting A City Design Manual And Requiring Compliance With The City Design Manual And Applicable Codes For The Installation Of Network Node And Node Support Poles Pursuant To Chapter 284 Of The Texas Local Government Code; And Providing An Effective Date. This Is The First Reading.

Marc Schnall, City Attorney, provided an overview of Ordinance No. O-2017-829.

Council Member Wilson moved to accept Ordinance No. O-2017-829 adopting Chapter 56 of the Code of Ordinances of the City of Kirby, Texas for public right-of-way management; regulating the physical use, occupancy and maintenance of city rights-of-way by wireless network providers; describing the purpose; providing definitions; providing city procedures for applications for permits; establishing time periods for approval of permit applications; providing application fees and annual public right-of-way rental rates; providing restrictions on placement of network nodes and node support poles in municipal parks and residential districts; adopting a city design manual and requiring compliance with the city design manual and applicable codes for the installation of network node and node support poles pursuant to Chapter 284 of the Texas Local Government Code; and providing an effective date; seconded by Mayor Pro-Tem Lehman. With all voting, "aye" the motion carried with a 5-0 vote.

AYES: 5

NAYES: 0

- g. Discussion And Possible Action To Appoint A Member To The Planning And Zoning Commission

Mayor Pierce explained that due to the recent loss of Reggie Russell there is a vacancy on the Planning and Zoning Commission.

City Manager Vernon said there were not any volunteer applications submitted and appealed to the community to apply to volunteer on the Planning and Zoning Commission.

Mayor Pro-Tem Lehman moved to table the appointment of a member to the Planning and Zoning Commission until the next meeting; seconded by Council Member Wilson. With all voting, "aye" the motion carried with a 5-0 vote.

AYES: 5

NAYES: 0

h. Discussion And Possible Action To Enter Into An Agreement For Towing Services

City Manager Vernon informed Council that our current contract is with Road Runner Towing and it will expire January 2018. Chief Bois will review the proposals we received. She expressed to Council that they are not making a decision tonight; staff wants Council to be able to compare them and allow the companies an opportunity to answer questions. The item will be brought back the first meeting in January.

Chief Bois said Road Runner Towing and Johnnie's Wrecker Service submitted proposals. Two other agencies were notified and they did not submit proposals. He provided a spreadsheet for Council to review. Chief Bois introduced Randy Wells, Johnnie's Wrecker Service.

Randy Wells, Johnnie's Wrecker Service, provided Council a brief overview of his company and what they have to offer. They have been in service since 1962 and have contracts with Universal City, Live Oak, Selma, Randolph AFB, and Garden Ridge.

City Manager Vernon said a recommendation will be brought to the next meeting.

i. Discussion And Possible Action On A Change Order For Pageland/Theodore Reconstruction Project

Miles Stanley, City Engineer, identified the changes that total \$12,586.96.00. He responded to questions about the project and what led to the change order.

City Manager Vernon said total budget is \$259,524.00 and the balance in the account is \$10,249.89. There are still other invoices that are outstanding at this time and some retainage that we hold. She said paying the change order will put the account over budget.

After discussing how to resolve this request, Council Member Pierce moved to authorize the City Manager to meet with the City Engineer to discuss this further and place this on the next agenda in January; seconded by Council Member Wilson. With all voting, "aye" the motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

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

Mayor Pierce said Norma Hamby informed her there are five members currently on the Board. The Articles of Incorporation allow up to nine members.

Mayor Pro-Tem Lehman moved to appoint Sid Sanders, Sr., Audrey Eklund, Roger Romens, Vivian J. Harris and Mary Vasquez to the Kirby Senior Center Board; seconded by Council Member Aldrich. With all voting, "aye" the motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

k. Status Update, And Requests From The Economic Development Committee

Chairperson Jackie Jackson provided an overview of the Committee. She said some of the requests they have are: increase the façade grant funding to \$1,500.00, place the application on-line and have it open year around without a deadline so they can review them monthly. She said they will be coordinating with other committees to discuss mutual concerns. On January 8, 2018 they will have a joint meeting with the Beautification and Recycle Committee. She provided an update on recent events and discussions at their meetings.

Mayor Pierce asked that the façade grant be placed on the website and the additional fees be discussed at the next Council meeting.

l. Discussion And Possible Action On Existing Ordinance No. O-2012-727 Establishing A Procedure for Certain Underground Utility Construction Within The City Of Kirby, Texas And Providing Penalties For Violations Thereof

Mayor Pro-Tem Lehman moved to table this item to the next meeting; seconded by Council Member Wilson.

With all voting, "aye" the motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

m. Discussion And Possible Action On Progress Of Construction Activity On 2017 Water Mains Replacement Project

Mayor Pierce provided a power point presentation of pictures of homes affected by the water mains replacement project.

Roy Heath, SA Constructors, provided an update on the progress of the construction on the 2017 Water Mains Replacement Project. Rain has been a problem and the estimated completion date is January 29, 2018.

Mayor Pierce asked if they are providing letters to residents regarding the construction. Roy Heath said they hand deliver flyers every two weeks with an update on the project. Regarding the water main shut down they give residents a 48 hour notice.

10. 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 Apodaca – She said she understands that fireworks are illegal in Kirby, but is there a safe place to use fireworks. She requested an update on animal shelter volunteers. City Manager Vernon said she will provide that information. Council Member Apodaca suggested contacting high schools for volunteers. She wished everyone a Happy New Year.

Council Member Wilson – She said she has received complaints against fireworks in the City. She thanked the Police Department for putting on the hot chocolate with Santa and thanked the Fire Department. She asked that Blue Santa recognition be placed on the next agenda.

Council Member Aldrich – She said while riding in the Santa Parade she noticed there were a lot of streets without street signs. There are people asking why we didn't have the lighting contest. She asked that Beautification and Recycle bring it back.

Mayor Pro-Tem Lehman – He wished everyone a Happy New Year!

Council Member Pierce – He thank everyone for attending the meeting. He thanked San Antonio Constructors, Ford Engineering, and all city staff. We have a nice town with Blue Santa and the Parade. He wished everyone a Happy New Year.

Mayor Pierce – She thanked everyone for attending the meeting. Garbage pick-up will be December 29 and garbage and recycle on January 5, and Christmas tree disposal will be on January 23, 2018 at 7:00 A.M. She thanked staff and committees for the different holiday activities. She asked that we continue to work on communication in the City by reaching out to those without social media. She assigned Council Member Apodaca as liaison to the EDC and she will be the liaison for the Planning and Zoning Commission. The Christmas Lighting Contest will be organized by a group of people and HOBO Fest is coming later and there will be people organizing the parade. If you know anybody who wants to volunteer for one of our committees have to contact the City. The Senior Center has several events coming up. City hall will be closed on Monday, January 1. Again, fireworks are illegal in the Kirby city limits. She's excited about the K-9 program and thanked Chief Bois and Officer Murphy.

11. Adjournment

The meeting adjourned at 9:22 P.M.

Lisa B. Pierce
Mayor

ATTEST:

Patty Cox, TRMC
City Secretary