



*Lisa B. Pierce, Mayor*

Sylvia Apodaca  
Mike Grant  
Jerry Lehman

Kimberly McGehee-Aldrich  
John W. Pierce  
Debra Wilson

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**CITY COUNCIL MINUTES  
REGULAR MEETING  
THURSDAY, JANUARY 11, 2018 – 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

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**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 Wilson  
Council Member Aldrich  
Council Member Apodaca

ABSENT

Council Member Pierce

**5. Citizen Participation**

1. Mike Martin – He voiced his concern with a property that has multiple families living in a single family residence and the crime on his street.

2. Steve Pitmon – He voiced his concern with a property that has multiple families living in a single family residence and crime on his street. Also, a boat is parked in front of a home on another street and he said the boat should be removed.

**6. Consideration Of Minutes:**

a. Public Hearing/Regular Meeting Of December 28, 2017

Mayor Pro-Tem Lehman moved to approve the minutes of December 28, 2017; seconded by Council Member Wilson. With all voting, “aye” the motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

**6. Presentation**

a. Blue Santa Program

Council Member Wilson introduced Samantha Centeno, Dispatch Supervisor, and asked her to share her experience with her first time overseeing the Blue Santa Program. She thanked all the volunteers who helped make this program a success.

Council Member Wilson presented Samantha Centeno with a certificate recognizing her for a successful 2017 Blue Santa Program.

**7. Discussion And Possible Action**

- a. 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 Second Reading.

Council Member Grant moved to adopt 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 Council Member Wilson. With all voting, “aye” the motion carried with a 6-0 vote.

AYES – 6

NAYES - 0

- b. Discussion And Possible Action On Community Development Block Grant Intergovernmental Cooperative Agreement With Bexar County For Arneson And Scotsman

City Manager Vernon stated this is an agreement to solidify the Community Development Block Grant funding we received from Bexar County in the amount of \$232,348.00 for street reconstruction on Scotsman and Arneson. Council approval is needed to move forward.

Council Member Grant moved to accept the Community Development Block Grant Intergovernmental Cooperative Agreement with Bexar County for Arneson and Scotsman, seconded by Council Member Aldrich. With all voting, “aye” the motion carried.

AYES – 6

NAYES - 0

- c. Status Update And Discussion On Code Compliance City Map Program

Officer Megan Thompson presented the newly created Code Compliance City Map Program. She identified the ranking system of the program.

- d. Discussion And Possible Action Regarding Economic Development Committee Funding Requests For Fiscal Year 2017-2018

Jackie Jackson, Chairperson, Economic Development Committee, provided an update on the Economic Development Committee and stated they are requesting the allocation of funding in the amount of \$10,000. to promote economic growth of the City of Kirby. Some of the categories are: façade program, marketing and public relations money for the website and other kinds of activities, and projects. The current project is signage to promote Kirby.

Jose Garcia, Vice-Chairperson, showed the Council a rendition of the “Welcome to Kirby” sign to be placed by the Kirby HEB Distribution property.

Council Member Grant moved to include an additional \$10,000 in the Economic Development Committee budget; seconded by Mayor Pro-Tem Lehman.

Council Member Aldrich asked where the extra money will come from.

After discussing how to locate the resources, Council Member Grant suggested the Committee include the funds in their next budget.

Council Member Grant withdrew his motion; Mayor Pro-Tem Lehman withdrew his second.

- e. 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.

Marc Schnall, City Attorney, informed Council that after reviewing the City’s ordinance and the variance request he determined that we no longer have a carport, we have a garage. He recommended taking no action on the applicant’s request for a variance for a carport. The second variance request is to allow the existing enclosure of the garage/carport to remain. It would be appropriate to defer any action on whether to grant any variances in relation to the garage until the owner of the property applies for a building permit for the garage and application for any variances that the property owner might need. Whether the variances are because the garage encroaches in the twenty-five (25’) foot front setback or whether the garage is constructed with materials other than what is permitted. The ordinance passed in December 2016 had requirements about the kind of material for any structure visible from the street or neighboring property that may be applicable to this structure.

After deliberation, Council Member Aldrich moved to deny both variance requests, seconded by Council Member Grant. With all voting, “aye” the motion carried.

f. Discussion And Possible Action On A Change Order For Pageland/Theodor Reconstruction Project

City Manager Vernon provided a brief overview on this item. Miles Stanley, Ford Engineering and David Garcia, R.L. Jones were present.

Mr. Garcia and Miles Stanley provided the background and sequence of events on the change order.

Mayor Pierce asked Marc Schnall for his thoughts. Marc Schnall offered his opinion that the general conditions of the contract offer the following: 1) suspend work for up to 90 days or 2) terminate for convenience on seven days' notice. He said it's not unusual for this to happen when work orders are presented after the work is done. As far as who is responsible, it is the decision of the governing body.

Council Member Grant moved that all parties, R.L. Jones, Ford Engineering, City Manager Vernon and Mayor Pierce meet and authorize the City Manager to reach an agreement to resolve this issue, seconded by Mayor Pro-Tem Lehman. With all voting, "aye" the motion carried.

AYES – 6

NAYES - 0

g. 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 Pierce provided an overview on this item.

Gilbert Salas, Director of Public Works, provided the penalty for violations to Ordinance No. O-2012-727. He suggested placing a time frame on the permit and penalties for exceeding the time frame.

Mayor Pierce asked him to continue his research on this and asked the City Secretary to research permits from other cities. Provide the information to the City Attorney to review and then bring back to Council.

Marc Schnall suggested if the contractor knows the permit is going to expire in 30 days, the contractor will need to apply for a second permit before the first expires. The second permit will be assessed a higher fee. The City cannot charge a second permit fee and a fine. Fines are assessed by the municipal court judge based upon the citation issued by the Public Works Director for enforcement.

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

Sam Richardson, Vice-Chairperson, Planning and Zoning Commission, informed Council that Mr. Martinez served on the Commission before, they will accept him back.

Council Member Grant moved to appoint Raul Martinez to the Planning and Zoning Commission to fill the term created by Reggie Russell, seconded by Council Member Apodaca. With all voting, "aye" the motion carried.

AYES – 6

NAYES - 0

i. Discussion And Possible Action Authorizing The City Manager To Submit An Application For Funding To The Texas Parks and Wildlife Recreational Trails Program

City Manager Vernon informed Council this is for amenities to the Hike and Bike Trail. We are applying for funding to install four benches and a water fountain. There is a 20% match associated with the Texas Parks and Wildlife Recreational Trails Program. The estimated cost is \$7,666.00 and staff asked for discretion to this amount because there will be additional cost for concrete pads to place the benches and water fountain on. If the grant is approved, staff will come back to Council for a budget amendment. Council Member Wilson asked for garbage receptacles.

Council Member Grant moved to authorize the City Manager to submit an application for funding to the Texas parks and Wildlife Recreational Trails Program, seconded by Council Member Wilson. With all voting, "aye" the motion carried.

AYES – 6

NAYES - 0

j. Discussion And Planning For Completion Of 2017 Water Mains Replacement Project

Roy Heath, San Antonio Constructors, provided an update on the Happiness part of the project. One additional tie in at Happiness and Diadem will completed tomorrow and pavement restoration is scheduled for this coming Monday; final completion for Happiness should be January 19. The Arneson portion of the project required the mobilization of an additional utility crew to assist with the completion due to the inclement weather. The water main is complete, tested and the sample passed yesterday. He said he was aiming to complete the water services on that section by January 19.

Mayor Pierce said she has seen comments on Facebook inquiring if the pavement will be put back to the original condition.

Roy Heath said according to the contract from the face of the curb going seven feet toward the center line will be restored.

Council Member Aldrich expressed her concerns with the current condition of Happiness and stated she hoped the street will be restored to its original condition as well as other streets where the water main has been repaired.

## **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 Apodaca – She said on Monday she attended the Joint Economic Development Committee/Beautification and Recycle Committee meeting and felt they are working well together. She said the City’s Facebook audience is growing.

Council Member Aldrich – She said she attended the Parks and Recreation Committee meeting tonight. The next movie night is March 24, 2018. The Committee members will submit movies for a Facebook poll to decide which movie will be shown. She thanked everyone for attending the meeting.

Mayor Pro-Tem Lehman – He said there should be a meeting with the Building and Standards Commission, the Planning and Zoning Commission and the Economic Development Committee to bring them up to par with what City Council wants to accomplish to improve our city. He said not all of members need to attend.

Council Member Grant – He said he feels good a group of citizens came to tell us about their concerns on their street. He thanked everyone for attending the meeting.

Mayor Pierce – She said on January 23, 2018 Republic Services will have a curb side service to pick up Christmas trees starting at 7:00 A.M.; January 17 – February 16 is the filing period for a place on the May 5, 2018 ballot and residents interested in filing for office can pick up a packet at city hall; on January 13 is the Martin Luther King, Jr. Freedom Rider Parade will start at 9:00 A.M. at Kirby Middle School and end at Friendship Park; and GNELL registration at Friendship Park. The Fire Department and City of Kirby fiesta medals are on sale. With the addition of our K-9 Unit this increases our police department. K-9 Jake has his own Facebook page and Instagram. She thanked Sammy Jo for her involvement in the City and all that she does, and all the volunteers who helped with Blue Santa and she thanked the citizens for voicing their concerns.

**10. Adjournment**

The meeting adjourned at 9:08 P.M.

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Lisa B. Pierce  
Mayor

ATTEST:

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Patty Cox, TRMC  
City Secretary