



*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  
PUBLIC HEARING/REGULAR MEETING  
THURSDAY, APRIL 26, 2018 – 7:00 P.M.  
OR IMMEDIATELY FOLLOWING THE SPECIAL MEETING  
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 7:15 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 Pierce  
Council Member Aldrich

ABSENT

Council Member Apodaca

**5. Citizen Participation**

1. Norma Hamby, Kirby Senior Center Manager, thanked Council Member Grant for bringing the light to illuminate the flag to the attention of the City. The light was replaced with an LED flood light. She thanked him for the flags he has been providing.

**6. Consideration Of And Action On Minutes**

a. Regular Meeting Minutes – April 12, 2018

Council Member Aldrich moved to approve the minutes of April 12, 2018; seconded by Council Member Grant. 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. On A Request To Have The Property Located At CB 5865 BLK LOT E 183 FT Of S 100 FT Of 12, Otherwise Known As 4810 Gibbs Sprawl Road, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-1) To Be Used As A Residential (R-1) Property.

Mayor Pierce closed the regular meeting and opened the public hearing at 7:18 P.M.

Mayor Pierce read the request. There were no citizens to speak as proponents or opponents of the request.

b. On A Request To Have The Property Located At CB 5865, BLK Lot E 180 FT Of S 60 FT Of N 90 FT Of 12, Otherwise Known As 4814 Gibbs Sprawl Road, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-1) To Continue To Be Used As A Residential (R-1) Property.

Mayor Pierce read the request. There were no citizens to speak as proponents or opponents of the request.

Mayor Pierce closed the public hearing and opened the regular meeting at 7:19 P.M.

**8. Discussion And Possible Action**

a. Discussion And Possible Action On A Request To Have The Property Located At CB 5865 Blk Lot E 183 Ft Of S 100 Ft Of 12, Otherwise Known As 4810 Gibbs

Sprawl Road, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-1) To Be Used As A Residential (R-1) Property, Including Consideration Of Ordinance No. O-2018-836 Amending The Zoning Ordinance Of The City Of Kirby, Texas, To Grant Specific Use Permit #2018-007 For Use Of The Property At 4810 Gibbs Sprawl Road, Kirby, Texas For A Single Family Residence. This is the First reading.

Vinnie Bilotto, applicant/owner stated the property is zoned office retail and his request is for residential use so he can rent the property and it will not stay vacant while he continues looking for office or retail tenants.

Mayor Pierce stated the Code Enforcement Officer and Fire Marshal inspected the property. They stated the property has work that needs to be done if anyone is going to occupy the property. She said there has not been an occupant since 2010.

Mayor Pro-Tem Lehman stated if the property wouldn't pass inspection for commercial use why it would pass for residential. Mr. Bilotto said there are different inspection requirements for residential property.

Mayor Pierce asked Mr. Bilotto why he hasn't brought the property to code for commercial use. Mr. Bilotto said usually an owner does not do updates when the property is vacant; they wait until new tenant comes in.

Mayor Pierce said the property is vacant because it is not ready because it has not been kept up for commercial use or residential use. Mr. Bilotto said he has to have City Council approval before he knows whether to get it ready for commercial use or residential use. Before renting the property, he will bring it to code with the items provided by the Fire Marshall.

Council Member Grant moved to approve the request for 4810 Gibbs Sprawl for a two year period; seconded by Council Member Wilson.

Mayor Pro-Tem Lehman said the corner where this property is located is going to explode next year. There will be all kinds of small businesses looking for commercial spaces.

Council Member Grant withdrew his motion; Council Member Wilson withdrew her second to the motion.

Due to the lack of a motion the request failed.

- b. Discussion And Possible Action On A Request To Have The Property Located At CB 5865, BLK Lot E 180 FT Of S 60 FT Of N 90 FT Of 12, Otherwise Known As 4814 Gibbs Sprawl Road, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-1) To Continue To Be Used As A Residential (R-1) Property, Including Consideration Of Ordinance No. O-2018-837 Amending The Zoning Ordinance Of

The City Of Kirby, Texas, To Grant Specific Use Permit #2018-008 For Use Of The Property At 4814 Gibbs Sprawl Road, Kirby, Texas For A Single Family Residence. This is the First reading.

Council Member Grant asked if the property is currently rented. Mr. Bilotto said it is.

Council Member Grant moved to approve the request for 4814 Gibbs Sprawl for a two year period; seconded by Council Member Wilson. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- c. Discussion And Possible Action To Review Ordinance No. O-2014-748 Regulating Signs In The City Of Kirby, Texas, And Superseding All Previous Ordinances Pertaining To Signs, And Providing Penalties For Violation Thereof.

City Manager Vernon informed Council this Ordinance has not been reviewed since 2014. Jose Garcia was granted a sign variance and is here to share his experience with obtaining approval from TxDot for his sign.

Mr. Garcia said TxDot informed him the City's Ordinance did not address digital signs and based on that observation they would not approve his request to construct a digital sign on his property. He suggested the City update the sign ordinance to include digital signs. He continued and stated that he recently received approval from TxDot to construct the sign after another TxDot representative reviewed his request.

Council Member Pierce asked that the Council review the setback and size of the signs.

Council Member Grant asked to include the luminance of digital signs.

City Manager Vernon said the updated ordinance can be brought back on May 23, 2018 agenda.

- d. Discussion And Possible Action On Park Rental Fee Waiver Request From Kirby Baptist Church

Ray Martin spoke on behalf of Kirby Baptist Church. This is the 50<sup>th</sup> anniversary and they want to have a nice event for their celebration. There could possibly be around 150 people throughout the day. They are requesting a waiver for hiring two police officers. There will not be any alcoholic beverages. There will be a lot of former members and their families attending. They are greatly appreciative of the consideration.

Council Member Grant moved to waive all fees for police officers and park use; seconded by Council Member Aldrich.

City Manager Vernon stated that the fees are \$105 rent, \$150 deposit and \$240 police security. She said they have already paid \$105 rent and \$150 deposit.

Council Member Aldrich said it will be her honor and pleasure to donate \$240 to Kirby Baptist Church. Council Member Grant said he will match half, \$120.

Council Member Grant withdrew his motion; Council Member Aldrich withdrew her second to the motion.

Council Member Grant amended his motion to waive the fees for park use; seconded by Council Member Aldrich. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

e. Discussion And Possible Action On Kirby Senior Center Fundraiser

Audrey Eklund, Kirby Senior Center Board of Director, Fundraising Chairperson, asked if the Senior Center could use the area around John Sterling Park for a fund raiser.

Council Member Aldrich moved to approve the Kirby Senior Center's use of extra space at John Sterling Park for their Welcome Back Summer Festival; seconded by Mayor Pro-Tem Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

f. Discussion And Possible Action On Kirby Senior Center Articles Of Incorporation

Roger Romens, President of Senior Center Board of Directors, asked Council what questions they would like answered. He said there have been several new Board members appointed since January and they have been working on all aspects of the Senior Center including the Articles of Incorporation. He said when they completed they will make recommendations for changes and bring them to Council.

Council Member Wilson said City Council was wondering how the Senior Center was proceeding on the Articles of Incorporation because it's been almost a year since September when Council requested the Senior Center review them.

Mr. Romens explained that they are working on the By-Laws and Articles Of Incorporation to make sure they in compliance. They will present them to the City Manager to place on an agenda once they are complete.

The City Council wanted to know when the Senior Center will update the Articles Of Incorporation to include a change that will allow them to appoint their own Board members

without having to come to City Council for the appointments, and other areas where the Senior center can run independently from the City.

City Manager Vernon stated the Kirby Senior Center Board Of Directors will make changes, submit a copy to the City and then staff will submit them to the City Attorney.

g. Discussion And Possible Action On Nonprofit Grant Application For City Of Kirby Funding

Mayor Pierce said Council Member Wilson requested this item. Staff has drafted the requirements and application for non-profit funding that would be considered by City Council in the City's Annual Budget.

Council Member Wilson said the document provided is straight forward and now the City can offer assistance to non-profit organizations through this grant application process. Council Member Wilson moved that Council move forward on the grant application and notify the non-profit groups about the grant; seconded by Council Member Aldrich. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

City Manager Vernon explained the grant opens May 1, 2018 and closes June 30, 2018 with potential funding October 1, 2018. The City Council will determine how much funding is available in the budget.

h. Discussion And Possible Action On Personnel Policies Manual Revisions

Mayor Pierce informed City Council that City Manager Vernon asked that this item be tabled until May 10, 2018.

Council Member Grant moved to table the action on the Personnel Policies Manual Revision to May 10, 2018; seconded by Mayor Pro-Tem Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

Mayor Pierce asked that the policy be sent to Council as soon as it's ready.

i. Discussion And Possible Action On The Annual HOBO Fest

The Council Members had many comments regarding the annual HOBO Fest. There were many historical facts mentioned.

Mayor Pierce said this item will be brought back for a workshop in September and only this item will be placed on the agenda. She asked that 4-H, Herman Sons, VFW and other different organizations be invited to the workshop.

- j. Discussion And Possible Action On Ordinance No. O-2018-832 Amending Ordinance No. O-2016-783 Of The Code Of Ordinances To Set Times For Putting Out And Retrieving Refuse Containers for Residential Solid Waste Collection And To Specify The Location Of Placement Of Refuse And Recyclable Containers. This Is The Second Reading.

Council Member Grant moved to approve Ordinance No. O-2018-832 amending Ordinance No. O-2016-783 of the Code of Ordinances to set times for putting out and retrieving refuse containers for residential solid waste collection and to specify the location of placement of refuse and recyclable containers; seconded by Council Member Aldrich. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- k. Discussion And Possible Action On Ordinance No. O-2018-833 Repealing Ordinance No. 91-474 And Adopting Ordinance No. O-2018-833 Of The Code Of Ordinances Of the City Of Kirby Which Prohibits Scavenging Within The Corporate Limits And Providing For A Penalty. This Is The First Reading.

Council Member Aldrich moved to approve Ordinance No. O-2018-833 repealing Ordinance No. 91-474 and adopting Ordinance No. O-2018-833 of the Code of Ordinances of the City of Kirby which prohibits scavenging within the corporate limits and providing for a penalty; seconded by Mayor Pro-Tem Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- l. Discussion And Possible Action On Ordinance No. O-2018-834 Repealing And Replacing Ordinance No. O-2001-572 And Adopting A New Administrative Fee Schedule For Police Department Services. This Is The First Reading.

Council Member Grant moved to approve Ordinance No. O-2018-834 repealing and replacing Ordinance No. O-2001-572 and adopting a new Administrative Fee Schedule for Police Department services; seconded by Council Member Wilson. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- m. Discussion And Possible Action On Ordinance No. O-2018-835 Repealing And Replacing Chapter 74 Of The Code Of Ordinances And Adopting A New Chapter 74 Authorizing Police Officers To Impound A Motor Vehicle Found To Be In

Violation Of Certain City Ordinances Or State Laws; To Establish The City Of Kirby Impound Lot; To Establish Storage Fees; To Provide for The Imposition Of Fees; And Providing for Severability And An Effective Date. This Is The First Reading.

Council Member Aldrich moved to approve Ordinance No. O-2018-835 repealing and replacing Chapter 74 of the Code of Ordinances and adopting a new Chapter 74 authorizing police officers to impound a motor vehicle found to be in violation of certain city ordinances or state laws; to establish the City of Kirby impound lot; to establish storage fees; to provide for the imposition of fees; and providing for severability and an effective date; seconded by Mayor Pro-Tem Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- n. Discussion And Possible Action On Ordinance No. 2013-731 An Ordinance Repealing Existing Chapter 91 Of The Code Of Ordinances And Adopting A New Chapter 91 Entitled "Animals" To Set Out Provisions As To Animals, Including An Animal Shelter, Animal Control Officers, Licensing, Animal Bites And Animal Care, Spaying And Neutering, Rabies Control, Adoption Of Animals, Fees, Enforcement, And Related Matters, And Setting A Fine Not To Exceed The Amounts Set Out In Section 10.99 Of The Code Of Ordinances For Each Violation.

Mayor Pierce said staff is asking for recommendations and there is a lot of material to review. She said she has several recommendations.

Mayor Pro-Tem Lehman moved to table this item and discuss at a workshop; seconded by Council Member Grant. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

Mayor Pierce said she will inquire when the Ordinance Review Committee members will be able to meet.

- o. Discussion And Possible Action On Gibbs Sprawl Road Repairs

Council Member Grant moved to table this item and bring it back on May 10, 2018; seconded by Council Member Aldrich. 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 Aldrich – She said she is preparing for Kirby VFD Picnic by organizing the parade and the Grand Marshal is Sheriff Joe Salazar. The parade will start at 11:00 A.M.

Mayor Pro-Tem Lehman – He thanked everyone for attending the meeting and hope to see everyone at the next meeting.

Council Member Grant – He said he attended the trial regarding the property on Gibbs Sprawl and he asked that an update be provided on the next agenda. Thanked everyone for attending the meeting. He apologized to the audience for his earlier statements.

Council Member Pierce – He thanked everyone for attending the meeting.

Mayor Pierce – She said on Sunday April 29 St. Joan of Arc Church is having their Fiesta Festival, 11:00 A.M. – 7:00 P.M. She thanked everyone for attending the meeting. She will reach out to the Ordinance Review Committee to review the ordinances because there are so many and details that need to be addressed. Republic Services is on the next agenda. The Senior Center the celebrated 25<sup>th</sup> anniversary recently and it was awesome. She said she is looking forward to the summer event. She reminded everyone we have the Timothy J. Wilson Hike and Bike trail and mosquito spraying taking place at 10:00 P.M. on designated dates.

**10. Adjournment**

The meeting adjourned at 8:46 P.M.

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Lisa B. Pierce  
Mayor

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Patty Cox, TRMC  
City Secretary