



Lisa B. Pierce, Mayor

Sylvia Apodaca
Mike Grant
Jerry Lehman

Kimberly McGehee-Aldrich
John W. Pierce
Debra Wilson

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, MAY 10, 2018 – 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 Wilson
Council Member Pierce
Council Member Aldrich
Council Member Apodaca

ABSENT

Council Member Grant

5. Citizen Participation

1. Steve Linscomb, Judson ISD, informed Council about the upcoming projects in the district.

2. Chief Alfaro, Fire Department, thanked everyone for all they had done for the 66th Annual Kirby Volunteer Fire Department Picnic.

6. Consideration Of And Action On Minutes

- a. Special Meeting Minutes – April 26, 2018
- b. Public Hearing/Regular Meeting Minutes – April 26, 2018

Council Member Aldrich moved to approve the Special Meeting Minutes for April 26, 2018 and Public Hearing/Regular Meeting Minutes for April 26, 2018; seconded by Mayor Pro-Tem Lehman. The motion carried with a 5-0-1 vote.

AYES – 5

NAYES- 0

ABSTAIN – 1

(Council Member Apodaca)

7. Presentation

- a. Proclamation And Certificates Presented To The Wagner Bowling Team

Mayor Pierce recognized the members of the 2017-2018 Wagner Bowling Team and their coaches.

- b. Introduction Of New Employees

Chief Bois, Police Department – He introduced Tyler Andrews, dispatcher

Chief Alfaro, Fire Department – He introduced Nyla Ramiro, soon to be paramedic.

8. Discussion And Possible Action

- a. Discussion And Consideration Of Report On The General Election Returns And Results Of The General Election Held May 5, 2018, For The Purpose Of Electing a general/special election to elect three Council Members for a two year term; and one Council Member for a one year term on the City Council And The Issuance Of General Obligation Bonds.

Ms. Jo Harvey presented the following Election results for the canvass:

AYES: 5

NAYES: 0

ABSTAIN – 1
(Council Member Aldrich)

- g. 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 Second Reading.

Council Member Pierce moved to approve the 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. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- h. 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 Second Reading

Mayor Pro-Tem 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 Council Member Pierce. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- i. 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 Second Reading.

Council Member Wilson moved to adopt 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; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- j. 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 Second Reading.

Mayor Pro-Tem Aldrich moved to adopt 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 Council Member Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

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

Monique provided the background on this item. There is going to be a business constructed at the corner of FM 78 and Gibbs Sprawl Road. The contractor has provided a cost estimate to improve Gibbs Sprawl Road which is in need of repair. The City has a line item in the budget which could be used to participate in cost-sharing for this project. The line item has a budget in the amount of \$65,000 for street projects. To date we have collected approximately \$27,009.71.

JD Dudley, Project Manager for QuikTrip, provided information on their request to cost-share on this project to repair Gibbs Sprawl. The bid came in around \$43,200 and they are requesting a cost-share of half the bid.

Council Member Lehman asked if they could extend the repair on Gibbs Sprawl to the San Antonio city limit.

Marc Schnall, City attorney, said there is a maximum the council is allotted to spend. Council put a cap on it at \$25,000 to \$26,000.

Mayor Pro-Tem Aldrich moved to accept the possible action on the Gibbs Sprawl Road repairs with the \$25,000 cap on the road repairs; seconded by Council Member Apodaca.

Marc Schnall said it is important to make it clear that the \$25,000 cap applies if the work that will be done will take the improvements to the boundary between the City of Kirby and the City of San Antonio. If not, the \$25,000 cap gives them more than they've asked for because they asked for 50% of \$44,000. You could amend the motion to say the Gibbs Sprawl Road repairs that would go up to the boundary between Kirby and San Antonio on Gibbs Sprawl as well.

Mayor Pro-Tem Aldrich moved to amend her motion to accept the Gibbs Sprawl Road repairs, with a cap of \$25,000, to extend to the City limits of San Antonio; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

I. Discussion And Possible Action To Consider A Proposal From Ford Engineering On Additional Services For The Binz Engleman Road Reconstruction Project

Mark Hill, Ford Engineering, explained the proposal is to provide funding for quality assurance testing which is required from our AFA agreement with TxDot and the State to construct Binz Engleman. This is for GEO Technical testing of concrete that is being laid and asphalt. He said this was brought to Council's attention last year around October that this will be coming up. It was not included in the original scope because material testing is not included in the original scope because at the time they are not aware of how much testing will be required. Until they have plans that are signed, sealed, and approved by TxDot they cannot provide an adequate number.

Mayor Pierce said the amount is \$30,791 and she asked if there is a chance the number will go up. Mr. Hill said it was possible because TxDot could come back and request additional items be tested.

Council member Wilson moved to approve an additional \$30,791; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

m. Discussion And Possible Action On Garbage Collection By Republic Services On Kirby Heights

City Manager Vernon provided the history on the garbage collection by Republic Services on Kirby Heights. She met with Tom Armstrong with Republic Services, Terry Gawlik with Republic Services; Raul Martinez property owner and Vinnie Bilotto property owner regarding their concerns with commercial garbage collection on Kirby Heights. The property owner will no longer allow the trucks on their property to turn around. There was no resolution and the City has the obligation to provide garbage services to the residents. The commercial businesses are responsible to obtain their garbage services. These two businesses are no longer being provided service. The City of Kirby has an exclusive contract with Republic Services.

There was discussion addressing the residents need for garbage service and then the commercial businesses need for garbage service.

Mayor Pierce asked if Republic Services, Public Works Director Gilbert Salas, Chief Bois, Raul Martinez and Vinnie Bilotto can get together and look at the property to come up with a solution to place commercial garbage carts on the property. Council Member Pierce said he will be available to meet with them. Terry Gawlik said the residents will be serviced on May 11, 2018.

n. Discussion And Possible Action Regarding Republic Services Broken Carts

Mayor Pierce said she received 15 complaints last week regarding broken garbage carts.

Mr. Armstrong said they started replacing carts a couple of years ago. They had five drivers in Kirby today to replace or fix.

Mr. Gawlik said they will come back with an update. Mayor Pierce asked them to come back on May 24 or the first meeting in June.

o. Discussion And Possible Action On Extension Of A Contract With Linebarger, Goggan, Blair And Sampson, LLP For Fines And Fees Collection

Edra Bush & Lilia Gibson, attorneys with Linebarger explained the program.

Council Member Pierce moved to accept the extension of a contract with Linebarger, Goggan, Blair And Sampson, LLP for fines and fees collection; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

p. Discussion And Possible Action On Bexar County CDBG Cooperative Agreement

Mayor Pro-Tem Aldrich moved to extend the Bexar County CDBG Cooperative Agreement; seconded by Council Member Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

q. Discussion And Possible Action On Ordinance No. O-2018-838 Repealing And Replacing Ordinance No. O-2014-749 Authorizing The Use Of Parks And Recreation Areas Owned And Controlled By The City Of Kirby; Regulating Possession And Consumption Of Alcoholic Beverages In Such Parks; Stating The Policies And Regulations Governing The Use Of Such Park, Establishing A Curfew For Park Usage; And Providing A Penalty For Violation Of This Ordinance. This Is The First Reading.

City Manager Vernon identified the recommended changes.

Council Member Pierce moved to approve Ordinance No. O-2018-838 repealing and replacing Ordinance No. O-2014-749 authorizing the use of parks and recreation areas owned and controlled by the City of Kirby; regulating possession and consumption of alcoholic beverages in such parks; stating the policies and regulations governing the use of such park, establishing a curfew for park usage; and providing a penalty for violation of this Ordinance; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- r. Discussion And Possible Action On Ordinance No. O-2018-839 Amending The 2017-2018 Municipal Budget Of The City Of Kirby. This Is The First Reading.

Tina Ynfante, Finance Director, stated there were not any changes to the revenues and the expenditures increased by \$46,484.00 in the General Fund and expenditures increased by \$9,480.00 in the Water Fund.

During the discussion, Council concurred that the expenditures increase in the General Fund by \$80,478.00 to cover the additional expenses for streets. Pageland/Theodor increased by \$3,203.00 for contract change order and on Binz Engleman Road Project it increased by \$30,791.00 for construction materials testing and construction engineering and inspection.

Council Member Pierce moved to accept Ordinance No. O-2018-839 amending the 2017-2018 Municipal Budget with the amount of \$80,478.00 in the general fund and \$9,480.00 in the water fund; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- s. Discussion And Possible Action On Primitive Camping In Friendship Park

Council Member Pierce said we have the Timothy J. Wilson Hike and Bike Trail and he suggested revitalizing Hugo Lentz Park by setting up primitive camping. This area is not visible from the main traffic flow and the City can get with Fish and Wildlife for recommendations. There was discussion regarding primitive camping. Mayor Pierce said the Girl Scouts have voiced an interest in primitive camping and there are grants available for park improvements.

- t. Update On Garage Located At 4807 Gibbs Sprawl Road

Mayor Pierce said Council Member Grant requested this item.

Council Member Lehman said he and Council Member Grant attended the hearing and the judge ruled that the garage had to be removed. Council Member Lehman said there was no need to bring this item back.

AYES: 6

NAYES: 0

- u. Discussion And Possible Action On Trademarking The City Of Kirby Seal

City Attorney Marc Schnall provided details about trademarking including cost.

- v. Discussion And Possible Action On Personnel Policies Manual Revisions

City Manager Vernon explained there were formatting issues with the document.

There was discussion on tobacco products, safety and healthy environment, smoking while in uniform and the need to advise potential applicants about the smoking policy.

Council Member Pierce moved to bring this item back at the last meeting in July; seconded by Council Member Lehman. The motion passed 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 Apodaca – She said she was not able to attend the 66th Annual Kirby VFD Picnic and was sorry she missed it.

Council Member Wilson – She said the trash at Macrae Apartments is growing again. There were people using the walking trail and they inquired about benches along the trail. Some suggested a memorial be placed on the benches to get them donated. She has concerns about the signage for the Binz Engleman Road project. She thanked the Police Department and Public Works Department for their hard work.

Mayor Pro-Tem Aldrich – She said the Kirby VFD Picnic was a very good event. There was a small parade and next year it will be better. She thanked everyone for attending the meeting.

Council Member Lehman – He said he bought two bar-b-que plates and the meat was fantastic. He commended whoever cooked the meat because it was the best.

Council Member Pierce – He asked if CPS Energy could be contacted about solar lighting on the Timothy J. Wilson Hike & Bike Trail. He asked what roads are the contractors for the Binz Engleman Road project supposed to be using. He thanked everyone for attending the

meeting. The Picnic was awesome and asked that Steve Gawlik be commended for cooking. He thanked the Fire Department for doing a great job.

Mayor Pierce – She echoed the comments on the Picnic, parade, and margarita pour off. She thanked the Police Department, Fire Department and Public Works Department for all they did to make the event a success. It takes a lot to pull this off. She wished everyone a Happy Mother’s Day. Police week starts next week, May 19 is a meeting for the Kirby Library Initiative at the VFW, Community Gardeners are coming back out. SA Pool Management will be at our next meeting. She thanked Public Works staff for maintaining the Spring Clean-Up drop off and thanked everyone for attending the meeting. Hopkins Elementary is celebrating their 50th anniversary Friday May 25. She read a letter for the Kirby Fire Department from a resident. She congratulated Wagner Bowling for their achievement.

10. Adjournment

The meeting adjourned at 10:16 P.M.

Lisa B. Pierce
Mayor

Patty Cox, TRMC
City Secretary