



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, JUNE 28, 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 Grant
Council Member Pierce
Council Member Aldrich
Council Member Apodaca

ABSENT

Council Member Wilson

5. Citizen Participation

1. Sylvia Volkmann – She said signage for the Binz Engleman Road Project for traffic control needs to be improved and she had other concerns regarding the contractors.
2. Rothie Hackstadt – He said he will speak when traffic on Binz Engleman Road is addressed.
3. Patricia Chastain – She suggested solar powered flashing stop signs at Binz Engleman and Alan Shepard for pedestrian safety.
4. Debra McMillan – She thanked Council for providing the residents with Bexar County Elections Department May 5 total elections report of 234 votes being cast. She said she wants to know how these discrepancies occurred, how to prevent this from happening again and she hoped integrity will be maintained in this community.
5. Aisha Zarb-Cousins – She said on May 30,2018 the Fire Marshal and Code Compliance Officer came to their building at 5020 Old Seguin Road, Suites 1A and 1B and explained that their fire alarm system was inoperable and they did not have a certificate of occupancy to occupy the building. She explained their concerns and requested a provisional certificate of occupancy until the issues are resolved. She asked Council why they have been displaced out of the shopping center and the other occupants are allowed to remain.
6. Audrey Eklund – She thanked City Council for allowing the Senior Center use of John Sterling Park for their Festival. She thanked the Fire Department, EMS and Mayor Pierce for attending.

6. Consideration Of And Action On Minutes

- a. Regular Meeting Minutes – June 14, 2018

Council Member Lehman moved to approve the Regular Meeting Minutes for June 14, 2018; seconded by Council Member Pierce. The motion carried with a 4-0-2 vote.

AYES – 4

NAYES- 0

ABSTAIN – 2 (Council Member Grant and
Council Member Apodaca)

7. Public Hearing

- a. On A Request To Have The Property Located On Seguin Road; Lot 7 Through 12; CB 4018D, Kirby Manor Commercial Subdivision, Bexar County, Texas, To Be Rezoned From The Current Zoning Of Commercial, Office And Retail District (C-1) To Multiple Family Dwelling District (R – 2). These Properties Are Located Across

The Street From Kirby Middle School, 5441 Seguin Road, Kirby, TX 78219, Bexar County, Texas.

Mayor Pierce closed the regular meeting and opened the public hearing at 7:16 P.M.

Roger Romens spoke supporting both C-1 and R-2 zoning districts. He said the property has been vacant for over 25 years and suggested a multi-use of the property by zoning C-1 and R-2.

Mayor Pierce closed the public hearing and reconvened 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 On Seguin Road; Lot 7 Through 12; CB 4018D, Kirby Manor Commercial Subdivision, Bexar County, Texas, To Be Rezoned From The Current Zoning Of Commercial, Office And Retail District (C-1) To Multiple Family Dwelling District (R – 2). These Properties Are Located Across The Street From Kirby Middle School, 5441 Seguin Road, Kirby, TX 78219, Bexar County, Texas.

Mayor Pierce said City Council received information from the Planning and Zoning Commission meeting on June 12, 2018. There was one resident who spoke at the meeting saying he would support single family but not multi-family for the property. The Commissioners voted unanimously to deny the request for the rezoning.

Council Member Grant moved to accept the request to rezone the property to R-2. The motion died for the lack of a second.

Council discussed the suggestion of mixed use for the property. Marc Schnall, City Attorney, said the Planning and Zoning Commission can research the mixed-use to create a new zoning district.

- b. Discussion And Possible Action On A Request From The Police Chief To Spend Asset Forfeiture Money On The Purchase Of Body Cameras For The Police Department.

Chief Bois said the cost for the body cameras increased from \$399 each to \$699 each. He asked City Council to allow use of asset forfeiture funds to augment the cost created by the increase in the body cameras and asked for a budget amendment.

Council Member Grant moved to accept the request to spend asset forfeiture money on the purchase of body cameras for the Police Department; seconded by Mayor Pro-Tem Aldrich.

Tina Ynfante, Finance Director, advised Council to include the amendment to the budget in the motion.

Council Member Grant moved to amend his motion to accept the request to spend asset forfeiture money on the purchase of body cameras for the Police Department and amend budget; seconded by Mayor Pro-Tem Aldrich. With all voting, "aye" the motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- c. Discussion And Possible Action On Ordinance No. O-2018-841 Authorizing The City To Enter Into An Agreement For Ambulance (EMS) Billing Services With K&P Associates, Inc., D/B/A Specialized Billing & Collection Systems Of Texas And Authorizing The Mayor Or The City Manager To Execute Such Agreement. This Is The Second Reading.

Council Member Pierce moved to accept Ordinance No. O-2018-841 authorizing the City to enter into an agreement for ambulance (EMS) billing services with K&P Associates, Inc., D/B/A Specialized Billing & Collection Systems of Texas and authorizing the Mayor or the City Manager to execute such agreement; seconded by Council Member Lehman.

Council Member Grant said he has a problem with this company and explained why.

The motion carried with a 4-2 vote.

AYES: 4

NAYES: 2 (Council Member Grant and
Council Member Apodaca)

- d. Discussion And Possible Action Appointing A Member To The Board Of Directors Of The Kirby Senior Center

Mayor Pierce asked Jeff Eklund, applicant, if he would like to speak. Mr. Eklund said he lived in Kirby over 30 years and served as a council member.

Council Member Grant moved to appoint Jeff Eklund to the Board of Director of the Kirby Senior Center; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- e. Discussion And Possible Action On Ordinance No. O-2018-842 To Repeal Ordinance No. O-2005-618 And To Remove Stop Intersections At Vinecrest Drive And Cinderella Street and At Swann Lane And Telegraph Street from Schedule I of Chapter 72 Of The Code Of Ordinances. This Is The First Reading.

Chief Bois provided the history regarding the three way stop signs. He informed Council if they approve the Ordinance, temporary signs alerting that cross traffic does not stop will be placed at the intersections.

Council Member Grant moved to approve Ordinance No. O-2018-842 to repeal Ordinance No. O-2005-618 and to remove stop intersections at Vinecrest Drive and Cinderella Street and at Swann Lane and Telegraph Street from Schedule I of Chapter 72 of the Code of Ordinances; seconded by Council Member Apodaca. With all voting, "aye" the motion carried.

AYES: 6

NAYES: 0

f. Discussion And Possible Action Regarding The Traffic On Binz Engleman Road

Mayor Pierce asked Mr. Hackstadt if he would like to speak. Mr. Hackstadt said he posted a comment on Kirby Community social media site; it's a public post and he offered a public apology to City Council. He submitted a petition to Mayor Pierce regarding Binz Engleman Road, Buzz Aldrin and Alan Shepard. He feels speeding will increase when the road is completed and requested two speed bumps.

Chief Bois stated he has been monitoring the area and offered the various time frames he was in the area and the maximum speed that was detected. He said the construction company can lower speed limit to 20 M.P.H. and they will have to provide signage with the temporary speed limit.

Council Member Grant said that if the construction crew member is wearing a safety vest and has a flag to direct traffic and a driver passes through the sign then that's a citation the City can issue. He suggested signage that allows residents only and if this is violated then the City has the right to write citations. He asked Chief Bois to monitor the area again after the work is completed.

Mayor Pierce said that Chief Bois is seeing what is happening and be assured that the Police Department is aware of the concerns. Our Police Department can't be everywhere at every time.

g. Update, Discussion And Possible Action On The Construction Project On Binz Engleman

Mayor Pierce said this is an item that will remain on the agenda, at least once a month, until the project is completed. She gave an update on recent events with the project. She said that Gilbert Salas, Director of Public Works and Kevin Bois, Police Chief will address concerns of residents.

Mr. Salas provided Council with an update on the project. He said they are currently in Phase 1. He said he has talked to the contractor's crews about leaving garbage and using

resident's water. The contractor was informed they must make sure they are communicating clearly with the public for employee safety and traffic safety, addressed the signage, and allow the residents access to their homes.

Mr. Schnall said he will need to review the contract to address the concerns of Council. He suggested that Council provide a letter to the contractor and engineer to let them know their specific questions so they can get clear answers.

Mayor Pierce asked residents to email Chief Bois or Gilbert Salas with questions they have so specific questions can be answered.

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 wished everyone a Happy 4th of July.

Mayor Pro-Tem Aldrich – She reminded everyone about the Fireworks in the Park on 4th of July and thanked Chief Bois for stopping an 18-wheeler. She asked that the shopping center be included on the next agenda. She thanked everyone for coming out and for their support.

Council Member Lehman – He thanked everyone for attending the meeting. He hopes that the problems addressed will be resolved real soon. He asked that the Annual TML Conference be placed on the next agenda.

Council Member Grant – He said this is how we solve problems, when you attend and let Council know your concerns. He thanked everyone for attending the meeting and wished everyone a Happy 4th of July.

Council Member Pierce – He asked that solar power stop signs be placed on the next agenda. He thanked everyone for attending the meeting.

Mayor Pierce – She thanked everyone for attending the meeting. She encouraged residents to come out and be a part of the government process. She thanked Mr. Eklund for the recent event hosted by the Senior Center and Donna Dryja for creating the mobile library with their locations at the Fire Station, Police Station and soon to be located at the Senior Center. You can find more information about the Kirby Little Library Group on WEME which is another social media network. She said the Beautification and Recycle street clean-up will be on July 3rd and urged residents to look at the City website for information on fireworks, budget dates and other events. She echoed how much she appreciated the City employees.

10. Adjournment

The meeting adjourned at 9:15 P.M.

Lisa B. Pierce
Mayor

Attest:

Patty Cox, TRMC
City Secretary