



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, AUGUST 23, 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

ABSENT

Mayor Pierce
Mayor Pro-Tem Aldrich
Council Member Lehman
Council Member Grant
Council Member Pierce
Council Member Wilson
Council Member Apodaca

Although Mayor Pierce deviated from the agenda, the minutes will be prepared in the order the agenda was posted.

5. Citizen Participation

1. Donna Dryja – Mayor Pierce asked if she would like to wait to speak when the item is addressed in the meeting. Ms. Dryja said she will wait to speak when the item is introduced.

2. Sam Mann – He voiced his concern with the condition of the City and the entry into Kirby. He said a few bad things take away from the good things.

3. Jeff Flinn – He said he is working with Norma Hamby, Senior Center Manager, to reinstitute the Saturday Senior Center Breakfast and invited Mayor Pierce and Council to help cook and serve between 8:30 A.M. – 10:30 A.M. He said he is speaking with other dignitaries to come out to cook and serve breakfast on Saturday, September 15 at the Senior Center. This will be an opportunity for residents to come out and meet the individuals they vote for in City, County and State election.

4. Steve Linscomb, Director of Communications, Judson I.S.D., provided an update on Judson I.S.D. constructions projects. The estimate construction completion at Kirby Middle School is summer of 2020. Hopkins Elementary School has interior construction taking place.

6. Consideration Of And Action On Minutes

a. Special Meeting/Workshop Minutes July 31, 2018

Council Member Grant moved to accept the Special Meeting/Workshop minutes of July 31, 2018; seconded by Council Member Wilson. The motion carried with a 6-0-1 vote.

AYES: 6 NAYES: 0 ABSTAIN: 1 (Council Member Lehman)

b. Regular Meeting Minutes August 9, 2018

Mayor Pro-Tem Aldrich moved to accept the Regular Meeting minutes of August 9, 2018; seconded by Council Member Apodaca. The motion carried with a 6-0-1 vote.

AYES: 6 NAYES: 0 ABSTAIN: 1 (Council Member Lehman)

7. Presentation

a. National Payroll Proclamation

Mayor Pierce presented Karen Brown and Denise Kelley, Alamo Chapter of the American Payroll Association, a proclamation recognizing National Payroll Week.

8. Public Hearing

a. Public Hearing On Proposed Budget For 2018-2019 Fiscal Year

Before closing the regular meeting Mayor Pierce asked Tina Ynfante, Finance Director, to present information on the proposed budget and tax rate for Fiscal Year 2018-2019.

Ms. Ynfante provided a PowerPoint presentation identifying the budget and tax rate information. She stated this is the first public hearing addressing the proposed Fiscal Year 2018-2019 tax rate. The proposed property tax rate is the same as last year. The actual fiscal year 2018 Maintenance & Operation is .689376, Interest & Sinking is .040000 which is the same tax rate of .729376. The proposed tax rate is .729376, the Maintenance & Operation is .616376 and the Interest & Sinking is .0113000. The average taxable value of a residence homestead in Kirby this year is \$89,857. If the City Council adopts the proposed tax rate of .0729376 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$716.35. (Increase of \$60.95 annually). She urged residents to attend and express their views at the next public hearing on August 30, 2018 at 6:00 P.M. at City Hall.

Ms. Ynfante identified the General Fund overview and recap of expenditures in the General Fund. The total revenue is \$6,835,640 and total expenditures is \$7,969,271. She informed the residents that the City Council will vote on the budget and tax rate on September 13, 2018 at 7:00 P.M. for the first reading and on September 20, 2018 at 6:00 P.M. for the second reading at City Hall.

Mayor Pierce closed the regular meeting and opened the public hearing on the proposed budget for 2018-2019 Fiscal Year at 7:32 P.M.

There were not any proponents or opponents to speak.

Mayor Pierce closed the public hearing at 7:33 P.M.

b. Public Hearing On Proposed Tax Rate Of \$0.729376 For 2018-2019 Fiscal Year

Mayor Pierce opened the public hearing on the proposed tax rate of \$0.0729376 for 2018-2019 Fiscal Year AT 7:33 P.M.

There were not any proponents or opponents.

Mayor Pierce closed the public hearing at 7:33 P.M.

- c. Public Hearing On A Request For A Variance From the Zoning Ordinance – “C-2” Commercial District Section 153.070 (B)(4) – To Authorize Construction Of An Attached Garage That Will Encroach The Twenty-Five (25’) Foot Front Yard Setback By Eight (8) Feet On The South Corner And One (1’) Foot On The North Corner Of The Proposed Garage And To Section 153.020 (B)(6) To Consider Encroachment of Ten (10”) Inches Into The Five (5’) Foot Side Yard Setback; Located At CB 5941 BLK 5 Lot 51; Otherwise Known As 4807 Gibbs Sprawl Road, City Of Kirby, Bexar County, Texas.

Mayor Pierce opened the public hearing on the variance request at 7:34 P.M.

There were not any proponents or opponents to speak.

Mayor Pierce closed the public hearing at 7:34 P.M.

- d. Public Hearing On A Request For A Variance From The City Noise Ordinance – Section 94.17 (G) Acts Creating Unlawful Noises – To Waive The 7:00 A.M. And 6:00 P.M. Construction Hours To Starting At Approximately 3:00 A.M. To Allow For Early Morning Concrete Pours At Kirby Middle School Construction Site; Located At CB 4018B Lot 50 EXC SW IRR 115.83 FT OF 50 OR ARB 50A; Otherwise Known As 5441 Old Seguin Road, City Of Kirby, Bexar County, Texas.

Mayor Pierce opened the public hearing on the variance request at 7:35 P.M.

There were not any proponents or opponents to speak.

Mayor Pierce closed the public hearing at 7:35 P.M.

9. Discussion And Possible Action

- a. Discussion And Possible Action To Award A Bid For Group Insurance

City Manager Vernon introduced Jenni Haff, Marsh/Wortham, our agent of record.

Ms. Haff identified the bids that were received and the options that Council will consider when making a decision. She said United Health Care and Blue Cross and Blue Shield submitted bids that should be considered.

City Manager Vernon stated staff recommends continue our current plan with United Health Care Option #1 to cover medical.

Council Member Grant moved to accept the bid from United Health Care Option #1 for group insurance; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Mayor Pro-Tem Aldrich moved to accept the ancillary dental, vision, voluntary life insurance Option #1 bid provided by Standard Insurance; seconded by Council Member Wilson. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

b. Discussion And Possible Action On San Antonio Living History Texas Revolt Event

Hilario de la Pena, President of San Antonio Living History, informed City Council the event will take place on October 26 and 27, 2018. There will be two reenactments in the morning and two in the afternoon on October 27, 2018 and will conclude around 5:00 P.M. He asked City Council for their generous consideration for use of Friendship Park.

Council Member Grant moved to grant permission for the San Antonio Living History Texas Revolt event on October 26 and 27 at Friendship Park; seconded by Council Member Wilson. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

c. Discussion And Possible Action On A Request For A Variance From the Zoning Ordinance – “C-2” Commercial District Section 153.070 (B)(4) – To Authorize Construction Of An Attached Garage That Will Encroach The Twenty-Five (25’) Foot Front Yard Setback By Eight (8) Feet On The South Corner And One (1’) Foot On The North Corner Of The Proposed Garage And To Section 153.020 (B)(6) To Consider Encroachment of Ten (10”) Inches Into The Five (5’) Foot Side Yard Setback; Located At CB 5941 BLK 5 Lot 51; Otherwise Known As 4807 Gibbs Sprawl Road, City Of Kirby, Bexar County, Texas.

Mayor Pierce asked Sam Richardson, Chairperson of the Planning and Zoning Commission, to present their recommendation. She noted that the applicant was in the audience and then left during the public hearing.

Mr. Richardson informed the Council that the Commissioners voted to approve the variance request. There were not any proponents or opponents at the meeting.

City Council discussed the variance request.

Mayor Pro-Tem Aldrich moved to deny the variance request from the Zoning Ordinance – “C-2” Commercial District Section 153.070 (B)(4) – to authorize construction of an attached garage that will encroach the twenty-five (25’) foot front yard setback by eight (8) feet on the south corner and one (1’) foot on the north corner of the proposed garage and to section 153.020 (B)(6) to consider encroachment of ten (10”) inches into the five (5’) foot side yard setback; located at CB 5941 BLK 5 LOT 51; otherwise known as 4807 Gibbs Sprawl Road, City of Kirby, Bexar County, Texas; seconded by Council Member Grant. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Council Member Pierce)

- d. Discussion And Possible Action On A Request For A Variance From The City Noise Ordinance – Section 94.17 (G) Acts Creating Unlawful Noises – To Waive The 7:00 A.M. And 6:00 P.M. Construction Hours To Starting At Approximately 3:00 A.M. To Allow For Early Morning Concrete Pours At Kirby Middle School Construction Site; Located At CB 4018B Lot 50 EXC SW IRR 115.83 FT OF 50 OR ARB 50A; Otherwise Known As 5441 Old Seguin Road, City Of Kirby, Bexar County, Texas.

Aaron DiFilippo, Bartlett/Cocke G.C., informed Council of the need to start at 3:00 A.M. for delivery and pouring of the concrete. If allowed this will cut down on disturbances to the school routine.

The City Council discussed the variance request.

Mayor Pierce asked Mr. DiFilippo to stay in contact with Gilbert Salas, Director of Public Works, when these pours take place.

Council Member Grant moved to approve the variance from the City Noise Ordinance – Section 94.17 (G) Acts Creating Unlawful Noises – to waive the 7:00 A.M. and 6:00 P.M. construction hours to starting at approximately 3:00 A.M. to allow for early morning concrete pours at Kirby Middle School construction site; located at CB 4018B Lot 50 EXC SW IRR 115.83 FT of 50 or ARB 50A; otherwise known As 5441 Old Seguin Road, City Of Kirby, Bexar County, Texas; seconded by Council Member Aldrich. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- e. Update, Discussion And Possible Action On Republic Services Garbage Carts And Recycling

Mayor Pierce asked Donna Dryja if she would like to speak at this time.

Ms. Dryja asked Council to add glass recycling to our contract for recycle or remove from materials.

Tom Armstrong, Republic Services, said he will be happy to meet with Ms. Dryja. He said glass is 100% recyclable. He explained there is not a facility nearby to take the glass for recycling. He can entertain some pricing options and meet with City Manager Vernon to discuss. He said the broken cart issues are caused by carts being placed at odd angles and some obstructions when the automated arm picks up and places the cart back on the ground. He will revise the draft flyer for recycling and include when, where and what is/isn't acceptable.

Mayor Pierce called for a ten minute recess at 8:33 P.M.

Mayor Pierce reconvened the meeting at 8:46 P.M.

f. Discussion And Possible Action On Non-Profit Grant Applications

Mayor Pierce said currently there are four applications for the Non-Profit Grant Applications. Mayor Pro-Tem Aldrich had requested this item be placed on the agenda.

Council Member Grant moved to divide the \$20,000.00 funds by four with each applicant receiving \$5,000.00; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

City Council discussed the options for use of the funds.

Mayor Pierce recognized the representatives present from the Senior Center, 4-H, Herman and Sons and GNELL and read their use of the funds according to their applications.

Mayor Pierce asked if any of the representatives would like to speak. Jenifer Wolfe represented 4-H, Norma Hamby represented Senior Center, and Brandy represented Herman Sons. Each representative spoke and offered details on their organizations.

Mayor Pierce said for the record Kirby Senior Center, Greater North East Little League, Kirby 4-H and Kirby Herman Sons are the recipients. She informed them that City Manager Vernon will reach out to them after the final budget is approval.

g. Discussion And Possible Action On Appointing A Member To The Beautification And Recycle Committee

Mayor Pierce said Ms. Celicia Garza is a proponent of recycling.

Council Member Grant moved to appoint Ms. Garza, seconded by Council Member Lehman. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- h. Discussion And Possible Action On Accepting Patricia Baber's Resignation From The Parks And Recreation Committee Effective Immediately

Mayor Pierce informed Council that Patricia Baber's resignation from the Parks and Recreation Committee is included in their packet.

Mayor Pro-Tem Aldrich moved to accept Patricia Baber's resignation from the Parks and Recreation Committee; seconded by Council Member Wilson. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- i. Update, Discussion And Possible Action On Kirby Bexar Animal Facility Operations

Mayor Pierce asked City Manager Vernon to provide them with an update on conversations she has had with Bexar County.

City Manager Vernon provided an update on her meeting with Rene Green, Bexar County Animal Care Facility. She provided information from the meeting and any proposed changes can be reviewed and potentially included in an amendment that Council and County will need to sign. Mayor Pierce asked Council to send their questions to City Manager Vernon so she can have them available for the meeting between Bexar County and the City.

Mayor Pierce asked Council to reread the Interlocal Agreement with Bexar County and get with City Manager Vernon if they need another copy.

- j. Discussion And Possible Action On Amendments To Ordinance No. O-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 identified proposed changes and inquiries she had regarding the ordinance. She asked Council to email City Manager Vernon their changes before the next meeting.

- k. Discussion And Possible Action On Amendments To Ordinance No. O-2017-828 An Ordinance Repealing Chapter 71 – Stopping, Standing, And Parking And Adopting A New Chapter 71 – Stopping, Standing, And Parking Ordinance

Mayor Pierce said Council Member Grant requested this item to discuss the parking along Binz Engleman and Charles Conrad.

Chief Bois said after checking Charles Conrad his recommendation establishing 'no parking' going down Gordon Cooper north along the east of the side of Charles Conrad all the way to a point where you reach the property of the church at Seguin Road.

Mayor Pierce asked that this item be brought back after the ordinance is prepared. Include streets without frontage and any other streets of interest.

- l. Discussion And Possible Action On Amendments To Ordinance No. O-2014-748 An Ordinance 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 said there were two changes that have been brought up. In definitions: 1 – Section 3.b. change administrator to city manager or designee; 2 – add section about digital signs.

Mayor Pierce said to include the definition of a monument. Mayor Pierce asked Council to forward their ideas to City Manager Vernon.

- m. Update, Discussion And Possible Action On Binz Engleman Road Reconstruction Project

Mark Hill, Ford Engineering, provided an update on the project. He went over the updated schedule to get the project back on schedule.

- n. Discussion And Possible Action To Reappoint Members To The Planning And Zoning Commission With Terms That Expire August 2018

City Manager Vernon said Sam Richardson and Raul Martinez would like to be reappointed with the term that expires August 2020. Mr. Richardson said he will remain to help recruit a replacement until he moves later this year.

Council Member Grant moved to reappoint Sam Richardson and Raul Martinez to terms expiring August 2020; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

10. Budget Workshop

a. Discussion And Direction Of The Proposed Fiscal Year 2018-2019 Budget

Tina Ynfante, Finance Director, presented the latest updates on the proposed Fiscal Year 2018-2019 Budget.

City Manager Vernon said the next meeting is August 30, 2018 at 6:00 P.M. is the second public hearing on the tax rate. On September 13th and 20th the vote on the budget and tax rate will be placed on the agendas.

11. 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 Wilson – She asked everyone to remember there will be fireworks at Friendship Park on September 1, 2018.

Council Member Lehman – He thanked the police department for checking on him the other night.

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

Mayor Pierce – She thanked everyone for staying during the meeting. She said that Mr. Mann spoke during the public hearing on a variance request and asked that an invitation be extended to him to apply to the Planning and Zoning Commission. She thanked Tina, staff and Council for their input tonight. She informed Council to schedule an appointment with Tina if they have any questions about the budget.

12. Adjournment

Meeting adjourned at 10:30 P.M

Lisa B. Pierce
Mayor

Attest:

Patty Cox, TRMC, City Secretary