



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, OCTOBER 24, 2019 – 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

3. Mission Statement

“The City of Kirby is dedicated to delivering excellent municipal services to our 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

5. Citizen Participation

1. Alejandro Lopez – He said he will wait until his items 9. e. & f are discussed.
2. Fernando DeLeon – He said he will wait until his items 9. c. and 10. g. are discussed.
3. Sharon Shuler – She said she will speak when items 9 d., e. and f.
4. Charlene Wyatt – She spoke in regards to items 9. d. e and f. She said she does not have a problem with dispatching trucks, she opposed dirt and caliche being stored on the property because of the amount of dust that is created. She’s against any materials being stored on the yard. On items e. and f., she is opposed to both. She doesn’t want to listen to the noise.
5. BJ Voigt – She said she will speak when her item is brought forward.
6. Eagle Scouts – They will wait until their item is brought forward.
7. Chris Garza – He discussed the ordinance addressing placement of garbage carts and the time frame when the carts can be placed at the curb and asked if this could be placed on the next agenda. He said he is opposed to the trucking business and cement batch plant operating on Springfield Road. Mayor Pierce stated Republic Services will be placed on a future agenda.
8. Michael Martin – He discussed the drainage between Vinecrest and Autumn Ln. He thanked Gilbert Salas for helping to pump the stagnant water out of the drainage. He asked if Bexar County or City of Kirby is responsible for the drainage at Autumn Lane.

6. Consideration Of And Action On Minutes

a. Regular Meeting - September 26, 2019

Mayor Pro-Tem Aldrich moved to approve the minutes of September 26, 2019; seconded by Council Member Wilson. The motion carried with a 7-0 vote.

b. Regular Meeting - October 10, 2019

Council Member Lehman moved to approve the minutes of October 10, 2019; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 6-0-1 vote. Council Member Grant abstained.

7. Consent Agenda

- a. Approval Of Quarterly Financial Report For Period Ending June 30, 2019
- b. Approval Of Quarterly Investment Report For Period Ending June 30, 2019

Council Member Grant moved to approve the Quarterly Financial Report for period ending June 30, 2019 and approve the Quarterly Investment Report for period ending June 30, 2019; seconded by Council Member Wilson. The motion carried with a 7-0 vote.

8. Presentation

- a. Presentation By VFW Boy Scout Troop 1412 Eagle Scouts And Scout Master Michael Rios Thanking City Council For Support Of Eagle Scout Projects

The Eagle Scouts are Alejandro Emmanuel Salas Rios, Johnny Becoat-Rogers, Richard Charles Hocking, Darraun Paul Guzman, and Anthony Ian Quiboloy. The Eagle Scouts provided a brief history about their time in Kirby and their projects. They thanked Council for their support of the Eagle Scout projects.

- b. Reports By Council Members And Staff On Their Experiences During The 2019 TML Conference

Council Members Grant, Wilson, Lehman, Apodaca and City Manager Vernon shared their experience at the 2019 TML Conference.

- c. Presentation Of Donations To City Of Kirby Departments – B.J. Voigt

BJ Voigt said the proceeds she received from the Annual Kirby Community Yard Sale was used to purchase items for the Police Department, Fire Department and Animal Shelter. She also presented a monetary donation to Troop 1412.

Mayor Pierce closed the regular meeting and opened the public hearing at 7:32 P.M.

9. Public Hearing

- a. On A Request For A Variance To The Building Code, Section 150.16 (D)(a) To Waive The Requirement Of The Installation Of An Automatic Sprinkler System In A 1,850 Sq. Ft. Commercial Building Located At CB 4018, LOT 13, Otherwise Known As 5402 Old Seguin Road, Kirby, TX 78219.

Americo Chapa explained why the variance he requested was important. There would be non-combustible materials in the small office. Also he wants to preserve the water in Kirby.

Sid Sanders, Sr. inquired about the contents in the building. He said water was not an issue. The sprinkler systems are designed for a reason and that's safety first. He supported installing a sprinkler system in the building.

There were not any other proponents or opponents to speak.

- b. On A Request To Allow The Property Located At CB 5941, BLK 3, LOT E 1/2 of 22, Otherwise Known As 430 Edalyn, Kirby, TX 78219, Which Is Zoned Commercial District (C-2) To Be Zoned As Multiple Family Dwelling District (R-2) Property.

There were not any proponents or opponents to speak.

- c. On A Request To Allow The Property Located At CB 5191, LOT P-20 & P-20C, Otherwise Known As 5526 Seguin Road, Kirby, TX 78219, Which Is Zoned Commercial Office And Retail District (C-1) To Be Zoned As Commercial District (C-2) Property.

Fernando DeLeon representing Alvaro Rodriguez, owner – He said the owner cleaned up the property. He explained the plans for the property. Trucks cannot be stored outside on a C-1 zone and that's why the owner is requesting C-2 zone.

There were not any other proponents or opponents to speak.

- d. On A Request To Allow The Property Located At CB 4018G (Springfield Industrial Park), LOT 1, 2 & 3, Otherwise Known As 1424 Springfield Road, Kirby, TX 78219, Which Is Zoned Light Industrial (LI) To Be Used For The Following Purpose: Dispatch Trucks, Storage Of Equipment And Materials.

Roger Romens – He said the hauling of materials next to residential is not a good mix.

John Nguyen – He is the owner of the property, and informed Council the reason there is storage of materials on the property is due to the delay of permits. They are waiting for Council approval to be able to move forward. The property will not be used to store materials.

There were not any other proponents or opponents to speak.

- e. On A Request To Allow The Property Located At CB 4018G (Springfield Industrial Park), LOT 6, Otherwise Known As 1456 Springfield Road, Kirby, TX 78219, Which

Is Zoned Light Industrial (LI) To Be Used For The Following Purpose: Operating A Concrete Batch Plant Business On The Property.

- f. On A Request For A Variance To The Zoning Ordinance Section 153.020(B)(9) To Allow The Construction Of A New Silo That Is Approximately 55 Feet In Height And Exceeds The Maximum Height Limit; Located At CB 4018G (Springfield Industrial Park), LOT 6, Otherwise Known As 1456 Springfield Road, Kirby, TX 78219.

Mayor Pierce opened items e. and f. because the two items are related.

Ms. Shuler – She said she is against the Springfield Development Project. She opposed the concrete batch plant due to dust, noise and Section 55.10 from the Code of Ordinances states concrete plants are prohibited in the City.

Alejandro Lopez – He said he wants to operate the concrete batch plant. He said if he knew it was not allowed, he wouldn't be here today. He saw Light Industrial property and thought it would be a good location for his business.

There were not any other proponents or opponents to speak.

Mayor Pierce closed the public hearing and opened the regular meeting at 7:50 P.M.

10. Discussion And Possible Action

- a. Receive Legal Advice Concerning Specific Use Permit Requests. Possible Executive Session Pursuant To Texas Government Code Section 551.071, Consultation With Attorney

Mayor Pierce closed the regular meeting and Council entered into executive session with City Attorney Marc Schnall and City Manager Vernon at 7:50 P.M.

Mayor Pierce opened the regular meeting at 8:06 P.M. There was no action taken.

- b. Discussion And Possible Action On Binz Engleman Road Reconstruction Project

Gilbert Salas provided an update on the Binz Engleman Road Reconstruction Project.

- c. Discussion And Possible Action On Hickory Hill Drive Reconstruction Project

Mr. Salas provided an update on the Hickory Hill Drive Reconstruction Project.

- d. Discussion And Possible Action On A Request On A Variance To The Zoning Ordinance – Single Family Dwelling District (R-1), Section 153.016 (B)(6)(a) To Consider Permitting Encroachment Into The Five (5') Foot Side Yard Setback Due To The Construction Of A Carport Located At CB 5092A, BLK 3 LOT 12, Otherwise Known As 2012 Hickory Hill, Kirby, TX 78219.

Mayor Pro-Tem Aldrich moved to table this item; seconded by Council Member Grant. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- e. Discussion And Possible Action On A Request On A Variance To The Building Code, Section 150.16 (D)(a) To Waive The Requirement Of The Installation Of An Automatic Sprinkler System In A 1,850 Sq. Ft. Commercial Building Located At CB 4018, Lt 13, Otherwise Known As 5402 Old Seguin Road, Kirby, TX 78219.

Mr. Chapa informed the Council he would install an alarm system connected to the fire department. This system will notify the fire department and police department of any unusual things happening in the building.

Council Member Grant moved to deny the variance to the Building Code, Section 150.16 (D)(a) to waive the requirement of the installation of an automatic sprinkler system in a 1,850 Sq. Ft. commercial building located at CB 4018, Lt 13, otherwise known as 5402 Old Seguin Road, Kirby, TX 78219; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Council Member Lehman)

- f. Discussion And Possible Action On A Request To Allow The Property Located At CB 5941, BLK 3, LOT E 1/2 of 22, Otherwise Known As 430 Edalyn, Kirby, TX 78219, Which Is Zoned Commercial District (C-2) To Be Zoned As Multiple Family Dwelling District (R-2) Property.

Council Member Lehman expressed several commercial property owners are requesting residential use. We are losing our commercial property.

Council Member Wilson moved to deny the request to allow the property located at CB 5941, BLK 3, LOT E 1/2 of 22, otherwise known as 430 Edalyn, Kirby, TX 78219, which is zoned Commercial District (C-2) to be zoned as Multiple Family Dwelling District (R-2) Property; seconded by Council Member Aldrich. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- g. Discussion And Possible Action On a Request To Allow The Property Located At CB 5191, LOT P-20 & P-20C, Otherwise Known As 5526 Seguin Road, Kirby, TX 78219, Which Is Zoned Commercial Office And Retail District (C-1) To Be Zoned As Commercial District (C-2) Property.

Council Member Grant moved to allow the property located at CB 5191, LOT P-20 & P-20C, otherwise known as 5526 Seguin Road, Kirby, TX 78219, which is zoned Commercial Office and Retail District (C-1) to be zoned as Commercial District (C-2) Property; seconded by Council Member Lehman. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- h. Discussion And Possible Action On A Request To Allow The Property Located At CB 4018G (Springfield Industrial Park), LOT 1, 2 & 3, Otherwise Known As 1424 Springfield Road, Kirby, TX 78219, Which Is Zoned Light Industrial (LI) To Be Used For The Following Purpose: Dispatch Trucks, Storage Of Equipment And Materials.

John Nguyen said he was available to answer questions.

There was discussion regarding the storage of materials and drainage.

Abraham Galindo, Givler Engineering, Storm Water Compliance Specialist explained the process and development required to develop a SWPPP. The property is not in compliance at this time.

Rick Corom, he completed the application for the owner, offered insight into the use of the property. The owner would use the property to dispatch trucks and store heavy equipment. He will have a building for a small office space and small repairs and oil changes.

Sharon Shuler said she is not against a dispatch center with trucks. She did not want storage of materials. She wants commercial businesses.

Mr. Schnall said Council Member Grant and the applicant appear to be willing to agree to permit the Council under this agenda item discussion to allow a business purpose of dispatch trucks and storage of equipment with limitation for storage of materials to be only for use on the property.

Council Member Grant moved to accept this based on allowing the business purpose of dispatch trucks and storage of equipment with limitation for storage of materials to be only for use on the property.

Council Member Grant withdrew his motion and moved to table to allow time for City Manager, Mayor and application to discuss and come to an agreement, then bring the item back for consideration. there was not a seconded. Motion died due to lack of a second.

Mr. Schnall suggested City Council consider a conditional use of the property. Look at possible action tonight to approve dispatch of trucks and storage of equipment with a condition about storage of materials that will be used on site. Then bring the item back for action on the ordinance to amend the Zoning Ordinance to approve the use. To override the Planning and Zoning Commission, to deny their recommendation will require six votes of City Council.

Council Member Grant moved to allow the property located at CB 4018G (Springfield Industrial Park), LOT 1, 2 & 3, otherwise known As 1424 Springfield Road, Kirby, TX 78219, which is zoned Light Industrial (LI) to be used for the following purpose with stipulations: dispatch trucks, that only materials on site and equipment be used to finish site, no new materials will be brought in; and correct drainage east and neighbor yard; seconded by Mayor Pro-Tem Aldrich.

Mr. Schnall informed Council that the stipulations will be included in the ordinance amending the zoning ordinance and the applicant will have to agree to the terms in order to move forward.

The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Mayor Pierce)

- i. Discussion And Possible Action On A Request To Allow The Property Located At CB 4018G (Springfield Industrial Park), LOT 6, Otherwise Known As 1456 Springfield Road, Kirby, TX 78219, Which Is Zoned Light Industrial (LI) To Be Used For The Following Purpose: Operating A Concrete Batch Plant Business On The Property.

BJ Voigt said she is concerned with how many companies will be buying concrete from this business. She said she is against this use.

Mr. Lopez said there will be not be any other companies coming in and obtaining concrete. They will deliver the concrete to customers and they have three trucks.

Mayor Pierce said Ordinance No. 720 prohibits concrete batch plants.

Mayor Pro-Tem Aldrich moved to deny the request to allow the property located at CB 4018G (Springfield Industrial Park), LOT 6, otherwise known as 1456 Springfield Road, Kirby, TX 78219, which is zoned Light Industrial (LI) to be used for the following purpose: operating a concrete batch plant business on the property; seconded by Council Member Wilson. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- j. Discussion And Possible Action On A Request On A Variance To The Zoning Ordinance Section 153.020(B)(9) To Allow The Construction Of A New Silo That Is Approximately 55 Feet In Height And Exceeds The Maximum Height Limit; Located At CB 4018G (Springfield Industrial Park), LOT 6, Otherwise Known As 1456 Springfield Road, Kirby, TX 78219.

Mayor Pierce said this is null because concrete batch plant is not allowed.

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

There are not any applications.

- l. Discussion And Possible Action On Appointing Alternate Members To The Building And Standards Commission

There are not any applications.

- m. Discussion And Possible Action On Appointing Members To the Kirby Senior Center Corporation Board

Mayor Pro-Tem Aldrich moved to appoint BJ Voigt to the Board.

Mayor Pro-Tem moved to amend her motion to appoint BJ Voigt to the Kirby Senior Center Corporation Board for a term of two years from today, October 24, 2021; seconded by Council Member Lehman. The motion carried with 7-0 vote.

AYES: 7

NAYES: - 0

- n. Discussion And Possible Action On Appointing Up To Four Members To A Charter Review Commission

Council Member Grant moved to appoint Roger Romens to the Charter Review Commission; seconded by Council Member Aldrich. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- o. Discussion And Possible Action On Ordinance No. O-2019-871 Designating The Official City Newspaper For Publication of Matters Pertaining To The City Of Kirby. This Is The Second Reading.

Mayor Pro-Tem Aldrich moved to approve Ordinance No. O-2019-871 designating NE Herald as the Official City Newspaper for publication of matters pertaining to the City of Kirby; seconded by Council Member Wilson. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- p. Discussion And Possible Action To Change The Date Of The November 28, 2019 Regular Council Meeting To November 21, 2019

Council Member Lehman moved to change the date of the November 28, 2019 Regular Council Meeting to November 21, 2019; seconded by Council Member Grant. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- q. Discussion And Possible Action On A Request From St. Joan Of Arc Catholic Church To Waive Food Booth Permit Fees For Their October 27, 2019 Festival

Representative from St. Joan of Arc Catholic Church provided Council with information about the event that included eight food booths. Council Member Grant moved to waive the fees; seconded by Council Member Lehman.

After discussing the fees, Council Member Grant withdrew his motion; Council Member Lehman withdrew his second.

City Manager Vernon explained the food booths will be inspected and the City will pay the fees for each booth that is inspected.

Mayor Pro-Tem Aldrich and Council Member Grant agreed to donate the funds to pay for the health inspections. City Manager Vernon said the cost will be \$160.

Mayor Pro-Tem Aldrich said she and Council Member Grant will donate the fee to St. Joan of Arc Catholic Church seconded by Council Member Grant.

Council Member Grant moved to waive the permit fees, and he and Mayor Pro-Tem Aldrich will pay health fees. Motion carried with a 7-0 vote.

AYES: 7

NAYES:0

- r. Discussion And Possible Action On 2018 Street Bond Project – Phase 1

City Manager Vernon informed Council that the Contractor is requesting a change order in the amount of \$28,748.49. This will raise the cost of the 2018 Street Bond Project – Phase 1 to \$180,751.43.

Council Member Pierce moved to approve the change order from J&P Paving Company in the amount of \$28,748.49 raising the cost of the project to \$180,751.43; seconded by Council Member Grant. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Mayor Pierce closed the regular meeting at 9:47 P.M. for deliberation on review, evaluation, duties, discipline or dismissal of the city manager. Possible executive session pursuant to Texas Government Code Section 551.074, Personnel Matters.

11. Executive Session

Deliberation On Review, Evaluation, Duties, Discipline Or Dismissal Of The City Manager. Possible Executive Session Pursuant To Texas Government Code Section 551.074, Personnel Matters.

Mayor Pierce closed executive session and opened regular meeting at 11:30 P.M. There was no action.

12. 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

Mayor Pro-Tem Aldrich – She said Facebook community page comments say there needs to be a change. Come and run for office.

Council Member Wilson – She asked that the road on Edalyn by Seguin Road be repaired because it is crumbling. She thanked BJ Voigt for donating to Blue Santa. Charter Review Commission is an opportunity to change things. She announced her resignation from Council and recommended Sid Sanders, Sr. to fill her position. This Sunday Kirby Baptist Church is having their Fall Festival, free.

Mayor Pierce – She said it will be sad to see Council Member Wilson leave. She asked staff to see if there is anything that can be done with Vinecrest and Autumn Lane drain issue. Republic Services ordinance will be addressed on a future agenda. St. Joan of Arc event is having

an event. She thanked BJ Voigt for the gifts she donated for the various departments and she thanked the Eagle Scouts and she's glad they chose Kirby to build their projects.

13. Adjournment

The meeting adjourned at 11:45 P.M.

Lisa B. Pierce
Mayor

Patty Cox, TRMC
City Secretary