



*Lisa B. Pierce, Mayor*

Sylvia Apodaca  
Mike Grant  
Jerry Lehman

Kimberly McGehee-Aldrich  
John W. Pierce  
Joe Salazar

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**CITY COUNCIL MINUTES  
REGULAR MEETING  
THURSDAY, FEBRUARY 13, 2020 – 7:00 P.M.  
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 7:00 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 community in a fiscally responsible manner.”

**4. Roll Call**

PRESENT

Mayor Pierce  
Council Member Lehman  
Council Member Pierce  
Council Member Apodaca  
Council Member Grant  
Council Member Salazar

ABSENT

Mayor Pro-Tem Aldrich

**5. Citizen Participation**

1. Andrew Fernandez Vicencio – He introduced himself as a candidate for the State Representative, District 120.
2. Carolyn Worsham – She spoke about the boundary adjustment information she heard about on the news.
3. Steve Pitmon – He signed up to speak during items 8. b and 8 c.
4. Pat Long – She spoke to support allocating of funds for 3811 Petry and 4907 Borchers.

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

- a. Public Hearing/Regular Meeting January 23, 2020
- b. Special Meeting/Workshop January 27, 2020

Council Member Grant moved to approve the minutes of January 23, 2020; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

Council Member Lehman moved to approve the minutes of January 27, 2020; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

**7. Presentation**

- a. Blue Santa Donor Recognition

Chief Boise, Police Department, recognized those who donated to Blue Santa. Happy State Bank, BJ Voigt, Schertz Bank & Trust, and Gibson Plumbing.

- b. Recognize Beautification & Recycle Committee Yard Of The Quarter Recipients

Chairperson Kat McGarity and Vice-Chairperson Barbara Herb recognized two Yard of the Quarter recipients - Mr. and Mrs. Shaw and Mr. and Mrs. Trejo.

## **8. Discussion And Possible Actions**

- a. Update, Discussion And Possible Action On Garbage Collection And Recycling Services – Tom Armstrong, Republic Services

Tom Armstrong, Republic Services, extended an invitation to the Beautification and Recycle Committee to tour the recycling facility. He said 2020 is the 20<sup>th</sup> year partnership with Republic Services. He provided an update on recycling, there have been positive changes and he provided a recap on the recycle market. In regards to placement of the carts, he said to place the carts at the curb with the wheels touching the curb. If there's not a curb they will give some leeway.

- b. Discussion And Possible Action On A Request To Allow The Property Located At CB 5092R, BLOCK 1 LOT 2, Otherwise Known As 5863 Binz Engleman Road, Kirby, TX 78219, Which Is Zoned Light Industrial (LI) To Be Used For The Following Purpose: For The Development Of An Apartment Complex With Approximately Seventy Apartment Units

Mayor Pierce provided the history on this item.

Council Member Grant moved to allow the property located at CB 5092R, BLOCK 1 LOT 2, otherwise known as 5863 Binz Engleman Road, Kirby, TX 78219, which is zoned Light Industrial (LI) to be used for the following purpose: for the development of an apartment complex with approximately seventy apartment units; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- c. Discussion And Possible Action On A Request To Consider 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 And Widening Of The Driveway Located At CB 4018A, BLK 15 LOT 17, Otherwise Known As 5122 Cinderella St., Kirby, TX 78219.

City Manager Vernon provided an overview on this item. At the last Council meeting the motion did not pass to allow the variance request to allow the carport or widening of the driveway. The family is seeking reconsideration of this item. If not approved tonight, it will fall upon code compliance to enforce the ordinance.

Mayor Pierce clarified a point of order called at the last meeting. The Council's action did not require a super majority vote.

Stephen Pitmon – He spoke as a citizen to participate regarding this item. He said the owners made an honest mistake when they constructed the carport without a permit. He hoped City Council would reconsider their situation and not make them tear it down.

There was no action taken on this item. The previous action stands from the last meeting on January 23, 2020.

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

Mike Cenicerros, Interim Public Works Director, provided an update.

e. Update, Discussion And Possible Action On Hickory Hill Reconstruction Project

City Manager Vernon provided an update. The project was completed on January 14, 2020. This was a total reconstruction from Harris to Taube, installation of sidewalks and curbs. The total project cost was \$449,688.50. It was a partially funded project by the CDBG program through Bexar County. The City applied for a CDBG grant for the second half from Taube to the cul-de-sac, but was not funded. The City will re-submit the grant application this year. We will advertise the public hearing date so if any residents that live in Kirby want to attend the public hearing at Commissioner's Court can sign up to speak in favor of that project.

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

Mayor Pierce said there are not any applications submitted.

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

Mayor Pierce said there is one application submitted by Mr. Pitmon to serve as an alternate. Council Member Grant moved to appoint Mr. Pitmon to the Building and Standards Commission to fill an alternate position; seconded by Council Member Apodaca. The Motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

h. Discussion And Possible Action On Appointing Members To The Kirby Senior Center Corporation Board

Mayor Pierce said there were not any applications submitted.

- i. Discussion And Possible Action On Ordinance No. O-2019-865 An Ordinance Of The City Of Kirby, Texas 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, Microchipping, 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, This Is The First Reading.

City Manager Vernon briefed Council on the minor changes.

Council Member Grant moved to approve the first reading on Ordinance No. O-2019-865 an ordinance of the City Of Kirby, Texas 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, microchipping, 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; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- j. Discussion And Possible Action On Ordinance No. O-2019-866 Amending Sections 150.15, 150.16, 150.27, 150.28, 150.32, 150.33, And 150.35 Of The City's Code Of Ordinances Relating To Building, Mechanical, Plumbing, Existing Building, Performance, And Fuel Gas Codes And Adding Sections 150.37, 150.38, And 150.39 Relating To 2018 International Fire Code, 2018 International Swimming Pool And Spa Code, And 2018 International Green Construction Code To The City's Code Of Ordinances To Adopt Certain 2018 International Codes And Standards, Establishing Certain Building Code And Building Related Regulations And Requirements, And Establishing A Penalty Of A Fine Of Not Less Than \$500 Nor More Than \$2,000 For Violations With Each Day A Violation Occurs Constituting A Separate Offense. This Is The Second Reading.

Council Member Grant moved to approve; seconded by Council Member Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- k. Discussion And Possible Action On Amendment To Section 150.86 – Barbed Wire Prohibited Of Chapter 150 – Building Regulations Of The Code Of Ordinances Of The City Of Kirby To Amend Provision Regarding Barbed Wire Fences Of Ordinance No. O-2005-611. This Is The Second Reading.

Council Member Grant moved to accept; seconded by Council Member Salazar. The motion carried with a 6-0 vote.

AYES: 6

NAES: 0

I. Discussion And Possible Action On City Of Kirby Personnel Policies Manual Revisions

Council Member Pierce moved to table Kirby Personnel Policies Manual Revisions and bring back after department heads have reviewed each section; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAES: 0

m. Discussion And Possible Action On The Requirements And Application For Volunteering At City Events And Facilities

There was discussion on items addressed on the requirements.

Council Member Pierce suggested addressing concerns and bring back the changes.

n. Update, Discussion And Possible Action On 2018 Street Bond Project - Phase 2 (Ackerman Road)

City Manager Vernon provided the update and asked if there was any feedback about the project.

Mayor Pierce stated she was concerned with VIA bus stops and the possibility of deterioration of the street.

City Manager Vernon said we will conduct a public hearing on the engineer plans before approved for street construction. Also, the residents along Ackerman Road will be invited to the public hearing.

o. Discussion And Possible Action On Allocating Funds To Execute Building And Standards Commission Orders On 4907 Borchers And 3811 Petry

Chairperson Jack Major provided a brief update on 4907 Borchers and 3811 Petry in order to explain the request for allocating funds to execute the Orders on 4907 Borchers and 3811 Petry.

Council Member Pierce moved to allocate the funds to execute Building and Standards Commission Order on 4907 Borchers in the amount of \$10,000 and 3811 Petry in the amount of \$7,100; seconded by Council Member Grant. The vote carried with a 6-0 vote.

AYES: 6

NAYES: 0

**9. Request 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 Grant – He thanked everyone for attending the meeting.

Council Member Salazar – He thanked community for attending the meeting. Thank you.

Council Member Lehman – He thanked everyone for attending the meeting and welcomed the feedback. He hopes everything goes well with apartments.

Council Member Apodaca – She said breakfast at Senior Center is the second Saturday at 8:00 AM – 11:00 AM each month.

Council Member Pierce – He thanked everyone for attending and thanked city staff.

Mayor Pierce – she said last day to file for office is February 14, 2020 at 5:00 P.M. Funding for Building & Standards will be ongoing funding. She asked staff to look at ordinances regarding setbacks and determine if we need to change it. She thanked everyone for attending the meeting and thanked all of the volunteers. Be safe have great weekend and Happy Valentine's Day.

**10. Adjournment**

The meeting adjourned at 9:04 P.M.

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Lisa B. Pierce  
Mayor

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Patty Cox, TRMC  
City Secretary