



*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, MARCH 26, 2020 – 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

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**SUPPLEMENTAL NOTICE OF MEETING BY VIDEO/TELEPHONE CONFERENCE**

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of Kirby conducted the meeting scheduled at 7:00 P.M. on Thursday, March 26, 2020 in the City Hall Council Chambers, located at 112 Bauman, in part by video/telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

**1. Call Meeting to Order**

Mayor Pierce called the meeting to order at 7:06P.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  
Mayor Pro-Tem Aldrich  
Council Member Lehman  
Council Member Pierce  
Council Member Grant  
Council Member Apodaca

ABSENT

Council Member Salazar

**5. Citizen Participation**

The citizens who emailed city staff to sign up spoke on specific items.

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

a. Regular Meeting March 12, 2020

Council Member Grant moved to approve the minutes of March 12, 2020; seconded by Council Member Lehman. The motion carried with a 5-0-1 vote.

AYES: 5

NAYES: 0

ABSTAIN – 1 (Mayor Pro-Tem Aldrich)

**7. Discussion And Possible Actions**

a. Discussion And Possible Action On COVID-19 Emergency Action Plan

William Hilburn, Acting Fire-Chief, provided an update on COVID-19 Emergency Action Plan.

City Manager Vernon identified the steps the departments will be taking during this time to assist residents. Contact information: call 210-661-8515 dispatch non-emergency or email [info@cityofkirby.org](mailto:info@cityofkirby.org). Payments can be paid on-line or drop box.

b. Discussion And Possible Action On Ordinance No. O-2020-874 An Ordinance Amending The Zoning Ordinance Of The City Of Kirby, Texas, To Grant Specific Use Permit #2019-014 For Use Of The Property At 5863 Binz Engleman Road, Kirby, Texas For The Purpose Of Development Of An Apartment Complex With Approximately Seventy Apartment Units. This Is The Second Reading.

Council Member Pierce moved to accept Ordinance No. O-2020-874 an ordinance amending the Zoning Ordinance of the City of Kirby, Texas, to grant Specific Use Permit #2019-014 for use of the property at 5863 Binz Engleman Road, Kirby, Texas for the purpose of development of an apartment complex with approximately seventy apartment units, seconded by Council Member Grant. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- c. Discussion And Possible Action On Ordinance No. O-2020-875 An Ordinance Repealing Section 36.08 Of The Code Of Ordinances And Adopting A New Section 36.08 Of The Code Of Ordinances To Establish A Fee Schedule For Fines On Pleas Of Guilty Or Nolo Contendere Prior To Trial. This Is The Second Reading.

Council Member Pierce moved to accept Ordinance No. O-2020-875 an ordinance repealing Section 36.08 of the Code of Ordinances and adopting a new Section 36.08 of the Code of Ordinances to establish a fee schedule for fines on pleas of guilty or nolo contendere prior to trial; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- d. Discussion And Possible Action On A Request For A Specific Use Permit For The Property Located At NCB 5941A BLK 1 Lot W IRRG 150.59 FT Of 17 , Otherwise Known As 121 Edalyn, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-2) District To Be Used As A Single Family Dwelling.

City Manager Vernon provided an update on the improvements made to the property.

There was discussion between Mr. Mahbubani, property owner, and Council regarding the improvements to the property. Code Compliance will be asked to inspect the property before this item will be placed on a future agenda.

Council Member Pierce moved to table the request for a Specific Use Permit for the property located at NCB 5941A BLK 1 Lot W IRRG 150.59 FT of 17 , otherwise known as 121 Edalyn, Kirby, TX 78219, which is Zoned Commercial, Office and Retail (C-2) District to be used as a Single Family Dwelling until the owner and Code Compliance can reevaluate the condition of the property; seconded by Council Member Grant. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- e. Discussion And Possible Action On Ordinance No. O-2020-876 An Ordinance Amending The 2019-2020 Municipal Budgets Of The City Of Kirby. This Is The First Reading.

Council Member Pierce moved to table action on Ordinance No. O-2020-876 an ordinance amending the 2019-2020 Municipal Budgets of the City of Kirby; seconded by Council Member Grant. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- f. Discussion And Possible Action To Dispense With The Second Reading Of Ordinance No. O-2020-876 So That Ordinance No. O-2020-876 Becomes Effective Immediately.

Council Member Grant moved to table this item to dispense with the second reading of Ordinance No. O-2020-876 so that Ordinance No. O-2020-876 becomes effective immediately; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- g. Discussion And Possible Action On Ordinance No. O-2020-877 An Ordinance Repealing Chapter 151 Of The Code Of Ordinances Of The City Of Kirby, Texas In Regard To Flood Damage Prevention, And Adopting New Chapter 151 Of The Code Of Ordinances Of The City Of Kirby In Regard To Flood Damage Prevention And Providing For A Penalty Of A Fine Of Not More Than \$500.00 For Each Violation (Plus Costs And Expenses) With Each Day A Violation Occurs To Constitute A Separate Offence. This Is The First Reading.

City Manager Vernon provided an update on this item.

Council Member Pierce moved to accept Ordinance No. O-2020-877 an Ordinance repealing Chapter 151 of the Code of Ordinances of the City of Kirby, Texas in regard to flood damage prevention, and adopting new Chapter 151 of the Code of Ordinances of the City of Kirby in regard to flood damage prevention and providing for a penalty of a fine of not more than \$500.00 for each violation (plus costs and expenses) with each day a violation occurs to constitute a separate offence; seconded by Council Member Grant.

Council Member Lehman requested a copy of the FEMA map before he votes on this item.

After discussion, Council Member Grant moved to table Ordinance No. O-2020-877 an Ordinance repealing Chapter 151 of the Code of Ordinances of the City of Kirby, Texas in regard to flood damage prevention, and adopting new Chapter 151 of the Code of Ordinances of the City of Kirby in regard to flood damage prevention and providing for a penalty of a fine of not more than \$500.00 for each violation (plus costs and expenses) with each day a violation occurs to constitute a separate offence this item to the next meeting; seconded by Council Member Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- h. Discussion And Possible Action To Dispense With The Second Reading Of Ordinance No. O-2020-877 So That Ordinance No. O-2020-877 Becomes Effective Immediately.

Council Member Apodaca moved to table this item to dispense with the second reading of Ordinance No. O-2020-877 so that Ordinance No. O-2020-877 becomes effective immediately; seconded by Council Member Grant. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- i. Discussion And Possible Action To Consider The Proclamation Issued On March 18, 2020, By Governor Abbott Authorizing All Political Subdivisions Holding A General Or Special Election On May 2, 2020 To Postpone Their Election To The November 3, 2020 Uniform Date Due To The Health And Safety Of Voters, Election Workers, And Local Election Officials, And Consideration Of An Ordinance Regarding Same

City Manager Vernon provided a recap of the current election information for the May 2, 2020 General and Special Election. On March 18, 2020 Governor Abbott issued a proclamation that would allow political subdivisions that hold their elections on May 2, 2020, to move their General and Special Elections for 2020 only to the next uniform election date, occurring on November 3, 2020.

Mayor Pierce recognized the citizens signed up to speak:

Steve Pitmon – He spoke in regards to the date of the election.

Michael Martin – He asked Council to consider waiting on Bexar County Elections Administrator to announce their decision on this election.

B.J. Voigt – She was not able to join the meeting; she provided her questions in her email. She inquired about the Kirby stickers, curfew for Kirby, and suggested postpone action on this item tonight to see what Bexar County does.

After discussing this item, Council Member Grant moved to postpone the May 2, 2020 General Election and Special Election to November 3, 2020; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

**8. 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 signing into the meeting.

Council Member Apodaca – She requested the requirements and application for volunteers be placed on the next agenda.

Council Member Pierce - He thanked staff, stay safe, God bless everyone.

Mayor Pierce – She said B.J. Voigt signed up to speak but was not available to participate. Mayor Pierce asked City Manager Vernon to post on-line to find out if there is community interest in Kirby ID stickers; ask Chief Bois to provide an outline on the curfew ordinance. She thanked everyone for their patience with teleconference. Stay home, be safe and be kind.

**9. Adjournment**

Meeting adjourned at 8:28 P.M.

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Lisa B. Pierce  
Mayor

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Patty Cox, TRMC  
City Secretary