



Lisa B. Pierce, Mayor

Sylvia Apodaca
Mike Grant
Jerry Lehman

Kimberly McGehee-Aldrich
John W. Pierce
Joe Salazar

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, JUNE 11, 2020 – 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 community in a fiscally responsible manner.”

4. Roll Call

PRESENT

ABSENT

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

5. Citizen Participation

1. Chris Garza – He said he wants accountability and transparency within the City.
2. Harold Shaw – He said he will speak during 8. e.
3. Michael Martin – He said he will speak during 8. a.
4. B.J. Voigt – She thanked Interim Fire Chief Hilburn for mowing the grass at the Fire Department. She thanked Public Works for fixing bubbles on Kirby Dr. She thanked the volunteers for remodeling the Kirby Senior Center. Also, Flag Day is tomorrow morning at Fire Station at 8:30 A.M.
5. Maria Clark – Ms. Clark stated she asked Lt. Roxanne Cardona, Kirby Police Department, to read an email she submitted to express her concerns with her property abutting Springfield Road. The email addressed drainage problems, insects, and flooding in her backyard. She said there are six garbage carts behind her fence and she wants them removed.
6. Steve Pitmon – He asked if restrictions are lifted by the Governor, could the 4th of July Fireworks in the Park take place. City Manager Vernon stated the City applies for a grant from HEB and at this time the grant has not been awarded. He thanked Michael Ives, Public Works Director, for mowing the park end of Autumn Lane. He thanked Chief Bois and City Manager Vernon for their service.
7. Nathan Cace – He said will speak on item 8. l.
8. Sharon Shuler – She will speak on item 8. e.
9. Robert Stevens – Kirby Softball Association, he said his Park Lease is going to expire and he is requesting another two-year agreement. He will be using the softball field on Sunday's only and requested a new rate. He will email his renewed insurance policy to the City before the new lease is signed.
10. Cynthia Sanchez – She will speak on item 8. l.
11. Thomas Hernandez – He said since the City wasn't going to host the 4th of July Fireworks in the Park, he asked if the City would ease the fireworks restrictions to allow residents to pop fireworks in their yard or street.
12. Anthony Jetter – He will speak on item 8. l.
13. Claire Andrews and Dawn Andrews – They explained there are water issues in their yard and lots of mosquitos. They don't know what's going on behind their property, there is something that is being carried and hauled.

6. Consideration Of And Action On Minutes

a. Regular Meeting May 28, 2020

Council Member Lehman moved to approve the minutes of May 28, 2020; seconded by Council Member Apodaca. The motion carried with 5-0-2 vote.

AYES: 5

NAYS: 0

ABSTAIN: 2 (Council Members
Grant and Apodaca)

7. Presentations

a. 2020 Spring Clean Up Report, Republic Services

City Manager Vernon provided information on the 2020 Spring Clean Up. Mayor Pierce asked if the City could offer an extra curbside pick-up for next year's cleanup. This would accommodate residents who do not have a vehicle to transport their brush and bulk to the drop off site.

b. COVID-19 Emergency Action Plan Update, Interim Fire Chief William Hilburn

Interim Fire Chief William Hilburn provided update on COVID-19 Emergency Action Plan Update.

8. Discussion And Possible Actions

a. Discussion And Possible Action On A Variance To The Zoning Ordinance – Single Family Dwelling District (R-1), Section 153.053 To Consider Permitting Encroachment Into The Fifteen (15') Foot Front Yard Setback For The Construction Of A Carport Located At CB 4018b, Blk 6 Lot 65, Otherwise Known As 5007 Thomas Paine Dr., Kirby, TX 78219.

1. Michael Martin said the owner off 5007 Thomas Paine has a very nice house and he noticed that some of the neighbors have less than fifteen feet area in their front yard. He asked Council to consider allowing the variance.

City Council discussed this item.

Council Member Grant moved to accept the variance to the Zoning Ordinance - Single Family Dwelling District (R-1), Section 153.053 to consider permitting encroachment into the fifteen (15') foot front yard setback, allowing a nine foot setback, for the construction of a carport located at CB 4018b, Blk 6 Lot 65, otherwise known as 5007 Thomas Paine Dr., Kirby, TX 78219; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 4-3 vote.

AYES: 4

NAYES: 3 (Council Members Lehman, Salazar and Apodaca)

b. Discussion And Possible Action On A Variance To The Zoning Ordinance – Commercial Office And Retail District (C-1), Section 153.019(B)(4) To Consider Replacement Of The Face Of An Existing Pole Sign That Encroaches Into The Twenty (20') Foot Front Setback,

Located At CB 5903, Blk Lot 26, Otherwise Known As 3222 Ackerman Road, Kirby, TX 78219

Jody Flynn, applicant, presented a power point presentation on Puppy Power Dog Resort located at 3222 Ackerman Road.

Mayor Pierce acknowledged there will be road construction on Ackerman Road that could affect the sign. The discussion addressed the upcoming Ackerman Road Reconstruction Project and the location of the sign. City Engineer Craig Wilson, M&S Engineering, had provided a written comment that the outside edge of the future sidewalk will match the back edge of the existing curb line within 2-3 inches. Installing a new sign without encroaching past the existing curb should not cause any issues. It would be best for the sign to move a few inches away from the curb.

Ms. Flynn said she could move the sign a few inches from the curb, if needed, when the road construction on Ackerman Road is completed.

Council Member Grant moved to approve the Variance to the Zoning Ordinance – Commercial Office and Retail District (C-1), Section 153.019(B)(4) to allow replacement of the face of an existing pole sign that encroaches into the twenty (20') foot front setback, and if needed, the sign will be moved up to six inches away from the curb when the road construction on Ackerman Road is completed, located at CB 5903, Blk Lot 26, otherwise known as 3222 Ackerman Road, Kirby, TX 78219; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- c. Discussion And Possible Action On Ordinance No. O-2020-879 To Consider A Specific Use Permit On A Property Located At CB 5092L BLK LOT 3 (WILLIAMS SUBD), Otherwise Known As 5727 Seguin Road, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-2) District To Be Used As A Meeting Place For Disabled Veterans. This Is The First Reading.

Council Member Grant moved to approve Ordinance No. O-2020-879 to consider a Specific Use Permit on a property located at CB 5092L BLK LOT 3 (WILLIAMS SUBD), otherwise known as 5727 Seguin Road, Kirby, TX 78219, which is zoned Commercial, Office and Retail (C-2) District to be used as a meeting place for disabled veterans; seconded by Council Member Salazar. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

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

Michael Ives presented the update on the Binz Engleman Road Reconstruction project.

City Manager Vernon said San Antonio Constructors had provided a letter proposing a plan to expedited completion of the project. The deadline for construction is July 31, 2020.

City Council discussed the San Antonio Constructors proposal.

Mr. Schnall, City Attorney, stated there is an option the Council has and it is to express their concerns to the contractor. Council can make a motion to approve the request with a condition the City of Kirby reserves the right to say stop and the approval is rescinded if they fail to perform as stated.

Council Grant moved to approve the request with a condition the City of Kirby reserves the right to say stop and the approval is rescinded if they fail to perform as stated; seconded by Council Member Salazar. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Mayor Pro-Tem Aldrich)

- e. Update, Discussion And Possible Action On Springfield Road Properties – Possible Executive Session Consultation Pursuant To Texas Government Code Section 551.071, With Attorney

Mayor Pierce asked to hear citizens input and concerns before executive session.

1.) Sharon Shuler – She said her property backs up to Springfield Industrial Development and she identified her concerns. She asked Council to please do something about these issues.

Abraham Galindo, Givler Engineering, provided an update on the Storm Water Program regarding Springfield Road Properties.

Officer Thompson, Code Compliance, was present to answer questions.

Council discussed the properties and their submission of the Storm Water Program applications.

2.) Mr. Shaw said his backyard abuts the property being discussed. He identified the problems he has experienced at his property since Springfield Road Properties started developing.

Mayor Pierce said these concerns need to be resolved.

Mr. Paul Daniec said he wasn't invited to any of the meetings and he had provided Officer Thompson the contact information on new owners of properties on Springfield Road. He said he is willing to help and suggested meeting on site and look at the drainage to find a solution to the problem.

Mr. Daniec left the meeting and asked that someone call him when a decision is made to decide what to do.

Mayor Pierce closed the regular meeting at 9:22 P.M. and entered into the executive session.

Mayor Pierce opened the regular meeting at 10:16 P.M. and stated the executive session closed at 10:14 P.M.

Mayor Pierced asked City Manager Vernon to address the comment from Mr. Daniec that there were not any meetings with the City. City Manager Vernon provided a timeline of contacts with Mr. Daniec.

Mayor Pierce stated at this time the City will issue a notice to Paul Daniec to comply with the storm drainage requirement in the approved plat for his subdivision. The City will contact the owners of the lots at Springfield Road Industrial Park Subdivision. If the lots are not in compliance with City ordinances, we will take immediate action to bring the lots back into compliance including mowing and clearing to address the immediate health concerns. The City will give the owners 10 days to rectify the issue and if not done the City will mow and impose liens on those properties. Starting tomorrow there will be conversations and presentations to the property owners.

f. Discussion And Possible Action To Renew And Extend The City Of Kirby's Declaration Of Public Health Emergency

Council Member Pierce moved to renew and extend the City of Kirby's Declaration of Public Health Emergency until July 9, 2020; seconded by Council Member Grant. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

g. Discussion And Possible Action On Entering Into An Agreement With Slow-Pitch Amateur Softball League, For Use Of Land Owned By The City Of Kirby To Conduct Slow Pitch Amateur Softball League Athletic Functions

City Manager Vernon provided a brief history on their agreements on use of the park.

The discussion on this item was to allow use on Sunday only and pay \$125 per year. The first payment will be when the insurance is provided and the lease is signed and the second payment will be prior to the effective date of the second year. There was a question whether use of the Park will be any other days for practice. Also, when will the insurance be provided?

Mayor Pro-Tem Aldrich moved to table this item to June 25, 2020 for further discussion; seconded by Council Member Grant. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

h. Discussion And Possible Action On Ordinance No. O-2020-878 An Ordinance Continuing Article III Of Chapter 13 Of The Code Of Ordinances Relating To A Curfew For Any Person Under The Age Of Seventeen Years During Certain Hours, Making It Unlawful For Any Parent Or Person In Loco Parentis Entitled To Custody Or Control Of A Minor To Violate This Ordinance And Imposing Penalties. This Is The First Reading.

Council Member Grant moved to adopt Ordinance No. O-2020-878 an Ordinance continuing Article III of Chapter 13 of the Code of Ordinances relating to a curfew for any person under the age of seventeen years during certain hours, making it unlawful for any parent or person in loco parentis entitled to custody or control of a minor to violate this Ordinance and imposing penalties; seconded by Council Member Apodaca.

Mayor Pierce inquired about a public hearing.

Council Member Grant withdrew his motion on Ordinance No. O-2020-878 an Ordinance continuing Article III of Chapter 13 of the Code of Ordinances relating to a curfew for any person under the age of seventeen years during certain hours, making it unlawful for any parent or person in loco parentis entitled to custody or control of a minor to violate this Ordinance and imposing penalties; Council Member Apodaca withdrew her second.

Council Member Grant moved to table Ordinance No. O-2020-878 an Ordinance continuing Article III of Chapter 13 of the Code of Ordinances relating to a curfew for any person under the age of seventeen years during certain hours, making it unlawful for any parent or person in loco parentis entitled to custody or control of a minor to violate this Ordinance and imposing penalties; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- i. Update, Discussion And Possible Action On Peppermint Water Storage Tank Rehabilitation Project

Mr. Michael Ives provided an update on the Peppermint Water Storage Tank Rehabilitation Project.

Mayor Pierce said the contractor asked for permission to work on Saturdays. Public Works has received a few calls about the noise. Mayor Pierce said if we receive any more complaints that this be reevaluated.

Council Member Pierce moved to allow the contractor on Peppermint Water Storage Tank Rehabilitation Project to work on Saturdays for the remainder of the project; seconded by Council Grant. The motion carried with a 7-0 vote

AYES: 7

NAYES: 0

- j. Update, Discussion And Possible Action On 2020 Community Development Block Grant (CDBG) Application

City Manager Vernon said Bexar County contacted city staff and informed us that Hickory Hill Phase II does not meet low to moderate income status needed to qualify for the Community Development Block Grant funds. Staff was asked to submit a new project request within the identified eligible area.

Borchers Drive from Deer Grove to Ackerman Road was submitted. It is the first street listed on our 2019 Street Assessment and Maintenance Plan provided by M&S Engineering.

Council Member Grant moved to approve the change the application from Hickory Hill Phase II to Borchers Drive from Deer Grove to Ackerman Road for 2020 Community Development Block Grant (CDBG) Application; seconded by Council Member Salazar. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- k. Discussion On Current City Zoning Ordinance, Ordinance No. O-2001-581 Chapter 153 Of The Code Of Ordinances, Including Council Direction To City Planning And Zoning Commission On Potential Revisions

Mayor Pierce asked that this be postponed until there is a quorum of the Planning and Zoning Commission members present.

Council Member Lehman moved to postpone discussion on Ordinance No. O-2001-581 Chapter 153 of the Code of Ordinances, including Council direction to City Planning and Zoning Commission on potential revisions; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- l. Discussion And Possible Action On Plat Establishing MJ Pena Addition being A Total Of 0.19. Acres, Out Of The A.L. Wilson 37.94 Acre Tract Which Is Part Of The J.L. Schnoover Survey No. 321, Bexar County, Texas, being The Two Tracts Of 18.97 Acres Each As Shown On The Plat Recorded In Volume 980, Page 390, Of The Deed And Plat Records Of Bexar County, Texas, Said Parcel Herein Described Being Known As Lot One (1), Block One (1), Of An Unrecorded Subdivision Of The Western Portion Of The Above Referred To A.L. Wilson Tract; Also Known As 2924 Ackerman Road, Kirby, TX 78219

Ms. Cynthia Sanchez, Elizando and Associates, was present to answer questions regarding the review of the plat.

City Manager Vernon provided background on this property. M&S Engineering completed their review and the plat meets requirements for the preliminary plat. They submitted a final plat for review.

Council Member Grant moved to approve the Plat establishing MJ Pena Addition being a total of 0.19. acres, out of the A.L. Wilson 37.94 acre tract which is part of the J.L. Schnoover Survey No. 321, Bexar County, Texas, being the two tracts of 18.97 acres each as shown on the plat recorded in Volume 980, Page 390, of the Deed and Plat Records of Bexar County, Texas, said parcel herein described being known as Lot One (1), Block One (1), of an unrecorded Subdivision of the western portion of the above referred to A.L. Wilson Tract; also known as 2924 Ackerman Road, Kirby, TX 78219; seconded by Council Member Pierce.

- 1.) Anthony Jetter said the lot is 8,400 square feet and asked if the property is zoned C-2.

The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- m. Discussion And Possible Action On Replat Establishing Kirby Manor Commercial Subdivision Being A Total Of 1.149 Acres Of Land Out Of Lots 1, 2, 3, 4 And CB 4018 Of The M.I. Subdivision Recorded In Volume 9556 Page 169 Of The Deed And Plat Records Of Bexar County Texas.

Mayor Pierce asked if there was a representative available to answer questions. There was no one present to answer questions on this item.

Mayor Pro-Tem Aldrich moved to table the replat establishing Kirby Manor Commercial Subdivision being a total of 1.149 acres of land out of Lots 1, 2, 3, 4 and CB 4018 of the M.I. Subdivision recorded in Volume 9556 Page 169 of the deed and plat records of Bexar County Texas to June 25, 2020; seconded by Council Member Salazar.

The motion carried with a 7-0 vote.

AYES: 7 NAYES: 0

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

There were not any applicants.

- o. Discussion And Possible Action On Appointing Up To Four Alternate Members To The Building And Standards Commission

There were not any applicants.

- p. Discussion And Possible Action On Appointing A Member To The Kirby Senior Center Corporation Board

There were not any applicants.

- q. Discussion And Possible Action On Appointing A Member To The Planning And Zoning Commission

Mayor Pierce said there is an applicant and we are waiting for confirmation that the applicant is a registered voter in the City of Kirby, in accordance with City Charter.

- r. Discussion And Possible Action On Fiscal Year 2020-2021 Budget Process And Calendar

City Manager Vernon provided a brief history on how Senate Bill 2 changed the way property tax can be administered.

The meeting dates for the budget process are as follows: Special Meeting/Budget Workshop - July 9 at 6:00 P.M. before 7:00 P.M. Council meeting to review City funds and employee pay scale; Special Meeting/Budget Workshop - July 23, 2020 at 6:00 P.M. before 7:00 P.M. Council meeting to review proposed Fiscal Year 2020-2021 Budget; and Special City Council Meeting/Budget Workshop - July 30 at 6:00 P.M. to discuss the tax rate and review proposed Fiscal Year 2020-2021 Budget.

- s. Discussion And Possible Action On City Of Kirby Resident Vehicle Decal Program

Council Member Grant moved to table this item on City of Kirby Resident Vehicle Decal Program to the next meeting; seconded by Mayor Pro-Tem Aldrich. Motion carried with 7-0 vote.

AYES: 7

NAYES: 0

- t. Discussion And Possible Action On Resolution No. R-2020-721 To Approve An Interlocal Agreement To Accept Federal Coronavirus Relief Funds From The County Of Bexar

There was discussion addressing the Coronavirus relief funds from the County of Bexar.

Council Member Pierce moved to accept Resolution No. R-2020-721 to approve an Interlocal Agreement to accept Federal Coronavirus Relief Funds from the County of Bexar; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 7-0 vote.

AYES: 7

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 addressed decorum during Council meetings.

Mayor Pro-Tem Aldrich – She said June 15 is the last day to register to vote for July 15, 2020 election. The next election is November 3, 2020 and then next year is another election May 2021. If you want to make changes, you need to vote. She asked that Ordinance that addresses vehicle storage for parking in the street in front of your house be placed on the July 9, 2020 agenda.

Mayor Pierce – She thanked everyone for attending and speaking tonight. Hoping to rectify an issue starting tomorrow morning. Bexar County Small Business Grant is available for small businesses, the information is located on the City's website and Bexar County's website. On Flag Day there is a Ceremony at the VFW at 3:00 P.M. We are spraying for mosquitoes tomorrow and Saturday, 10:00 P.M. – 3:00 A.M.

10. Adjournment

The meeting adjourned at 11:20 P.M.

Lisa B. Pierce
Mayor

ATTEST:

Patty Cox, TRMC
City Secretary