



*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  
PUBLIC HEARING/REGULAR MEETING  
THURSDAY, MAY 28, 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  
Mayor Pro-Tem Aldrich  
Council Member Lehman  
Council Member Pierce  
Council Member Apodaca  
Council Member Salazar

**ABSENT**

Council Member Grant

**5. Citizen Participation**

1. B.J. Voigt – She announced Hermann’s Sons will host Flag Day at the Fire Department on June 12 at 8:30 A.M. She said Gilbert and Roxanne Cardona have replied to her emails in a timely manner.

2. Charlesree Evans – She said she will speak on agenda item.

3. Stephanie Faulkner – She said she will speak on agenda item.

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

a. Regular Meeting May 14, 2020

Mayor Pierce stated that Council Member Lehman logged in to the May 14, 2020 meeting; unfortunately, he was muted.

Mayor Pro-Tem Aldrich moved to approve the minutes of May 14, 2020; seconded by Council Member Salazar. The motion carried with a 5-1 vote.

AYES: 5                      NAYES: 0                      ABSTAIN: 1 (Council Member Apodaca)

**7. Presentation**

a. COVID-19 Emergency Action Plan Update, Acting Fire Chief William Hilburn

Acting Chief Wilburn provided an update on the COVID-19 Emergency Action Plan.

b. Introduction Of New Employees

Acting Chief Hilburn introduced the new employees in the fire department: Jennifer De La Garza, Payton Suggs, Joshua Willingham.

Chief Bois introduced the new employees in the police department: Leonardo Lozano, Officer; Jacob Hodgkinson, Officer; Zandra Valles, Dispatch.

**8. Consent Agenda**

a. Approval Of Quarterly Investment Report For Period Ending December 31, 2019

b. Approval Of Quarterly Financial Report For Period Ending December 31, 2019

Council Member Apodaca moved to approve the Quarterly Investment Report for period ending December 31, 2019 and Quarterly Financial Report for period ending December 31, 2019; seconded by Council Member Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

## 9. Public Hearings

Mayor Pierce closed the regular meeting and opened the public hearing at 7:24 P.M.

- a. On A Request For 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.

Mr. Deleon, applicant, stated he would like to construct his carport nine feet from the curb.

There were no other comments.

- b. On A Request For 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.

Stephanie Faulkner said Jody Flynn, applicant, asked her to speak on her behalf.

Michael Martin said the existing sign has two 4X4's in the ground and he said a single pole sign would look better.

There were no other comments.

- c. On A Request For A Specific Use Permit For 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.

Charlesree Evans, applicant, explained she needed more space for conducting meetings.

Steve Pitmon said he is all for disabled vets.

There were no other comments.

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

**10. 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.

Mr. Deleon, applicant, presented his request and answered questions.

Mayor Pro-Tem moved to accept the variance request 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. The motion failed due to the lack of a second.

Council Member Salazar moved to deny the variance request 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; seconded by Council Member Lehman. The vote was 3/3. The motion did not pass.

AYES: 3

NAYES: 3 (Council Members Pierce, Mayor Pro-Tem Aldrich, and Mayor Pierce)

Mayor Pro-Tem Aldrich moved to accept the variance request 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; seconded by Council Member Pierce. The vote was 3/3. The motion did not pass.

AYES: 3

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

Mayor Pierce asked that this item be brought back to the next meeting when we have all members present.

- 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

City Manager Vernon provided a brief history on this request.

Council addressed concerns about the road construction on Ackerman Road that will include sidewalks.

Council Member Lehman moved to table action on this variance to the June 11, 2020 council meeting to consider 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; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 6-0 vote.

AYES:6

NAYES: 0

- c. Discussion And Possible Action For 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.

Council Member Lehman did not have any opposition to this request.

Mayor Pierce read a letter from Sammy Smith, owner of the property.

Council Member Salazar moved to accept 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 Mayor Pro-Tem Aldrich. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

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

Michael Ives, Public Works Director, provided an update on the Binz Engleman Road Reconstruction project.

- e. Discussion And Possible Action On Fence Improvements At City Of Kirby Police Station And Impound Yard

Chief Bois said the cost will be \$432 per linear foot. Also, approximately \$750 for materials for each site. This does not include labor.

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

There were not any applications.

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

There were not any applications.

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

Norma Hamby, Senior Center Manager, stated there were not any applications.

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

There were not any applications.

- j. Discussion And Possible Action To Accept Resignation Of Jackie Jackson As A Member On The Charter Review Commission

Mayor Pierce said Ms. Jackie Jackson tendered her resignation on May 18, 2020.

Council Member Pierce moved to accept the resignation of Jackie Jackson as a member on the Charter Review Commission; seconded by Council Member Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- k. Discussion And Possible Action To Appoint A Member To The Charter Review Commission

Council Member Pierce moved to accept the application submitted by Ernest Spradling; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- 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 Second Reading.

City Council discussed changes to the Ordinance.

Council Member Apodaca moved to accept 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, including the changes made during the discussion; seconded by Mayor Pro-Tem Pierce. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- m. Discussion And Possible Action On Resolution No. R-2020-720 Authorizing The City Manager To Submit A Grant Application For Coronavirus Emergency Supplemental Funding (CESF)

City Manager Vernon explained the purpose of this resolution.

Council Member Salazar moved to accept Resolution No. R-2020-720 Authorizing The City Manager To Submit A Grant Application For Coronavirus Emergency Supplemental Funding (CESF); seconded by Mayor Por-Tem Aldrich. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

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

Mayor Pierce asked to table this item.

Mayor Pro-Tem Aldrich moved to table action on Fiscal Year 2020-2021 Budget process and calendar until the next Council meeting; seconded by Council Member Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

o. Discussion And Possible Action On City Of Kirby 2020 Pool Season

City Manager Vernon provided details addressing COVID-19 regulations and municipal pools.

p. Discussion And Possible Action To Appoint And Re-appoint Members To The Crime Control And Prevention District Board

Council Member Salazar moved to reappoint Stephanie Faulkner, David Faulkner, Eddie Puento to terms that expire on November 2021; seconded by Council Member Lehman. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

q. Discussion And Possible Action On Crime Control And Prevention District Board Fiscal Year 2019-2020 Budget Amendment

Chief Bois explained that Crime Control approved the purchase of a 2016 Ford PD Explorer in the amount of \$33,000 to fully equip the vehicle.

Council Member Pierce moved to accept the 2019-2020 Budget Amendment in the amount of \$33,000; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

**11. 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

Mayor Pro-Tem Aldrich – She said she was really happy to see everyone. She thanked City Manager Vernon for arranging the Council pictures on the wall and welcomed new employees.

Council Member Apodaca - She said she was happy to see everyone. She asked that Council revisit the dog park on June 25<sup>th</sup>.



Mayor Pierce – She thanked everyone for attending the meeting. It was great to see everyone. She thanked all the new employees for choosing Kirby. Flag Day Ceremony, June 12, 8:30 A.M. at the Fire Department. There are mandated classes that need to be completed. There are many vacancies on committee and commissions. The poll for the sticker program results was don't charge. City staff will locate the guidelines from previous years when the City had vehicle stickers. The SWMP has been submitted for property on Springfield Road and asked that this be placed on the next agenda. She read a thank you letter from Willie Mae Clay, thanking the City for her 74<sup>th</sup> birthday caravan.

**12. Adjournment**

The meeting adjourned at 8:57 P.M.

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Lisa B. Pierce  
Mayor

ATTEST:

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Patty Cox, TRMC  
City Secretary