



Lisa B. Pierce, Mayor

Sylvia Apodaca
Mike Grant
Jerry Lehman

Kimberly McGehee-Aldrich
John W. Pierce
Joe Salazar

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, JULY 9, 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

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

ABSENT

Council Member Lehman

5. Citizen Participation

- 1.) B.J. Voigt – She said when the roads are completed if there are curbs in the area be aware they are there.
- 2.) Michael Martin – He said he will wait until item 8.e.
- 3.) Anthony Jetter – He said he will wait till item 8.a.

6. Consideration Of And Action On Minutes

- a. Public Hearing/Regular Meeting June 25, 2020

Mayor Pro-Tem Aldrich moved to accept the minutes for June 25, 2020, seconded by Council Member Apodaca. With all voting “aye” the motion carried with 6-0 vote.

7. Presentation

- a. COVID-19 Emergency Action Plan Update

Interim Fire Chief Hilburn provided an update on the COVID-19 Emergency Action Plan.

8. Discussion And Possible Actions

- a. Discussion And Possible Action On Final Replat 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, Elizondo & Associates, said she is requesting the final replat approval.

- 1.) Mr. Anthony Jetter – He addressed the pins on the property. There are not any cap markers on the pins. He said this means the survey has not been done. He informed Council if they want to approve it go ahead, but it’s not correct. Also, there is a lien on the property.

Ms. Nancy Pena, property owner, said she has done everything that the City has asked her to do.

There was discussion about the pins and easements.

Mr. Jetter said he wants to go on record and say he has nothing against Ms. Pena. He does have a problem with the process that has happened with this piece of property. This property has been turned down several times because it is not commercial size. The property owner who sold Ms. Pena the property has been trying to take advantage of her and her not knowing what is happening to her. He said he wants Ms. Pena to have a great business in Kirby.

Council Member Grant moved to approve the final replat 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 Salazar. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- b. 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 Second Reading.

Council Member Grant moved to approve 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 6-0 vote.

AYES: 6

NAYES: 0

- c. Discussion And Possible Action On Ordinance No. O-2020-880 Establishing A Failure To Appear Offense, Setting Out A Defense To Said Offense, And Authorizing The Judge Of The Municipal Court To Assess A Failure To Appear Fee. This Is The First Reading.

Council Member Grant moved to approve Ordinance No. O-2020-880 establishing a failure to appear offense, setting out a defense to said offense, and authorizing the judge of the municipal court to assess a failure to appear fee; seconded by Council Member Salazar. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

d. Discussion On Ordinance No. O-2017-828 Stopping, Standing, And Parking.

Mayor Pro-Tem Aldrich said she requested this item and suggested amending the Ordinance to allow residents to park in front of their own home if the vehicles are operable.

Chief Bois explained the intent of the Ordinance was to prevent using the street as storage and limit the number of cars parked in street.

Council discussed this item and suggested bring back on August 27, 2020.

e. Discussion On Ordinance No. O-2016-801 Amending Section 153.053 Of The Code Of Ordinances Of The City Of Kirby, Texas, To Change The Front Yard Setback For Unenclosed Carports From Twenty Feet To Fifteen Feet And Amending The Code Of Ordinances Of The City Of Kirby, Texas, By Adding Subpart (C) To Each Of Section 153.19 And Section 153.020 To State That Materials Other Than Metal Or Aluminum Must Be Used On The Lower One-Third Of The Front And Sides Of Buildings Located In The C-1 And C-2 Commercial Districts That Are Visible From Public Streets Or Neighboring Property.

Mayor Pierce stated this item is for general discussion because there are so many people making requests for variances for carports because of the setbacks.

Mr. Schnall said an alternative other city have used could be to use a percentage of the property from the house to the property line. Some cities use 20% as the distance between the property line and the construction in the front yard.

1.) Michael Martin - He suggested look at your plat to determine where you can place a carport.

Mayor Pierce suggested place this item on the next Planning and Zoning Commission agenda for discussion. Tonight, Council discussed the front yard setbacks and would consider using percentages, not at all, or based on plats.

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

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

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

There were not any applications received.

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

There were not any applications received.

- i. Discussion And Possible Action On Accepting Resignation Of Council Member Jerry Lehman From The Economic Development Committee

Mayor Pierce stated Council Member Jerry Lehman tendered his resignation from the Economic Development Committee effective immediately.

Mayor Pro-Tem Aldrich moved to accept the resignation of Council Member Jerry Lehman from the Economic Development Committee; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6 NAYES: 0

- j. Discussion And Possible Action On Appointing A Member To The Economic Development Committee

There were not any applications received.

- k. Update, Discussion And Possible Action On Springfield Road Properties

Mr. Schnall said there was nothing new to report. He informed Council about notices and citations that were issued to the property owners addressing drainage and cleaning.

City Manager Vernon provided an update on the lots. There are property owners who have not submitted their Storm Water Permit application.

City Council discussed the lots and presented their concerns.

- l. Discussion And Possible Action On Ordinance No. O-2020-881 Amending Fiscal Year 2019-2020 General And Water Fund Budgets. This Is The First Reading.

Tina Ynfante, Finance Director, presented the changes to the fiscal year 2019-2020 General Fund and Water Fund budgets. She said this is the second amendment.

Total revenue increased by \$6,760 and expenditures are decrease by \$28,235 in General Fund. There was not a change in revenue and the expenditures increased by \$10,000 in the Water Fund.

Council Member Grant moved to accept Ordinance No. O-2020-881 amending Fiscal Year 2019-2020 General and Water Fund Budgets; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- m. Discussion And Possible Action To Dispense With The Second Reading Of Ordinance No. O-2020-881 So That Ordinance No. O-2020-881 Becomes Effective Immediately.

Council Member Grant moved to dispense with the second reading of Ordinance No. O-2020-881 so that Ordinance No. O-2020-881 becomes effective immediately; seconded by Council Member Salazar. The motion 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 inquired about when the work on the wooden fences at the Police Department and Impound Yard will start. City Manager Vernon said painting is scheduled for next Saturday, July 18, with the assistance of community volunteers and Chief Bois. She said volunteers and Council are invited to come out and assist. Council Member Grant inquired if the asphalt truck could be used to install asphalt speed bumps on Buzz Aldrin and Kirby Drive or Stop signs to slow down vehicles.

Mayor Pro-Tem Aldrich – She spoke about the opinions of residents and asked that they do their research to be informed. Also, run for Council if you want to make changes.

Mayor Pierce – She thanked everyone for attending the meeting. She echoed what Mayor Pro-Tem Aldrich said. She stated there is a public notice on the website about filing for office for the May 1, 2021 election and the dates to file for a place on the ballot are January 13, 2021 through February 12, 2021. The purpose of the election will be to elect a mayor and three council

members and potential Charter revisions. There is a plethora of public notices on the website. Not all information on social media is factual. There will be mosquito spraying in August. She didn't mention a name, but thanked a Kirby police officer who went to a call and recognized the need of an elderly community member and provided immediate assistance.

10. Adjournment

The meeting adjourned at 9:08 P.M.

Lisa B. Pierce
Mayor

ATTEST:

Patty Cox, TRMC
City