



Lisa B. Pierce, Mayor

Sylvia Apodaca
Mike Grant
Jerry Lehman

Kimberly McGehee-Aldrich
John W. Pierce
Joe Salazar

**CITY COUNCIL MINUTES
PUBLIC HEARING/REGULAR MEETING
THURSDAY, AUGUST 27 2020 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

SUPPLEMENTAL NOTICE OF MEETING BY VIDEO/TELEPHONE CONFERENCE

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 – Telephone Conference
Council Member Pierce
Council Member Apodaca
Council Member Grant
Council Member Salazar

5. Citizen Participation

1. Stephen Pitmon – He said he believes citizens participation and council meetings are a safe place for citizens to be able to discuss and speak on topics or speak their mind. He did not think it was a forum to be admonished, lectured or belittled for asking a question. Having a discussion as an open honest debate is research.

2. Susan Street – She asked who is in charge of the City’s website. She said it’s not user friendly and items are difficult to locate. She identified information that she is not able to locate on the website.

3. Anthony Jetter – He requested the property located at 2924 Ackerman Road be placed on an agenda for discussion. He said there are several questions he has that he would like answered.

4. Julie Bedson – She said she will wait until her item is discussed.

5. Arturo Rodriguez – He said he will wait until his item is discussed.

6. B.J. Voigt – She said she is a board member of Kirby Senior Center. She invited everyone to their Rummage Sale this weekend from 9:00 A.M. to 3:00 P.M. Breakfast and burgers will be sold by Knights of Columbus. She read a memorial she received about a loved one.

6. Consideration Of And Action On Minutes

a. Budget Workshop/Public Hearing/Special Meeting – July 30, 2020

Council Member Grant moved to approve the Budget Workshop/Public Hearing/Special Meeting minutes of July 30, 2020; seconded by Council Member Apodaca. The motion carried with a 6-0-1 vote. (Abstained – Mayor Pro-Tem Aldrich.

b. Budget Workshop/Regular Meeting – August 13, 2020

Council Member Salazar moved to approve the Budget Workshop/Regular Meeting minutes of July 30, 2020; seconded by Council Member Grant. The motion carried with a 6-0-1 vote. (Abstained – Mayor Pro-Tem Aldrich.

7. Presentation

a. National Payroll Week Proclamation – September 6 – 12, 2020

Mayor Pierce read the proclamation recognizing National Payroll Week.

b. City Employee Special Recognition

City Manager Vernon recognized Michael Cenicerros for serving as Interim Public Works Director. He was unable to attend the meeting. Fire Chief Glenn M. Levy recognized Captain William Hilburn for serving as Interim Fire Chief for six months. Captain Hilburn thanked the City.

8. Public Hearing

a. On Proposed Budgets For 2020-2021 Fiscal Year

b. On Proposed Tax Rate For 2020-2021 Fiscal Year

Mayor Pierce closed the regular meeting and opened the Public Hearing at 7:20 P.M. on item a. and b.

Finance Director Ynfante presented a PowerPoint on the proposed budget and tax rate.

Susan Street asked if the presentation will be available on the City website and who she can contact for questions.

c. On A Request To Consider A Variance To Chapter 153 Zoning Ordinance – Article V – Off Street Parking, Section 153.071 – Minimum Requirements - (G) Commercial Uses, Office And Professional Buildings, Unless Otherwise Mentioned In This Section, Shall Be Required To Have 3 Spaces For Up To 200 Square Feet Of Floor Area, Plus 1 Space For Each Additional 200 Square Feet Of Floor Area. The Request Is To Allow Thirty-Six (36) Parking Spaces Instead Of The Required Retail Space Square Footage Requirement Of Forty-Five (45) Parking Spaces. Located at CB 4018, P-9A ABS 258, BLK 25 LOT 20; Vacant Land On Old Seguin Road, Kirby, TX 78219. (Old Seguin Road Approximately 380 Feet East Of The Old Seguin Road And Edalyn Street Intersection (Property ID 167548) (Geo ID: 04018-000-0093.)

Casey Genovese presented a project overview.

There were not any public comments.

d. 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 Five (5') Foot Side Yard Setback And Encroachment Into The Fifteen (15') Front Yard Setback For The Construction Of A Carport Located At CB 4018B, BLK 30 LOT 37, Otherwise Known As 4810 Cobb Valley, Kirby, TX 78219.

There were not any public comments.

Mayor Pierce closed the public hearing at 7:45 P.M and reconvened open session.

9. Discussion And Possible Actions

- a. Discussion And Possible Action On A Request To Consider A Variance To Chapter 153 Zoning Ordinance – Article V – Off Street Parking, Section 153.071 – Minimum Requirements - (G) Commercial Uses, Office And Professional Buildings, Unless Otherwise Mentioned In This Section, Shall Be Required To Have 3 Spaces For Up To 200 Square Feet Of Floor Area, Plus 1 Space For Each Additional 200 Square Feet Of Floor Area. The Request Is To Allow Thirty-Six (36) Parking Spaces Instead Of The Required Retail Space Square Footage Requirement Of Forty-Five (45) Parking Spaces. Located at CB 4018, P-9A ABS 258, BLK 25 LOT 20; Vacant Land On Old Seguin Road, Kirby, TX 78219. (Old Seguin Road Approximately 380 Feet East Of The Old Seguin Road And Edalyn Street Intersection (Property ID 167548) (Geo ID: 04018-000-0093).

Casey Genovese addressed a concern that was brought up by the Planning and Zoning Commission and advised that they will provide sufficient ADA parking spaces.

Council Member Grant moved to approve the Variance to Chapter 153 Zoning Ordinance – Article V – Off Street Parking, Section 153.071 – Minimum Requirements - (G) Commercial Uses, Office and Professional Buildings, unless otherwise mentioned in this section, shall be required to have 3 spaces for up to 200 square feet of floor area, plus 1 space for each additional 200 square feet of floor area. The request is to allow thirty-six (36) parking spaces instead of the required retail space square footage requirement of forty-five (45) parking spaces. located at CB 4018, P-9A ABS 258, BLK 25 LOT 20; vacant land on Old Seguin Road, Kirby, TX 78219. (Old Seguin Road Approximately 380 Feet East of the Old Seguin Road and Edalyn Street intersection (Property ID 167548) (Geo ID: 04018-000-0093.); seconded by Mayor Pro-Tem Aldrich. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- b. Discussion And Possible Action 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 Five (5') Foot Side Yard Setback And Encroachment Into The Fifteen (15') Front Yard Setback For The Construction Of A Carport Located At CB 4018B, BLK 30 LOT 37, Otherwise Known As 4810 Cobb Valley, Kirby, TX 78219.

Ms. Bedson explained her request and said her neighbors are in agreement.

Council Member Lehman feels the ordinance should stand. Council Member Salazar agrees with Council Member Lehman.

Mayor Pierce agrees to a certain extent, but the house has a zero-lot line.

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 five (5') foot side yard setback and encroachment into the fifteen (15') front yard setback for the construction of a carport located at CB 4018B, BLK 30 LOT 37, otherwise known as 4810 Cobb Valley, Kirby, TX 78219; seconded by Council Member Pierce. The motion carried with a 4-3 vote.

AYES: 4 NAYES: 3 (Council Members Lehman, Salazar, and Apodaca.)

- c. Discussion And Possible Action On Preliminary Plat Kirby Old Seguin Addition Being A Subdivision Establishing Lot 1, In Block 1, Containing 1.753 Acres, Showing Part Of Joseph W. Garranty Survey, Abstract No. 258, Bexar County, Texas.

There was discussion regarding this item. Mr. Marston, applicant, explained the fence line of the resident's properties behind Dollar General will be 200 feet to the fence line. The loading zone will be on the east side of the building.

Council Member Grant moved to approve the Preliminary Plat Kirby Old Seguin Addition being a subdivision establishing Lot 1, In Block 1, containing 1.753 acres, showing part of Joseph W. Garranty Survey, Abstract No. 258, Bexar County, Texas; seconded by Council Member Salazar. The motion carried with a 7-0 vote.

AYES: 7 NAYES: 0

- d Discussion And Possible Action On An Ordinance No. O-2020-882 Amending The Zoning Ordinance Of The City Of Kirby, Texas, To Grant Specific Use Permit #2020-016 For Use Of The Property At 1448 Springfield Road, Lot 5, Kirby Texas For The Purpose Of Parking Company Trucks (3), Storing Equipment And Tools In Two 20'X8' Storage Containers, Performing Oil Changes And Some Mechanical Work On Company Vehicles, Storage Of Asphalt And Concrete Materials From Projects. Future Use Will Be To Construct A Building. This Is Second Reading.

Council Member Pierce moved to accept Ordinance No. O-2020-882 amending the Zoning Ordinance of the City of Kirby, Texas, to grant Specific Use Permit #2020-016 for use of the property at 1448 Springfield Road, Lot 5, Kirby Texas for the purpose of parking company trucks

(3), storing equipment and tools in two 20'x8' storage containers, performing oil changes and some mechanical work on company vehicles, storage of asphalt and concrete materials from projects. future use will be to construct a building; seconded by Council Member Lehman. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- e. Discussion And Possible Action On 2018 Street Bond Project Phase II Plans: Ackerman Road, Gibbs Sprawl Road, Taube Road, Cinderella Lane, Sparkling Lane, Bauman Road and Hedwig Street

Craig Wilson, M&S Engineering presented an update on the 2018 Bond Project Phase II.

Mayor Pierce asked Mr. Wilson to keep in constant contact with Ms. Vernon about AT&T and any other concerns. She needs to be informed with process and progress.

- f. Discussion And Possible Action To Award A Bid For Group Insurance

City Manager Vernon stated the current provider is Blue Cross Blue Shield and the renewal rate will be \$419,945; Principal renewal for Dental \$4,701, Vision \$1,800 and Life \$5,117. Our renewal for 2020-2021 will be \$431,563.

Council Member Grant moved to renew Blue Cross Blue Shield medical insurance, and Principal dental, life, and vision supplemental insurance for a total of \$431,563; seconded by Council Member Salazar. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Council Member Salazar moved to waive requirement for the physical this year, and there is not a charge for the wellness physical; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

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

City Manager Vernon identified the changes for the Personnel Policies Manual.

Council Member Grant moved to approve the Kirby Personnel Policies Manual as presented with revisions that included changing the Fire Department shift changes and Animal Services on-call time; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

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

There were not any applications submitted.

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

Mayor Pierce said Susan Street submitted an application for appointment and Sid Sanders, Jr. is seeking reappointment.

Council Member Apodaca moved to appoint Susan Street as a member to the Kirby Senior Center Corporation Board; seconded by Council Member Pierce. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Council Member Grant moved to reappoint Sid Sanders, Jr. as a member to the Kirby Senior Center Corporation Board, seconded by Council Member Lehman. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- j. Discussion And Possible Action On Appointing Members To The Planning And Zoning Commission

Council Member Salazar moved to reappoint Commissioner Lorenzo Baker, Commissioner Alex Ebert, and Commissioner Jeffrey Connaway to the Planning and Zoning Commission to two year periods; seconded by Council Member Grant. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- k. Discussion And Possible Action On Ordinance No. O-2017-828 Stopping, Standing, And Parking.

City Council and staff discussed the Ordinance and recommendations were considered.

City Staff will draft an ordinance and if City Council has any other recommendations they can still submit them to City Manager Vernon.

I. Discussion And Possible Action On Removing Peter Kries From The Crime Control Prevention District

Council Member Grant moved to removing Peter Kries from the Crime Control Prevention District; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

m. Discussion And Possible Action On Appointing A Member To The Crime Control Prevention District Board

Mayor Pierce said an application was submitted by Harold Shaw and the Crime Control Prevention District Board accepted the application and recommended appointment.

Mayor Pro-Tem Aldrich moved to appoint Harold Shaw as a member to the Crime Control Prevention District Board; seconded by Council Member Grant. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

n. Discussion And Possible Action On Accepting Jody Flinn's Resignation From The Economic Development Committee

Council Member Grant moved to accept Jody Flinn's resignation from the Economic Development Committee; seconded by Council Member Salazar. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

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

Council Member Apodaca moved to appoint Alexandria Ebert to the Economic Development Committee; seconded by Mayor Pro-Tem Aldrich. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

p. Discussion And Possible Action On The 2020 National Night Out Event

City Council and staff discussed the 2020 National Night Out event and social distancing.

Mayor Pro-Tem Aldrich moved to coordinated with Judson ISD to conduct a drive through at Kirby Middle School and Hopkins Elementary for National Night Out; seconded by Council Member Grant. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

q. Discussion And Possible Action On 2020 Street Slurry Seal Maintenance Program

Craig Wilson, M&S Engineering informed City Council one bid was received by Viking Construction submitted a bid in the amount of \$96,360. This bid exceeds the budget by approximately \$31,000. His recommendation was the city not award the contract due to the cost. He suggested rebidding the project.

Council Member Grant moved to reject bid on the 2020 Street Slurry Seal Maintenance Program; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

10. Executive Session

a. Deliberation On Review, Evaluation, Duties, Discipline Or Dismissal Of The City Manager. Possible Executive Session Pursuant To Texas Government Code Section 551.074, Personnel Matters.

Mayor Pierce closed the regular meeting to enter into Executive Session pursuant to Texas Government Code Section 551.074, personnel matters at 9:22 P.M.

Mayor Pierce said Executive Session ended at 10:06 P.M and opened the regular meeting at 10:07 P.M. She said there was no action taken.

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

Council Member Grant - He thanked everyone for attending the meeting. He asked City Council to place an item on the next agenda to consider the volley ball court Mr. Shaw brought up at a meeting. He thanked Michael Ives for helping Ms. Cortez today.

Council Member Salazar – He thanked the two committee members who were appointed today.

Mayor Pro-Tem Aldrich – She thanked everyone for attending the meeting. She thanked Pat and her boys for refreshments. She asked to place 2924 Ackerman Road on the next agenda. Stay safe, wear a mask, and use hand sanitizer.

Council Member Apodaca – She wished everyone a Happy Labor Day.

Mayor Pierce – She thanked everyone for attending the meeting. She thanked those who participate during citizen participation. There will be a Rummage Sale at Kirby Senior Center and Meet the Chief on Saturday, September 12, 10:00 A.M. -Noon. The vehicle mentioned tonight is fully operational, registered, insured and street legal. The vehicle is now in their driveway.

12. Adjournment

The meeting adjourned at 10:13 P.M.

Lisa B. Pierce
Mayor

ATTEST:

Patty Cox, TRMC
City Secretary