



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Mike Grant
Mike Martin

Joe Salazar
Janeshia Grider
Susan E. Street

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, MAY 20, 2021 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

1. Call Meeting to Order

Mayor Aldrich called the meeting to order at 7:00 P.M.

2. Invocation and Pledge of Allegiance to the Flag

Mayor Aldrich 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 Aldrich
Mayor Pro-Tem Grant
Council Member Apodaca
Council Member Salazar
Council Member Martin
Council Member Grider
Council Member Street

5. Citizen Participation

1. Yvonne – Ms. Yvonne was not able to attend the meeting. She submitted her concern in an email, Patty Cox read the email submitted by Yvonne. She was concerned about the drainage in the City.
2. Thomas Hernandez – He spoke about funding to reconstruct streets.
3. Mr. Pitmon – He spoke about controlling crime, code violations and zoning violations.
4. Chris Garza – He said at the last meeting he spoke about council attitude.
5. John Rodriguez – He spoke about food safety regulations of home food vendors.
6. Dolores Darby – She said when a variance is granted, drainage should be addressed in advance. She voiced concerns with neighbors.
7. Janelle Buchanan – She stated her concerns regarding the streets.
8. Patricia Mann – She spoke about social media and communication.
9. Dennis Wendell – He spoke about the use of drugs in the City.
10. Gary Thomas – He spoke about controlling crime in the City and code compliance issues.
11. David Nicolson – He said no used car lots in C-1.

6. Consideration Of And Action On Minutes

a. Regular Meeting – May 6, 2021

Mayor Pro-Tem Grant moved to accept the May 6, 2021 minutes as corrected; seconded by Council Member Apodaca.

The motion carried with a 7-0 vote.

7. Presentation

a. Emergency Medical Services Week Proclamation

Mayor Aldrich presented the Kirby Fire Department personnel with the Emergency Medical Services Week Proclamation.

8. Public Hearing

- a. On A Request For A Specific Use Permit For The Property Located At CB 4018G (SPRINGFIELD INDUSTRIAL PARK), Lot 4, Otherwise Known As 1440 Springfield Road, Kirby, TX 78219, Which Is Zoned Light Industrial (LI) To Be Used For The Following Purpose: Constructing Offices And Warehouses To Rent To Different Trades.

Mayor Aldrich opened the public hearing at 7:38 P.M.

1. Sharon Shuler – She asked many questions regarding the building, hazardous materials, fence, utility easement, renters, hours of operation, and concerned about crime.

2. Lisa Pierce – She asked Council to consider what Ms. Shuler said. What types of businesses will be going in and out. She said she supports business coming in and suggested Council set stipulations on the type of businesses that can go in.

3. Harold Shaw – He said he is concerned about drainage, rats, and possums.

4. Mr. Thomas – Springfield Road cannot maintain the traffic and drainage concerns.

5. Charlene Wyatt – She said that Springfield Road is the responsibility of San Antonio. Also, be cautious of the underground pipelines.

- b. On A Request For A Variance To The Zoning Ordinance – Single Family Dwelling District (R-1), Section 153.016(B)(8) Maximum Accessory Building Coverage Of Rear Yard: 30%; Section 153.059 Accessory Buildings And Carports - To Consider Allowing An Existing Carport Located at CB 4018A, BLK 23, Lot 13, Otherwise Known As 5127 Starfire, Kirby, TX 78219.

1. Stephen Pitmon – He had concerns with the building, permits were not issued and plans were never submitted.

2. Ms. Bilke – She was concerned about trash and heavy-duty trucks in the area.

3. Lisa Pierce – She spoke against this item.

4. Ms. Karina Medrano, property owner, spoke about property and said she was notified to obtain a permit by the police. She said the trash in the area was not from her property. Not her trash.

5. Mr. Wendell – He said the occupant started the business without permits. He said he is opposed to the request.

c. On A Request For A Specific Use Permit To Allow Roofing Material Processing (Business) And Consider Section 153.036(B)(4) Design Of Ingress And Egress - At The Property Located at CB 4018A, BLK 23, Lot 13, Otherwise Known As 5127 Starfire, Kirby, TX 78219, Which Is Zoned Single Family Dwelling District (R-1).

1. Ms. Bilke – She said this is a residential house and should not be rezoned.

2. Lisa Pierce – She said she is opposed to the request. Industrial use doesn't belong in a residential area and the ingress/egress could be an issue.

3. Karina Medrano – She said the bending machine doesn't make noise. Regarding music, that is heard on Saturday only. There are only three workers bending material.

4. Patricia Mann – She said she is opposed to the request.

5. Charlene Wyatt – She said this is a residential area and they should have requested the Specific Use Permit before operating the business and variance before constructing the buildings.

6. Celicia Garza – She said this is a residence and not a good idea.

7. Ms. Bilke - She said permits are required for building before construction.

d. On A Request For A Specific Use Permit To Allow The Property Located At CB 5092 P-41 ABS 134, Otherwise Known As 3000 Ackerman Road, Kirby, TX 78219, Which Is Zoned Light Industrial District (L1) For The Placement Of Two Portable Storage Buildings On The Property; The Construction Of A Shop Constructed Of Metal And A Storage Cover Enclosed On Three Sides.

1. Lisa Pierce – She expressed her concern about whether or not this is a construction site.

2. Clay Covin – owner – He said he is here to answer questions.

e. On A Request For A Specific Use Permit To Allow The Property Located At (Street Number Not Created) Old Seguin Road, Lot 5, County Block 4018D, Kirby Manor Commercial Subdivision, Bexar Appraisal District Property ID Number 169238,

Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail District (C-1) To Be Used As A Used Car Lot.

1. Dolores Darby – She said vote no. This is not zoned for this use. She was concerned because it is located in front of Kirby Middle School.
2. Sharon Shuler – She spoke from past experience and had many concerns and questions.
3. Norma Somari – She said she is a substitute teacher at Kirby Middle School and said vote no. There will be children walking to and from school.

Mayor Aldrich closed the public hearing at 8:13 P.M.

9. General Discussion And Possible Action

- a. On A Request For A Specific Use Permit For The Property Located At CB 4018G (SPRINGFIELD INDUSTRIAL PARK), Lot 4, Otherwise Known As 1440 Springfield Road, Kirby, TX 78219, Which Is Zoned Light Industrial (LI) To Be Used For The Following Purpose: Constructing Offices And Warehouses To Rent To Different Trades.

City Council discussed this request.

Jorge Garcia said there were going to be two buildings constructed on the lot. There will be a total of eight offices and each office will be 1,800 square feet. He builds custom homes. The trades will be heating/air, plumbing, and electric. There will be work trucks, but not heavy equipment trucks. He will require nothing be left outside of the building. All equipment and materials must be inside the.

Council Member Martin moved to accept the Specific Use Permit for the property located at CB 4018G (SPRINGFIELD INDUSTRIAL PARK), Lot 4, otherwise known as 1440 Springfield Road, Kirby, TX 78219, which is zoned Light Industrial (LI) to be used for the following purpose: constructing offices and warehouses to rent to different trades; seconded by Mayor Pro-Tem Grant. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- b. On A Request For A Variance To The Zoning Ordinance – Single Family Dwelling District (R-1), Section 153.016(B)(8) Maximum Accessory Building Coverage Of Rear Yard: 30%; Section 153.059 Accessory Buildings And Carports - To Consider Allowing An Existing Carport Located at CB 4018A, BLK 23, Lot 13, Otherwise Known As 5127 Starfire, Kirby, TX 78219.

City Council discussed this request.

Council Member Salazar moved to deny the Variance to the Zoning Ordinance – Single Family Dwelling District (R-1), Section 153.016(B)(8) Maximum Accessory Building Coverage of Rear Yard: 30%; Section 153.059 Accessory Buildings And Carports - to consider allowing an existing carport located at CB 4018A, BLK 23, Lot 13, otherwise known as 5127 Starfire, Kirby, TX 78219; seconded by Mayor Pro-Tem Grant. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- c. On A Request For A Specific Use Permit To Allow Roofing Material Processing (Business) And Consider Section 153.036(B)(4) Design Of Ingress And Egress - At The Property Located at CB 4018A, BLK 23, Lot 13, Otherwise Known As 5127 Starfire, Kirby, TX 78219, Which Is Zoned Single Family Dwelling District (R-1).

City Council discussed this request.

Council Member Salazar moved to deny the Specific Use Permit to allow roofing material processing (business) and consider Section 153.036(B)(4) Design of ingress and egress - at the property located at CB 4018A, BLK 23, Lot 13, otherwise known as 5127 Starfire, Kirby, TX 78219, which is zoned Single Family Dwelling District (R-1); seconded by Council Member Martin. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- d. On A Request For A Specific Use Permit To Allow The Property Located At CB 5092 P-41 ABS 134, Otherwise Known As 3000 Ackerman Road, Kirby, TX 78219, Which Is Zoned Light Industrial District (L1) For The Placement Of Two Portable Storage Buildings On The Property; The Construction Of A Shop Constructed Of Metal And A Storage Cover Enclosed On Three Sides.

City Council discussed this request.

Mayor Pro-Tem Grant moved to approve the Specific Use Permit to allow the property located at CB 5092 P-41 ABS 134, otherwise known as 3000 Ackerman Road, Kirby, TX 78219, which is zoned Light Industrial District (L1) for the placement of two portable storage buildings on the property; the construction of a shop constructed of metal and a storage cover enclosed on three sides; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- e. On A Request For A Specific Use Permit To Allow The Property Located At (Street Number Not Created) Old Seguin Road, Lot 5, County Block 4018D, Kirby Manor Commercial Subdivision, Bexar Appraisal District Property ID Number 169238,

Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail District (C-1) To Be Used As A Used Car Lot.

Council discussed this request.

Mayor Pro-Tem Grant moved to deny the Specific Use Permit to allow the property located at (street number not created) Old Seguin Road, Lot 5, County Block 4018D, Kirby Manor Commercial Subdivision, Bexar Appraisal District Property ID Number 169238, Kirby, TX 78219, which is Zoned Commercial, Office and Retail District (C-1) to be used as a used car lot; seconded by Council Member Salazar. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

f. Discussion And Possible Action On Resolution No. R-2021- 735 Establishing And Designating Certain City Officials To sign City Of Kirby Bank Transactions

City Manager Vernon stated the Resolution will designate the Mayor, City Manager, City Secretary and Police Secretary as bank transaction signers.

Council Member Grider moved to designate the Mayor, City Manager, City Secretary and Police Secretary as bank transaction signers; seconded by Council member Salazar. The motion carried with a 6-0-1 vote.

AYES: 6

NAYES: 0

ABSTAIN – 1 (Mayor Aldrich)

g. Discussion And Possible Action On Resolution No. R-2021-736 A Resolution Appointing Darrell Dullnig As Judge Of The Municipal Court Of The City Of Kirby, Texas For A Two Year Term Beginning June 1, 2021, Setting The Compensation Of The Judge Of The Municipal Court, And Setting The Dates, Time, And Place For Holding Regular Sessions Of The Municipal Court Of The City Of Kirby, Texas

City Manager Vernon provided background on Darrell Dullnig. He has been the prosecutor and then appointed judge. This is for a two-year term with compensation in the amount of \$750 per court/month.

Mr. Dullnig introduced himself and was available to answer questions.

Mayor Pro-Tem Grant moved to accept Resolution No. R-2021-736 a Resolution appointing Darrell Dullnig as Judge of the Municipal Court of the City of Kirby, Texas for a two year term beginning June 1, 2021, setting the compensation of the judge of the municipal court, and setting the dates, time, and place for holding regular sessions of the Municipal Court of the City of Kirby, Texas; seconded by Council Member Martin. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

h. Presentation By Public Alliance On The City of Kirby Website, And Related Discussion And Possible Action

City Manager Vernon provided information on Public Alliance.

Chris Mireles, Josh Castill and Marlene Spain, representatives of Public Alliance were present to answer questions.

There was discussion about the current website and potential upgrades. The fees to upgrade were discussed.

i. Presentation And Discussion On The City Of Kirby Health Permits And Food Handling Requirements

City Manager Vernon presented Cottage Law requirements.

There was discussion regarding who should obtain a permit and health inspections.

John Rodriguez asked if he could speak.

Council Member Street moved to allow John Rodriguez to speak; seconded by Council Member Martin. The motion carried with a 7-0 vote.

AYE: 7 NAYES: 0

Mr. Rodriguez spoke to defend his reputation.

Kathy Gomez asked if she could speak.

Council Member Martin moved to allow Kathy Gomez to speak; seconded by Council Member Grider. The motion carried with a 7-0 vote.

AYES: 7 NAYES: 0

Ms. Gomez spoke about 'It's Good Dough' and giving away free funnel cake.

j. Presentation And Discussion On The City of Kirby Animal Ordinance No. O-2019-865 And Animal Services Department Process

Ashley St. Denis. Animal Services Manager, presented information on the Animal Ordinance and answered questions. She highlighted the stages and symptoms of rabies; dangerous animals; Parvo; distemper/parvo; Trap Neuter Release; kennel

cough/tracheobronchitis; proper restraints; public nuisance; lost animals; microchip; and animal limit per city ordinance.

k. Discussion And Possible Action To Approve The City of Kirby Charter Amendments

Council Member Salazar moved to approve the Charter Amendments; seconded by Mayor Pro-Tem Grant. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

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

City Manager Vernon provided an update on the Binz Engleman Road Reconstruction Project. All final project documentation has been submitted to TXDot for reimbursement and close out.

m. Discussion And Possible Action On Ordinance No. O-2021- 895 An Ordinance Amending The 2020-2021 Municipal Budget Of The City Of Kirby. This Is The First Reading.

Tina Ynfante, Finance Director, presented the second amendment for the General Fund and Water Fund. GENERAL FUND – Revenues increased by \$100,440 and expenditure increased by \$44,162. WATER FUND – No change in revenue and expenditures increased by \$208,000.

Council Member Salazar moved to accept Ordinance No. O-2021- 895 amending the 2020-2021 Municipal Budget of the City of Kirby; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

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

There were not any applicants.

o. Discussion And Possible Action On Appointment Of Members To The Beautification And Recycle Committee.

There was one applicant – Patricia Baber.

Council Member Martin moved to appoint Patricia Baber to the Beautification and Recycle Committee to a term expiring October 1, 2022; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- p. Discussion And Possible Action On Assignment Of Council Member Liaisons To City Boards, Commissions And Committees.

The City Council discussed the assignments. The following were assigned.

Animal Advisory Committee – Mayor Pro-Tem Grant
Beautification And Recycle Committee – Council Member Grider
Building And Standards Commission – Council Member Martin
Crime Control And Prevention District Board – Council Member Salazar
Economic Development Committee – Council Member Apodaca
Planning And Zoning Commission – Mayor Aldrich
Kirby Senior Center Corporation Board – Council Member Street

Council Member Martin moved to approve the above assignments; seconded by Mayor Pro-Tem Grant. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

10. City Manager Announcements

- a. Announcements On City Events And Items Of Interest.

City Manager Vernon identified the upcoming events and meetings for June and July 2021.

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 Interest

Council Member Salazar – He asked that the streets and M&S Engineering be added to an agenda.

Council Member Grider – She asked if legal process for residents with numerous calls can be placed on an agenda. Also, drainage in the City and street issues.

Mayor Pro-Tem Grant – He inquired about engineering.

Council Member Street – She asked that drainage in the City be addressed. Also, houses with issues be addressed so residents can be informed. She requested that bids from companies be placed on an agenda.

Council Member Apodaca – She thanked Michael Ives for all his hard work on Binz Engleman Road project.

Council Member Martin – He thanked everyone for attending the meeting. He said there needs to be a town hall meeting to address citizen concerns.

Mayor Aldrich – She thanked everyone for attending the meeting. She thanked the employees for choosing Kirby.

12. Adjournment

The meeting adjourned at 11:39 P.M.

Kim Aldrich
Mayor

Patty Cox, TRMC
City Secretary