



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL AGENDA
REGULAR MEETING
THURSDAY, MARCH 23, 2023 - 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

This meeting will also be held by videoconference call. The location where a quorum of the governmental body will be physically present is City Hall, City Council Chambers at 112 Bauman Street, Kirby, Texas 78219 and it is the intent to have a quorum present at that location and for the member of the governmental body presiding over the meeting to be physically present at that location. A member of the public may testify from a remote location by videoconference at:

Topic: Regular City Council Meeting

Date and Time: March 23, 2023(Central Time)

Join Zoom Meeting:

Video Participation: Join Zoom Meeting

<https://zoom.us>

Meeting ID: 956 855 1663 and Passcode: 1955

1. **Call Meeting to Order**
2. **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**
5. **Citizen Participation**

Citizens Participation Is For The City Council To Receive Information On Issues That May Be Of Concern To The Public. Citizens Participation Is Limited To Five (5) Minutes. A Purpose Of The Open Meetings Act Is To Insure That The Public Is Always Given Notice Of The Items That Will Be Discussed By The Council. Should A Member Of The Public Bring An Item To The Council For Which The Subject Was Not Posted On The Agenda For The Meeting, The Council May Receive The Information, But Cannot Discuss Or Act Upon It At The Meeting.

6. Consideration Of And Action On Minutes

- a. Regular Minutes – March 9, 2023

7. Public Hearings, Discussion and Possible Action

- a. Public Hearing, Discussion And Possible Action On An Ordinance Amending The Official Zoning Map of the City of Kirby, Texas By Zoning Approximately 0.6706 Acres Of Land Situated At CB 5903, BLK LOT E 275.6 FT OF N 40 FT OF 6, S 60 FT OF 6 & N 7 FT OF 7, Property ID: 358356; Otherwise Known As **3918 Ackerman Road**, Kirby, TX 78219, Which Is Zoned Single Family Dwelling District (R-1) To Be Rezoned As Multiple Family Dwelling District (R-2) Property.
- b. Public Hearing, Discussion And Possible Action On An Ordinance Amending The Official Zoning Map of the City of Kirby, Texas By Zoning Approximately 0.3400 Acres Of Land Situated at CB 5191B BLK LOT W IRR 59.60 OF N 183.5 OF 1 : Property ID Number 338554, Geo Identification Number: 05191-005-0012, Otherwise Known As **315 Gaiety Lane**, Kirby, TX 78219, Which Is Zoned Single Family Dwelling District (R-1) To Be Rezoned As Multiple Family Dwelling District (R-2) Property.
- c. Public Hearing To Hear A Request To Allow The Property Located At CB 5941 BLK 6 LOT 54, Otherwise Known As **102 Hedwig**, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-1) District To Be Used As A Single Family Dwelling (R-1) District.

8. Discussion And Possible Action

- a. Discussion And Possible Action On A Request For A Specific Use Permit For The Property Located At CB 4018G (SPRINGFIELD INDUSTRIAL PARK), Property ID: 1286024, CB: 4018G, Lot 4, Otherwise Known As **1440 Springfield Road**, Kirby, TX 78219, Which Is Zoned Light Industrial (LI) To Be Used For The Following Purpose: Installing A Portable Office And Storage Of Equipment (Bobcats, Excavators, Trailers And Dumpsters For Lease And Personal Use)
- b. Update And Discussion On Austin Bridge And Road Delay On Ackerman Road Project

- c. Update And Discussion On Alan Shepard Street Repair
- d. Discussion And Possible Action On Adding A Budget Line Item To Pay For Council Cell Phones (Mayor)
- e. Discussion And Possible Action To Appoint Member(s) To The Economic Development Committee
- f. Discussion And Possible Action To Appoint Member(s) To The Beautification And Recycle Committee
- g. Update And Discussion On Amazon Thru Traffic And Possible Code Violations

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 Interest

10. Adjournment

William Hilburn
Acting City Manager

Patty Cox, TRMC
City Secretary

The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on this agenda if authorized by Texas Government Code Section 551.071, Consultation with Attorney, Texas Government Code Section 551.072, Deliberations about Real Property, Texas Government Code Section 551.074, Personnel Matters, and Texas Government Code Section 551.076, Security Devices or Security Audits.

This meeting is wheelchair parking accessible at the main entrance located at 112 Bauman. Auxiliary services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours prior to the meeting) by calling 210/661-3198 or Relay Texas 800/735-2989 (hearing/speech impaired assistance)

DATE OF POSTING: March 20, 2023

TIME OF POSTING: 6:45 P.M.

DATE REMOVED

<input type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input checked="" type="checkbox"/>	CONSIDERATION OF MINUTES
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: MARCH 23, 2023

AGENDA ITEM: 6. a.

6. Consideration Of And Action On Minutes

Regular Minutes – March 9, 2023

The minutes are attached for your review. If you have any changes, please send me an email no later than 2:00 P.M. on March 22, 2023, and updates will be prepared for Council consideration.



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, MARCH 9, 2023 - 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

This meeting will also be held by videoconference call. The location where a quorum of the governmental body will be physically present is City Hall, City Council Chambers at 112 Bauman Street, Kirby, Texas 78219, and it is the intent to have a quorum present at that location and for the member of the governmental body presiding over the meeting to be physically present at that location.

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

Council Member Apodaca
Council Member Garza
Mayor Pro-Tem Grider
Council Member Martin
Council Member Street
Council Member Walczyk

5. Citizen Participation

1. Chief Hilburn – He asked Council to consider waiving the fees for the Fire Department to use Friendship Park to host the Easter Egg Hunt on April 2, 2023. He expressed there is a great need for more plastic Easter Eggs.

2. Sally Hitt – She wanted to introduce herself to the citizens. She said she has been a Kirby resident for over 30 years and announced she is running for City Council.

3. Lisa Pierce – She provided a lot of information about Council's decision on the contract; information she found while researching the applicant; she encouraged them to view the YouTube videos of the City of Kenedy Council meetings.

4. Jack Miller – He said she brought up powerful points. He said he did his own checking on the person and talked to people. He believes they are being honest that he is a hard charger, you rub some people the wrong way, he's not perfect, but for the citizens that are paying attention to this rest assured no matter what official takes a spot up there I'm not going anywhere and those things that we're worried about was a legit concern. Mr. Linn may be listening to this as well. Mr. Miller spoke about an investigation that was closed because the allegations were unfounded. He spoke about the City paying Rampage and a record that was provided to his producer, Mr. White. He had two questions for candidates that are running for office pertaining to the record request.

5. Kirk Harrison – He introduced himself as the representative with Frontier Waste. He empathized with what goes on in City Council meetings. He said he was a council member. He said Frontier Waste is very interested in getting the contract to service the City. They will be in the City five days a week running their routes, but that does not mean they will be going over the same road five times. They are sectioning off the City according to a map he provided in the bid packet. There will be trucks in the area for quick response times if something comes up. They service Dallas, San Marcos, San Antonio, and Davenport Beach.

6. Maria Lozano – She said she also wanted to speak on item #7. n. She asked Council to please retract their appointment of William Linn. She provided many reasons why.

7. Joe Molina – Mr. Molina introduced himself as a candidate running for City Council. He has been a resident for 37 years and wanted to let the residents know who he is.

8. Gus Guerra – Mr. Guerra provided Council an update on the surrender of 50 animals, as of today. He provided the history on the property and the Building and Standards Commission case on the property and owner. The owner has been spotted feeding cats in alley. He hopes this does not become a repetitious event.

9. Pat Baber – City Secretary read an email from Pat Baber. She wrote that City Council is having a difficult time filling the position of City Manager. In her opinion, Mr. Linn is a giant step backward. Like many others, she has viewed council meetings from Kenedy, TX. Family that did live in Karnes County say that most citizens found Mr. Linn very difficult to work with and for. The Valley Mills City Attorney resigned due difficulty working with Mr. Linn. What happened when he applied for city manager with City of Vidor in March 2020? Look at those records. Is it professional of a city manager to tell council to eject him from the council meeting? For the good of Kirby, please do not hire William Linn.

6. Consideration Of And Action On Minutes

a. Special Minutes – February 23, 2023

Council Member Apodaca moved to approve the minutes of February 23, 2023; seconded by Council Member Walczyk. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

b. Regular Minutes – February 23, 2023

Council Member Martin moved to approve the minutes of February 23, 2023; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Council Member Apodaca moved to discuss item “7. b” then item “7. a;” seconded by Council Member Martin. The motion carried with a 7-0 vote,

AYES: 7

NAYES: 0

7. Discussion And Possible Action

a. Discussion And Possible Action On Revision To Extension Agreement With Republic Services For Solid Waste Services

Tom Armstrong, Republic Services, provided information on the revised extension agreement for solid waste services. They will honor the contracted rate for the new contract for the extension. The contract rate is lower than what it would be on the 90-day extension, but since we agreed to we can give the RFP price.

Council Member Garza moved to approve the revision to the extension agreement with Republic Services for solid waste at the contract price; seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

b. Presentation, Discussion And Possible Action On Municipal Solid Waste Services Proposals

Tom Armstrong, Republic Services Representative, provided the history of working with Kirby. The incumbent knows the route, familiar with residents and their needs. For a while the quality of recycle was highly contaminated and could not be processed as recyclables. He approached Council with concerns with recycling. He put together an educational program for recycling. Now, Kirby has one of the lowest contaminated recyclables ratings. They have provided donated services, absorbed overages to the HHW program, contributed to the 4th of July event. They will service once a week for garbage, there will be a nominal fee for out of cycle pick up, extra curbside pick-up will be \$1.30 per month per household (two curbside per year), eliminate drop off at Public Works.

Mayor Aldrich asked Mr. Miller to move his camera back to the designated area of the Council Chamber.

Council Member Garza moved to allow Jack Miller to keep his camera where he moved it; seconded by Council Member Street. The motion failed with a 2-5 vote.

AYES: 2

NAYES: 5 (Council Members Martin,
Walczyk, Apodaca and Mayor
Pro-Tem Grider and Mayor
Aldrich)

Mr. Miller moved his camera back to the assigned area in the Council Chamber.

Mayor Aldrich recognized Mr. Harrison and asked if he would like to present his proposal.

Mr. Harrison, Frontier Waste Representative, informed Council they offer two brush pick ups, one in the fall and one in the spring and once a week garbage service and every week recycle (4 quadrants for recycle).

Mayor Aldrich recognized Mr. Miller.

Mr. Miller said did I hear do business with me and I will continue to give you money for your sideshows? Do not let that have any type of effect on or influence on your decision to extend the contract.

Council Member Walczyk moved to retain Republic Services and include two brush pick ups for spring and fall; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Council Member Walczyk moved to discuss agenda items "7. n" and "7. o" before item "7. c;" seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

c. Presentation, Discussion And Possible Action On Municipal Swimming Pool Management Services

City Council discussed the contract submitted by San Antonio Pool Management. The agreement shall become effective December 1, 2022 for the 2023 and 2024 year. The period extending from December 1, 2022 through November 30, 2024. The payments are \$50,433.00 for year one and \$55,195.00 for year two, upon the specifications, conditions and terms as set forth in the agreement.

City Council discussed whether there were other options to maintain and staff the pool.

Council Member Walczyk moved to sign the two-year contract with San Antonio Pool Management; seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

d. Update, Discussion And Possible Action On Kirby Senior Center ADA Compliance

City Council discussed the contract for Kirby Senior Center ADA Compliance to remove the drinking fountain (\$3,387.00); urinal tank and flush valve installation, toilet shift 1/2 "to the right as per code requirement (minor chipping), lavatory guard installation, and dispenser relocations for toilet paper and paper towel (\$2,680.00).

Council Member Martin moved to accept the contract submitted by J & T Home Solutions LLC; seconded by Council Member Garza. The motion carried with a 5-2 vote.

AYES: 5

NAYES: 2 (Council Member Apodaca and
Mayor Aldrich)

e. Discussion And Possible Action On Citizen Usage Of City Facilities For Events

Council Member Garza requested clarification on city events and citizen events. Who takes on liability/waiver.

Dan Santee, City Attorney, stated the responsibilities are based on the type of facility being rented. The client takes on liability through the contract. If Council rents a facility that serves the public's purpose the at a reduced rate or for free, regardless if they are paying or you are doing that, the City carries insurance for most of that potential. Depending on the event you might want to have people sign waivers. Zumba classes need to sign waivers. City Council decides if it is a City event and whether the City will act as a sponsor.

f. Discussion And Direction On Ordinance Number 242 An Ordinance Making It Unlawful For Any Person To Possess, Possess For Sale, Sell Or Offer For Sale At Retail Or Otherwise, To Use, Shoot, Discharge, Explode, Ignite Or Display Any Fireworks Within The City, Providing For Permits To Be Issued For Public Firework Displays By The City Council And Issued For Public Firework Displays By The City Council And Providing For A Penalty Not To Exceed \$200.00 For Each Offense.

Council Member Walczyk said she requested this item. She said fireworks have gotten out of hand making it difficult for police to catch them in action. She suggested raising the fine as a deterrent and whoever calls in the violation should show photos as evidence.

City Council discussed designating an area to use fireworks, make sure safely away from pets and homes, consider risk assessment in the park, campaign for fireworks safety.

Council Member Walczyk asked Chief Cardona if she could come up with something and bring this back.

g. Discussion And Possible Action On City Council Conduct And Decorum

Council Member Garza asked to postpone this item to the next meeting; seconded by Council Member Street. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Mayor Aldrich)

h. Discussion And Possible Action On Professional Services Proposal From Givler Engineering For The Relining On Well #2

Council discussed the professional services proposal from Givler Engineering for the relining on Well #2. The total engineering fee is \$32,000.

Council Member Street accept the professional services proposal from Givler Engineering for the relining on Well #2; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

i. Discussion And Possible Action On Installation Of A Meter to Monitor Friendship Park Ballfield Lights

Council Member Garza asked if there were any other bids.

Frank Salazar, Public Works Director, said only one was requested.

Council Member Garza moved to look for two more bids to look for quotes to put a meter to monitor the ballpark lights at Friendship Park; seconded by Council Member Street. The motion failed with a 3-3 vote.

AYES: 3

NAYES: 3 (Council Members Martin, Apodaca and Mayor Aldrich)

Mayor Pro-Tem Grider moved to allow Joe Molina to speak; seconded by Council Member Garza. The motion carried with a 6-0 vote. (Council Member Walczyk was no longer present.)

Ayes: 6

NAYES: 0

Mr. Molina suggested Council accept the proposal because the new bid prices could go up.

Mayor Aldrich recognized Maria Lozano who signed up to speak.

Mrs. Lozano said she understands why Council is requesting the meter to monitor GNELL'S electricity usage, but \$7,500 is a lot of money. GNELL's contract fee was increased and they maintain the fields yearly. They provide a service to the children and the City.

Council Member Street moved to accept the bid from Gerard Election on installation of a meter to monitor Friendship Park Ballfield lights; seconded by Council Member Garza. The motion carried with a 4-2 vote.

AYES: 4

NAYES: 2 (Council Member Martin and
Mayor Aldrich)

- j. Discussion And Direction On Ordinance No. 2022-915 An Ordinance 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

Chief Cardona provided background for this item. The discussion addressed the recently removal of 50 cats from a home. She asked City Council to make it illegal to have a cat colony in the City.

City Council discussed cat colonies, cat colony coalition, Trap Neuter Return program, code violations and repercussions of violating the ordinance.

Chief Cardona said the violation is enforced, but the problem needs to be fixed.

- k. Discussion And Possible Action On Establishing An Open Records Request Policy

Council Member Garza said he requested this item to make a determination on a policy for open record requests that go to the City Attorney and Attorney General.

City Secretary receives the open record request, forwards to City Manager then forwarded to City Attorney. If the request is for a traffic incident, it is forwarded to Police Secretary.

Dan Santee, City Attorney, the Public Information Act prohibits selected disclosures. The City establishes how to handle PIA requests. The City will inform the city attorney if they want the request argued with the Attorney General.

- l. Discussion And Possible Action On Zoom For All Council Meetings

Council Member Garza said he requested this item. Recently he was not able to vote due to ZOOM not being identified on the Council agenda. He explained his concern.

Council Member Martin moved to have zoom on all City meetings; seconded by Mayor Pro-Tem Grider. The motion carried with 4-2 vote.

AYES: 4

NAYES: 2 (Council Member Apodaca and
Mayor Aldrich)

m. Discussion And Possible Action To Appoint Member(s) To The Economic Development Committee

City Secretary explained applicant not able to attend tonight's meeting and requested placing this item on the March 23, 2023 agenda.

Council Member Garza moved to postpone to March 23, 2023; seconded by Council Member Street. The motion carried with 6-0 vote.

AYES: 6

NAYES: 0

n. Discussion and Possible Action Regarding The Interim City Manager and Contract Changes

Council discussed Mr. William Linn and information that has been brought up during the Council meetings, or their individual research.

Council Member Garza stated that he had not received an email that other Council Members received. Council Member Street said she has not received the email either.

Mayor Aldrich called for a 10-minute break to review the email at 8:25 p.m.

Council Member Garza moved for a 10-minute break to review the email; seconded by Council Member Street. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Mayor Aldrich)

Mayor Aldrich convened the meeting at 8:35 P.M.

Council Member Garza read the email submitted by Mr. Linn. This is information someone will ask.

Mayor Aldrich recognized Lisa Pierce who signed up to speak on this item.

Lisa Pierce – She said she was not able to complete everything she had to say earlier, but any communication between the City Council from February 9 until the last meeting is on the video which Council would find rather eye-opening. It would have been beneficial to make a decision based on seeing that YouTube video of their live stream meeting. She provided more information and said this is his character or the type of his leadership is this has been evidence through the other cities and it a cycle, it is not something that jus happens. Every time every City has let him go or he resigned for reasons that he is unprofessional not just with the residents but with the Council.

Mayor Aldrich recognized Maria Lozano who signed up to speak on this item.

Mrs. Lozano said his leadership is evidence in the other cities. It is a cycle. Possibility Kirby will be fourth city.

Council Member Martin requested an agenda item to do away with interim and request an RFP for city manager and vet the applications as they arrive.

Council Member Walczyk moved to rescind the contract regarding the interim city manager contract; seconded by Council Member Martin; the motion carried with a 5-2 vote.

AYES: 5

NAYES: 2 (Council Members Garza and Street)

- o. Discussion And Possible Action For Compensation Acting City Manager Roxanne Cardona

City Council discussed compensation for acting City Manager Roxanne Cardona. They discussed percentage vs dollar amount.

Dan Santee said the term interim city manager is the proper term in this situation. Without a city manager and rescinding Mr. Linn's contract the proper designation is interim city manager. Industry standards is to pay a percentage and it is at Council's discretion to choose the percentage, but varies because taking on additional work.

Council Member Garza moved to go into executive session. Motion failed due to lack of a second.

Mayor Aldrich recognized Mr. Miller because he signed up to speak on this item.

Mr. Miller said she needs to make more money than former Chief Bois. She is the best Chief we have had. An Executive Session will be appropriate place to do this.

Council Member Martin moved to allow Officer Hilt to speak; seconded by Council Member Garza. Motion carried with 6-1 vote.

AYES: 6

NAYES: 1 (Council Member Garza)

Mr. Hilt said she deserves more. She must manage the Police Department and the City.

Council Member Walczyk moved to increase Chief Cardona's salary 10 percent.

City Council discussed this option.

Council Member Walczyk rescinded her motion.

Council Member Garza moved to allow Ms. Bogardus to speak; seconded by Council Member Street. The motion carried with 7-0 vote.

AYES: 7

NAYES: 0

Ms. Bogardus asked Council to consider that this is a big job and no matter what amount of money you give will be stretched. If she is taking this role to move up Alonzo as in our chief while she does that job because you are not going to solely hand over all of you that over the process it just alleviation. However, you should put talking about money on the table.

Chief Cardona requested continuing the conversation in executive session.

Council Member Martin moved to go into executive session to discuss; seconded by Council Member Walczyk. The motion carried with 7-0 vote.

Mayor Aldrich said Council will convene into executive session at 9:09 P.M.

Mayor Aldrich closed the executive session and opened regular session at 9:19 P.M.

There was no action taken during the executive session.

Member Martin moved to appoint Roxanne Cardona as interim City Manager for a salary of \$90,000; seconded by Council Member Apodaca. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Mayor Aldrich)

8. 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 Street wished everyone a safe Spring Break. Thank you for being here.

Council Member Garza thanked everyone for staying. He asked for an update on the zipper machine. He asked to place Amazon warehouse and City flags on the next agenda. He thanked employees who are doing a good job.

Mayor Pro-Tem Grider said the first youth program event is March 11 noon -2 P.M. at John Sterling Building. It will be a St. Patrick theme for the vision board event. She thanked staff for stepping up. Residents are aware of a lot of issues. Look into streetlights through CPSEnergy.

Council Member Apodaca said there are vacancies on committees, boards, and commissions. Check your fence and keep your pets in your yard. Happy St. Patrick Day Happy and enjoy a safe spring break. Be sure you check on your kids.

Council Member Martin said put out an RFP tomorrow, vet the applications then send to application interview committee. There are school kids stealing from Dollar General. Thank you for staying.

Council Member Street added that on Saturday Kirby Senior Center is having a Rummage Sale. Kirby Baptist Church is too. Please support the Kirby Senior Center.

Mayor Aldrich said March 11 Household Hazardous Waste at Friendship Park at 8:00 A.M. until full capacity. Items for the agenda are Fire Departments use of Friendship Park April 2 for an Easter Egg Hunt and a line item on the budget for council cell phones. She thanked everyone for staying and have a safe spring break.

9. Adjournment

Mayor Aldrich adjourned the meeting at 10:53 P.M.

Roxanne Cardona
Interim City Manager

Patty Cox, TRMC
City Secretary

<input type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input checked="" type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y

DATE: MARCH 23, 2023

AGENDA ITEM: 7. a.

7. Public Hearings, Discussion and Possible Action

Public Hearing, Discussion And Possible Action On An Ordinance Amending The Official Zoning Map of the City of Kirby, Texas By Zoning Approximately 0.6706 Acres Of Land Situated At CB 5903, BLK LOT E 275.6 FT OF N 40 FT OF 6, S 60 FT OF 6 & N 7 FT OF 7, Property ID: 358356; Otherwise Known As **3918 Ackerman Road**, Kirby, TX 78219, Which Is Zoned Single Family Dwelling District (R-1) To Be Rezoned As Multiple Family Dwelling District (R-2) Property.

Mr. Raul Gonzalez, applicant/owner, is requesting Single Family Dwelling District (R-1) To Be Rezoned As Multiple Family Dwelling District (R-2) Property. He wants to rent the building behind the main house. He wrote his reasons for the request on his application.

ORDINANCE NO. O-2023-924

AN ORDINANCE OF THE CITY OF KIRBY, TEXAS AMENDING THE OFFICIAL ZONING MAP BY ZONING APPROXIMATELY 0.6706 ACRES OF LAND SITUATED AT CB 5903, BLK LOT E 275.6 FT OF N 40 FT OF 6, S 60 FT OF 6 & N 7 FT OF 7, PROPERTY ID: 358356; OTHERWISE KNOWN AS 3918 ACKERMAN ROAD, KIRBY, TX 78219, WHICH IS ZONED SINGLE FAMILY DWELLING DISTRICT (R-1) TO BE REZONED AS MULTIPLE FAMILY DWELLING DISTRICT (R-2) PROPERTY.

WHEREAS, the City of Kirby (“City”) is a Texas Home Rule Municipality operating under the laws of the State of Texas and its adopted City Charter; and

WHEREAS, the City is empowered by Chapter 211 of the Texas Local Government Code to establish a zoning ordinance establishing zoning districts and permissible land uses within the incorporated limits of the City; and

WHEREAS, the City Council has previously adopted zoning regulations establishing districts and the allowable uses therein; and

WHEREAS, the City Council may from time to time choose to amend, supplement, change or modify the City’s zoning regulations, boundaries, or classifications; and

WHEREAS, an application has been filed with the City to zone approximately 0.6706 acres of land situated at CB 5903, BLK LOT E 275.6 FT OF N 40 FT OF 6, S 60 FT OF 6 & N 7 FT OF 7, Property ID: 358356; otherwise known as **3918 Ackerman Road**, Kirby, TX 78219, which is zoned Single Family Dwelling District (R-1) to be rezoned as Multiple Family Dwelling District (R-2) Property; and

WHEREAS, on March 1, 2023 notice of a public hearing was published in the San Antonio Express News newspaper; and

WHEREAS, the City Council has duly held public hearings and given proper notice, as necessary, pertaining to changing zoning classifications; and

WHEREAS, on March 23, 2023 the City Council conducted a public hearing and after consideration determined that the requested zoning be approved as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRBY, TEXAS:

Section 1. The Property as shown and more particularly described in the attached Exhibit “A,” is hereby zoned Multiple Family Dwelling District (R-2) District.

Section 2. The Official Zoning Map of the City of Kirby, shall be revised to reflect the above amendment.

Section 3. The foregoing recitals are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 4. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 5. This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 6. This Ordinance shall be construed and enforced in accordance with the laws of the state of Texas and the United States of America.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 8. This Ordinance will take effect upon its adoption by the City Council.

PASSED AND APPROVED on first reading on 23rd day of March, 2023 and on second reading on the 13th day of April 2023.

CITY OF KIRBY, TEXAS

By: _____
Kimberly McGehee Aldrich, Mayor

ATTEST:

Patty Cox, City Secretary

CITY OF KIRBY, TEXAS



FORMAL APPLICATION FOR ZONING REQUEST

Date of Application 01/30/23 Case Number: _____

Name of Applicant Raul Gonzalez

Address 3918 Ackerman Road, Kirby

Home/Cell Phone (210) 3004869 Business Telephone _____

Is applicant the owner, lessee, or other of the property proposed for the ZONING Application yes

Current Zoning: R1 Proposed Zoning: R2

Location of property where change is requested, described according to subdivision plat filed at the County Court House or City Tax rolls:

Lot(s) _____ Block 275, 6 ft + NCB 5903

Address of subject property 3918 Ackerman Road Kirby

Property is situated along _____ side of _____
N.S.E.W. Street

Approximately _____ feet _____ of the intersection of
N.S.E.W.
Street with Street

What deed restrictions, if any, concerning the type of improvements permitted are in place on the subject property? If there is an expiration date for the deed restrictions, what is the expiration date? You may attach a copy of the original printed deed restrictions in answer to this questions, after underlining the specific text which addresses the uses or improvements restricted thereby.

02/24/2023

Detailed reasons for requesting change of Zoning (Please list all proposed activities), or attach your reasons for rezoning request:

1. Keep Property and Community Clean.
2. So that no Vandalism enters the property
3. respecting the neighbors the tranquility of the community.
- 4) I can't leave the properties vacant because people come in to destroy.

Why? I want zone R2 to rent the apartments in the back so that Vandalism does not enter and they are occupied and respecting the Kirby Regulation. Two separate buildings. One family-person per building A.C

I, the undersigned owner, lessee, or Raul Gonzalez hereby request a ZONING from the City of Kirby, Texas, as follows. In addition, I hereby consent to the posting of hearing notices on or adjacent to said property understanding that no undue damage will be incurred.

Attached are the following (Check List):

1. A dimensioned map at a scale of 100 or 200 feet to the inch showing the property referred to in this application and all streets, lots, easements, zoning of abutting properties, and parcels of land within 200 feet of said property.
2. A typed list of the property owners and addresses of all property within 200 feet of said property and description of owner's property.
3. A plan site, indicating location, dimensions and uses of existing and proposed structures, easements, water sources, fences, curb cuts, street and alley right-of-way lines on and within one foot of the property proposed for rezoning (on map required by item 1 above, or another map at greater scale).
4. Check for amount required by the City of Kirby, payable to the City of Kirby as fee for the purpose of defraying expenses of mailing notices and hearing before the Zoning Commission.

Raul Gonzalez
Signature & Date of Applicant

§ 153.017 "R-2" MULTI FAMILY DWELLING DISTRICT.

- (A) *Use.* Property in an "R-2" Multi-Family Dwelling District shall be used only for structures incorporating multiple dwelling units and incidental accessory uses.
- (B) *Area requirements.*
- (1) Minimum lot area:
 - (a) The minimum lot area shall be 10,000 square feet for the first 3 dwellings units and each additional dwelling unit shall be a minimum of 3,630 square feet.
 - (b) No MF-2 Development shall exceed a density of more than 12 dwelling units per gross acre.
 - (2) Minimum lot frontage on a public street:
 - (a) Internal: 100 feet.
 - (b) Corner: 100 feet.
 - (3) Minimum lot depth: 100 feet.
 - (4) Minimum depth of front setback: 25 feet.
 - (5) Minimum depth of rear setback shall be 10 feet. There shall be no encroachment or overhangs into this required rear yard.
 - (6) Minimum width of side setback:
 - (a) Internal lot: 10 feet.
 - (b) Corner lot: 15 feet.
 - (7) Maximum building coverage as a percentage of lot area: 50%.
 - (8) Maximum accessory building coverage as a percentage of rear yard: 30%.
 - (9) Maximum height of structures: 45 feet or 3 stories, whichever is less.
 - (10) See §§ 153.050 through 153.060 for further clarification and exceptions and modifications.

(Ord. 2001-581, passed 8-16-01)

← 3919 Ackerman Rd Kirby, Texas

**3918**
San 

3918 Ackerman Rd
3918 Ackerman Rd, Sa...
29.47°N, 98.38°W

X



Google Earth
© 2023 Google



Camera: 707 ft



3918

San A

3918 Ackerman Rd, Sa...

29.47°N, 98.38°W



3918 Ackerman Rd



<input type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input checked="" type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y

DATE: MARCH 23, 2023

AGENDA ITEM: 7. b.

7. Public Hearings, Discussion and Possible Action

Public Hearing, Discussion And Possible Action On An Ordinance Amending The Official Zoning Map of the City of Kirby, Texas By Zoning Approximately 0.3400 Acres Of Land Situated at CB 5191B BLK LOT W IRR 59.60 OF N 183.5 OF 1 : Property ID Number 338554, Geo Identification Number: 05191-005-0012, Otherwise Known As **315 Gaiety Lane**, Kirby, TX 78219, Which Is Zoned Single Family Dwelling District (R-1) To Be Rezoned As Multiple Family Dwelling District (R-2) Property.

Mr. Jason Jauregui, applicant/owner, has a very unique situation with the property and has provided a very detailed explanation supporting his request. He will be present to answer questions. The property is currently zoned Is Zoned Single Family Dwelling District (R-1) To Be Rezoned As Multiple Family Dwelling District (R-2) Property.

The multi-family building was constructed in 1959. There is no record of a building permit. The original zoning ordinance was adopted December 21, 1961.

#71 For the purpose of promoting public health, safety, moral, comfort and general welfare, to conserve and protect property values; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to prevent the overcrowding of land, to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water sewage, schools, parks

and other public requirements, the said Town of Kirby is hereby zoned, pursuant to the provisions of Title 28, Chapter 4, Revised Civil Statutes of the State of Texas to which statutes reference is hereby made.

The latest amended Zoning Districts maintained the (R-1) Single Family District.

Mr. Jason Jauregui will be present to answer questions.

ORDINANCE NO. O-2023-925

AN ORDINANCE OF THE CITY OF KIRBY, TEXAS AMENDING THE OFFICIAL ZONING MAP BY ZONING APPROXIMATELY 0.3400 ACRES OF LAND SITUATED AT CB 5191B BLK LOT W IRR 59.60 OF N 183.5 OF 1: PROPERTY ID NUMBER 338554, GEO IDENTIFICATION NUMBER: 05191-005-0012, OTHERWISE KNOWN AS 315 GAIETY LANE, KIRBY, TX 78219, WHICH IS ZONED SINGLE FAMILY DWELLING DISTRICT (R-1) TO BE REZONED AS MULTIPLE FAMILY DWELLING DISTRICT (R-2) PROPERTY.

WHEREAS, the City of Kirby (“City”) is a Texas Home Rule Municipality operating under the laws of the State of Texas and its adopted City Charter; and

WHEREAS, the City is empowered by Chapter 211 of the Texas Local Government Code to establish a zoning ordinance establishing zoning districts and permissible land uses within the incorporated limits of the City; and

WHEREAS, the City Council has previously adopted zoning regulations establishing districts and the allowable uses therein; and

WHEREAS, the City Council may from time to time choose to amend, supplement, change or modify the City’s zoning regulations, boundaries, or classifications; and

WHEREAS, an application has been filed with the City to zone approximately 0.3400 acres of land situated at CB 5191B BLK LOT W IRR 59.60 OF N 183.5 OF 1 : Property ID Number 338554, Geo Identification Number: 05191-005-0012, Otherwise Known As 315 Gaiety Lane, Kirby, TX 78219, Which Is Zoned Single Family Dwelling District (R-1) To Be Rezoned As Multiple Family Dwelling District (R-2) Property; and

WHEREAS, on March 1, 2023 notice of a public hearing was published in the San Antonio Express News newspaper; and

WHEREAS, the City Council has duly held public hearings and given proper notice, as necessary, pertaining to changing zoning classifications; and

WHEREAS, on March 23, 2023 the City Council conducted a public hearing and after consideration determined that the requested zoning be approved as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRBY, TEXAS:

Section 1. The Property as shown and more particularly described in the attached Exhibit “A,” is hereby zoned Multiple Family Dwelling District (R-2) District.

Section 2. The Official Zoning Map of the City of Kirby, shall be revised to reflect the above amendment.

Section 3. The foregoing recitals are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 4. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 5. This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 6. This Ordinance shall be construed and enforced in accordance with the laws of the state of Texas and the United States of America.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 8. This Ordinance will take effect upon its adoption by the City Council.

PASSED AND APPROVED on first reading on 23rd day of March, 2023 and on second reading on the 13th day of April 2023.

CITY OF KIRBY, TEXAS

By: _____
Kimberly McGehee Aldrich, Mayor

ATTEST:

Patty Cox, City Secretary

PROPERTY ID: 338554

GEO ID: 05191-005-0012

CITY OF KIRBY, TEXAS



FORMAL APPLICATION FOR ZONING REQUEST

Date of Application 2/16/23 Case Number: _____

Name of Applicant JASON JAUREGUI

Address 406 W CESAR E. CHAVEZ BLVD. SAN ANTONIO, TX 78204

Home/Cell Phone 210-601-8897 Business Telephone 210-201-5364

Is applicant the owner, lessee, or other of the property proposed for the ZONING Application OWNER

Current Zoning: R-1 Proposed Zoning: R-2

Location of property where change is requested, described according to subdivision plat filed at the County Court House or City Tax rolls:

Lot(s) 12 Block 5 NCB CB 5191B

Address of subject property 315 GAITY LANE, APT. ABC, KIRBY, TX 78219

Property is situated along E side of GAITY LANE
N.S.E.W. Street

Approximately 394 feet S of the intersection of
N.S.E.W.
GAITY LANE with CINDERELLA STREET
Street Street

What deed restrictions, if any, concerning the type of improvements permitted are in place on the subject property? If there is an expiration date for the deed restrictions, what is the expiration date? You may attach a copy of the original printed deed restrictions in answer to this questions, after underlining the specific text which addresses the uses or improvements restricted thereby.

N/A

Detailed reasons for requesting change of Zoning (Please list all proposed activities), or attach your reasons for rezoning request:

SEE ATTACHED

I, the undersigned owner, lessee, or _____
hereby request a ZONING from the City of Kirby, Texas, as follows. In addition, I hereby
consent to the posting of hearing notices on or adjacent to said property understanding that
no undue damage will be incurred.

Attached are the following (Check List):

1. A dimensioned map at a scale of 100 or 200 feet to the inch showing the property referred to in this application and all streets, lots, easements, zoning of abutting properties, and parcels of land within 200 feet of said property.
2. A typed list of the property owners and addresses of all property within 200 feet of said property and description of owner's property.
3. A plan site, indicating location, dimensions and uses of existing and proposed structures, easements, water sources, fences, curb cuts, street and alley right-of-way lines on and within one foot of the property proposed for rezoning (on map required by item 1 above, or another map at greater scale).
4. Check for amount required by the City of Kirby, payable to the City of Kirby as fee for the purpose of defraying expenses of mailing notices and hearing before the Zoning Commission.

 2/16/23
Signature & Date of Applicant

Detailed Reasons for Requesting Change of Zoning:

I purchased the property at 315 Gaiety, Units ABC through third-party financing in 2017, without any issues. I am now trying to sell the property, but I am having issues with regard to conflicting zoning for utilization and lender requirements. The property is currently zoned R-1, yet it is, and always has been, a triplex with three non-related residents. Lenders are unable to finance the property without advance permission, from the City of Kirby, allowing the owner to rebuild the structure, as it currently stands (as a triplex), in the event the property is destroyed due to unforeseen circumstances.

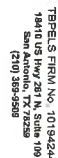
Key Reasons for Zoning Change:

1. **Misclassification of Property Use:** One of the main reasons for requesting a change in zoning is that the property is misclassified with the current zoning. In this case, the property is zoned R-1, which is intended for single-family residential use, but the property is being used as a triplex. As that is how it was initially built. This is a clear case of misclassification, and the property should be rezoned to reflect its current use.
2. **Lender Requirements:** Another reason for requesting a change in zoning is that lenders require specific zoning for the property to be financed. In this case, the property is being used as a triplex, but it is zoned as single-family residential. This discrepancy can cause issues with lender requirements, as they typically require the property to be zoned for the specific type of use that it is being financed for. Rezoning the property to reflect its current use would resolve this issue and make it easier to obtain financing.
3. **Owner's Investment:** The owner of the property has invested a significant amount of time and money in maintaining the triplex and is now facing difficulties in selling the property due to the conflicting zoning. Rezoning the property would allow the owner to market the property accurately and sell it at its true value without being hindered by zoning restrictions.
4. **Historical Use:** The property has been a triplex with three non-related residents since the current owner purchased it in 2017. This historical use of the property should be taken into account when considering a zoning change. The property has been used for this purpose for several years and changing the zoning to reflect its current use would be a logical and practical solution.
5. **Building Safety:** It is also important to consider the safety of the building in the event of unforeseen circumstances. As the property is currently zoned as R-1, the owner would be unable to rebuild the triplex as it currently stands in the event of damage due to fire, flood, or other unforeseen circumstances. Rezoning the property to reflect its current use would allow the owner to rebuild the triplex as it stands and ensure the safety of the residents.
6. **City Development:** Finally, it is important to consider the development of the city as a whole. The city of Kirby would benefit from increasing the number of multi-unit properties within its borders, and rezoning this property would contribute to that growth. It would also allow the city to take a more accurate inventory of the type of housing available in the area and plan for future development accordingly.

§ 153.017 "R-2" MULTI FAMILY DWELLING DISTRICT.

- (A) *Use.* Property in an "R-2" Multi-Family Dwelling District shall be used only for structures incorporating multiple dwelling units and incidental accessory uses.
- (B) *Area requirements.*
 - (1) Minimum lot area:
 - (a) The minimum lot area shall be 10,000 square feet for the first 3 dwellings units and each additional dwelling unit shall be a minimum of 3,630 square feet.
 - (b) No MF-2 Development shall exceed a density of more than 12 dwelling units per gross acre.
 - (2) Minimum lot frontage on a public street:
 - (a) Internal: 100 feet.
 - (b) Corner: 100 feet.
 - (3) Minimum lot depth: 100 feet.
 - (4) Minimum depth of front setback: 25 feet.
 - (5) Minimum depth of rear setback shall be 10 feet. There shall be no encroachment or overhangs into this required rear yard.
 - (6) Minimum width of side setback:
 - (a) Internal lot: 10 feet.
 - (b) Corner lot: 15 feet.
 - (7) Maximum building coverage as a percentage of lot area: 50%.
 - (8) Maximum accessory building coverage as a percentage of rear yard: 30%.
 - (9) Maximum height of structures: 45 feet or 3 stories, whichever is less.
 - (10) See §§ 153.050 through 153.060 for further clarification and exceptions and modifications.

(Ord. 2001-581, passed 8-16-01)



BUYER/OWNER: JASON JAIRES
ADDRESS: 215 GARY LANE
CITY, STATE, ZIP: SAN ANTONIO, TX 78204
TITLE COMPANY: UNIVERSITY TITLE
GF NUMBER: 17-0004839SAR

LAND TITLE SURVEY

BEING 0.331 ACRES TRACT, WITHIN THE TOWN OF KIRBY, COUNTY BLOCK 5191, OUT OF LOT 1, MASTERS SUBDIVISION, AS SHOWN ON THE MAP OR PLAT RECORDED IN VOLUME 4181, PAGE208, PLAT RECORDS BEAR COUNTY, TEXAS AND ALSO BEING THE SAME TRACT OF LAND DESCRIBED IN A TEXAS GENERAL WARRANTY DEED RECORDED IN VOLUME 18861, PAGE 861, OFFICIAL PUBLIC RECORDS BEAR COUNTY, TEXAS.

NOTES

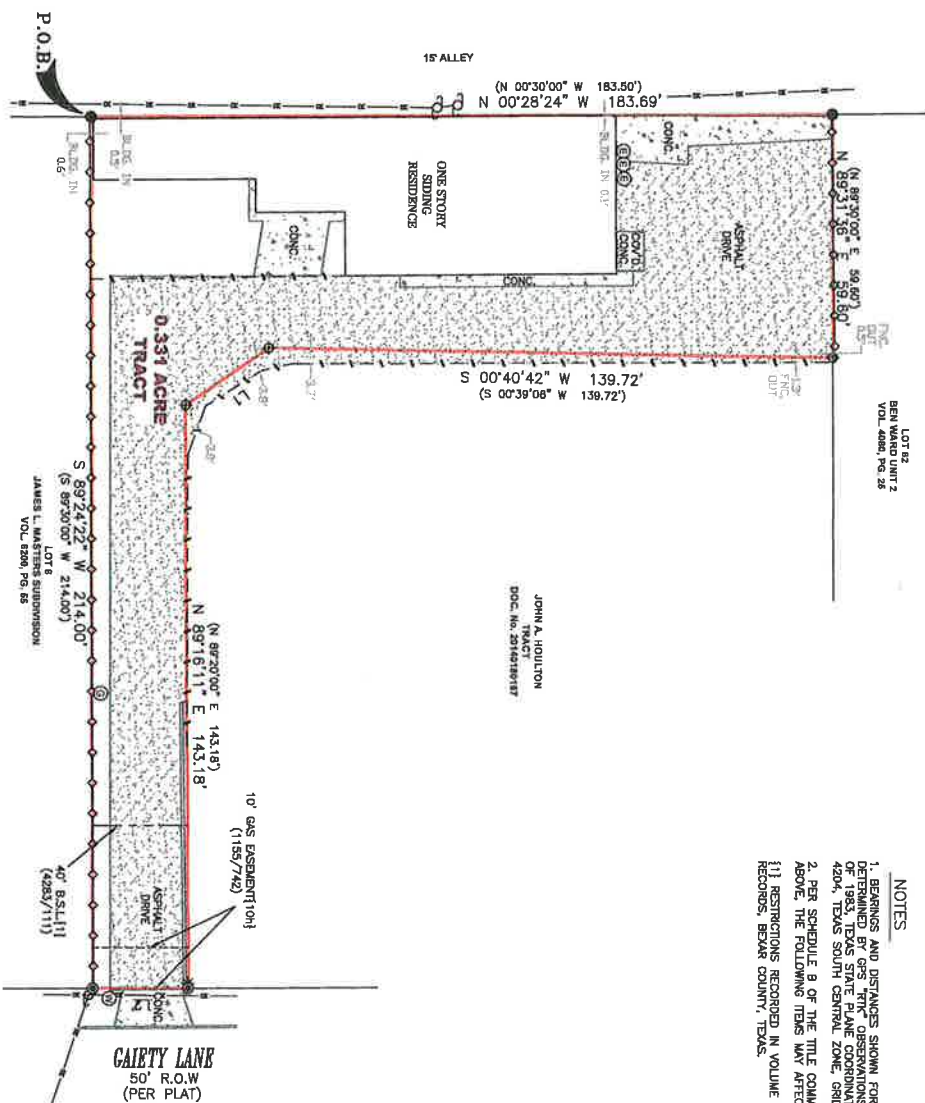
1. BEARINGS AND DISTANCES SHOWN FOR THIS SURVEY WERE
DETERMINED BY GPS "RTK" OBSERVATIONS, NORTH AMERICAN DATUM
OF 1983, TEXAS STATE PLANE COORDINATE SYSTEM, FIPS ZONE
4204, TEXAS SOUTH CENTRAL ZONE, GRID.
2. PER SCHEDULE 9 OF THE TITLE COMMITMENT REFERENCED
ABOVE, THE FOLLOWING ITEMS MAY AFFECT THIS TRACT:
- {}11 RESTRICTIONS RECORDED IN VOLUME 4283 ,PAGE 111, DEED
RECORDS, BEAR COUNTY, TEXAS.

LEGEND

- | | |
|-------|---------------------------------------|
| --- | SETBACK LINE |
| --- | EXISTS |
| --- | WOOD FENCE |
| - X - | WIRE FENCE |
| ◇ | CHAIN-LINK FENCE |
| ◇ | OVERHEAD ELECTRIC |
| —E— | FOUND 1/2" IRON ROD
(UNLESS NOTED) |
| ● | SET 1/2" IRON ROD
W/ADP TIEPS 650" |
| ⊕ | SET PK NAIL |
| ⊕ | RECORD INFORMATION |
| { } | SCHEDULE B REFERENCE |
| Ⓜ | A/C PAD |
| Ⓜ | ELECTRIC METER |
| Ⓜ | WATER METER |
| Ⓜ | GAS METER |
| Ⓜ | POWER POLE |
| Ⓜ | LIGHT POLE |
| Ⓜ | CONCRETE |
| Ⓜ | CONC. |

RECORD DATA	
LINE	DISTANCE
L1	S 34°37'48" E 125.00'
L2	S 00°30'00" E 123.50'

FIELD DATA	
LINE	DISTANCE
L1	S 34°36'12" E 125.00'
L2	S 00°28'24" E 123.50'



CONFIDENTIAL
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF CALIFORNIA
RENEWAL PERIOD NO. 6500

JOB NO. 221113537

CREW: KB
DATE: 11/14/2022

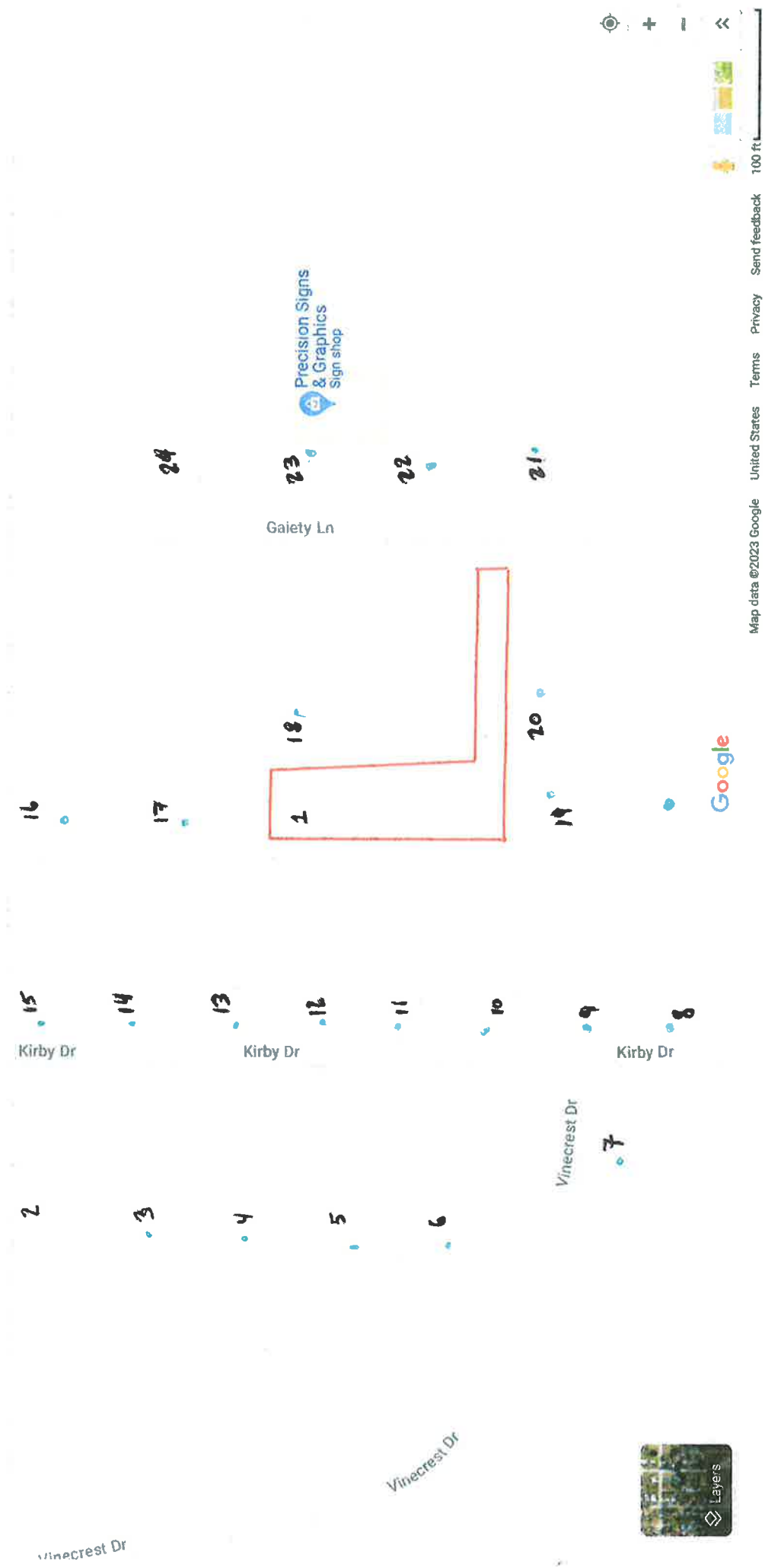
DRAWN:
R.B.A.

REVIEW
JTD/CBS

REVISION DATE: 11/30/2022
UPDATED TITLE COMMITMENT

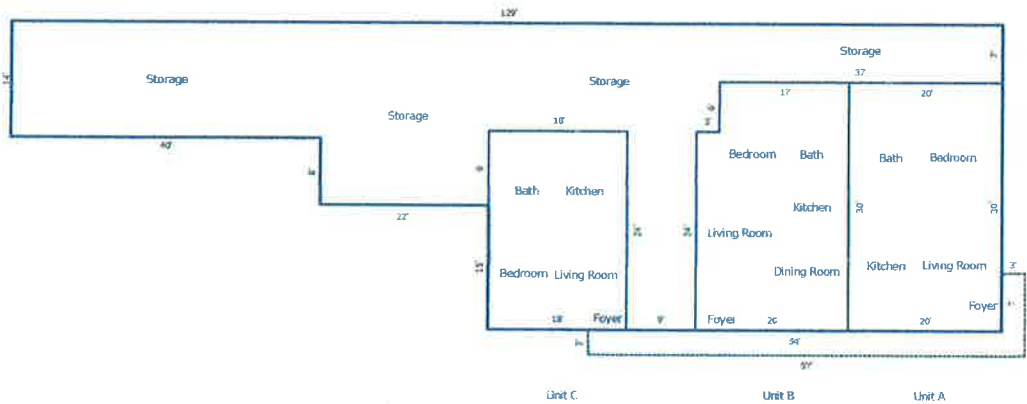
DATE: 11/22/2021

Copyright © 2022 Allview Ltd. All rights reserved. Impressions shown on this survey may not portray exact shape and size and are for general illustration purposes.



SKETCH ADDENDUM

Borrower or Owner	Lynda Castro				
Property Address	315 Gaiety Ln				
City	San Antonio	County	Bexar	State	TX
				Zip Code	78219
Client	PennvMac Loan Services, LLC				



Sketch by Apex Sketch v5 Standard™

Comments:

AREA CALCULATIONS SUMMARY				LIVING AREA BREAKDOWN			
Code	Description	Net Size	Net Totals	Breakdown		Subtotals	
GLA1	First Floor	1614.00	1614.00	First Floor:			
P/P	Porch	192.00	192.00	0.5 x	129.0 x	0.0	0.00
OTA	Storage	1909.00			8.0 x	89.0	712.00
	Unit A	600.00			14.0 x	129.0	1806.00
	Unit B	582.00			15.0 x	67.0	1005.00
	Unit C	432.00	3523.00	0.5 x	8.0 x	0.0	0.00
				s			
Net LIVABLE Area		(rounded)	1614	5 Items	(rounded)	1614	

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: MARCH 23, 2023

AGENDA ITEM: 7.c.

Public Hearing

Public Hearing To Hear A Request To Allow The Property Located At CB 5941 BLK 6 LOT 54, Otherwise Known As **102 Hedwig**, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-1) District To Be Used As A Single Family Dwelling (R-1) District.

C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y

DATE: MARCH 23, 2023

AGENDA ITEM: 8. a.

Discussion And Possible Action

Discussion And Possible Action On A Request For A Specific Use Permit For The Property Located At CB 4018G (SPRINGFIELD INDUSTRIAL PARK), Property ID: 1286024, CB: 4018G, Lot 4, Otherwise Known As 1440 Springfield Road, Kirby, TX 78219, Which Is Zoned Light Industrial (LI) To Be Used For The Following Purpose: Installing A Portable Office And Storage Of Equipment (Bobcats, Excavators, Trailers And Dumpsters For Lease And Personal Use)

Mr. Jorge Garcia, applicant/owner, is requesting a specific use permit for the following purpose: Installing a portable office and storage of equipment (bobcats, excavators, trailers and dumpsters for lease and personal use).

The following is a brief history on Mr. Garcia's properties.

You will recognize this property (Lot 4) from a request Mr. Garcia made in March 2021. The original use of Lot 4 was to construct offices and warehouses to rent to different trades. This was approved by the Commissioners and City Council.

Since that time, Mr. Garcia purchased lots 6 & 7 and in August 2022 the Commissioners and City Council approved his use of the property to construct offices and warehouses to rent to different trades. He had decided to use Lot 4 for storage of equipment instead of offices and warehouses.

The request before you tonight is to allow use of Lot 4 for storage of equipment (bobcats, excavators, trailers and dumpsters for lease and personal use).

Mr. Garcia will be present to answer questions.



FORMAL APPLICATION FOR VARIANCE/SPECIFIC USE REQUEST

Date of Application 12/13/22 Case Number: _____

Name of Applicant Select trailer leasing llc

Address 1141 N. loop 1604 E. #105462 San Antonio tx

Home/Cell Phone (210) 677-2920 Business Telephone (210) 677-2920 78232

Is applicant the owner, lessee, or other of the property proposed for the
VARIANCE/SPECIFIC USE

Application Select storage llc / me jorge Garcia I am The owner of both companies

Current Zoning: Industrial Proposed Zoning: Industrial

Location of property where change is requested, described according to subdivision plat
filed at the County Court House or City Tax rolls:

Lot(s) _____ Block _____ NCB _____

Address of subject property 1440 Springfield Rd Kirby tx 78216

Property is situated along _____ side of _____
N.S.E.W. Street

Approximately _____ feet _____ of the intersection of
Binz Engleman with old Seguin Rd
Street N.S.E.W. Street

What deed restrictions, if any, concerning the type of improvements permitted are in place
on the subject property? If there is an expiration date for the deed restrictions, what is the
expiration date? You may attach a copy of the original printed deed restrictions in answer
to this questions, after underlining the specific text which addresses the uses or
improvements restricted thereby.

Detailed reasons for requesting change of Variance/Specific Use (Please list all proposed activities), or attach your reasons for rezoning request:

* the property will be used as storage of equipment
(bobcats, excavators, trailers and dumpsters)

We will also install a portable office, and we will require electricity and water as well to install lights for security reasons.

hours of operation 8am-6pm M-F, 9am-2pm S.
Sunday closed

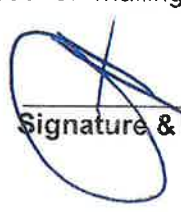
We are a company that will start renting dumpsters which we will deliver to different sites.

* and Equipment For our personal use and for rent

I, the undersigned owner, lessee, or _____
hereby request a Variance/Specific Use from the City of Kirby, Texas, as follows. In addition, I hereby consent to the posting of hearing notices on or adjacent to said property understanding that no undue damage will be incurred.

Attached are the following (Check List):

1. A dimensioned map at a scale of 100 or 200 feet to the inch showing the property referred to in this application and all streets, lots, easements, zoning of abutting properties, and parcels of land within 200 feet of said property.
2. A typed list of the property owners and addresses of all property within 200 feet of said property and description of owner's property.
3. If available, a plan site, indicating location, dimensions and uses of existing and proposed structures, easements, water sources, fences, curb cuts, street and alley right-of-way lines on and within one foot of the property proposed for rezoning (on map required by item 1 above, or another map at greater scale).
4. Check for amount required by the City of Kirby, payable to the City of Kirby as fee for the purpose of defraying expenses of mailing notices and hearing before the Zoning Commission.

 12/13/22
Signature & Date of Applicant



1440
San A

1440 Springfield Rd X

1440 Springfield Rd, S...

29.46°N, 98.40°W

1440 Springfield Rd

Google Earth

100 ft

Camera: 1,943 ft 29°27'41"N 98°23'52"W

691 ft



SPRINGFIELD ROAD

Lot 4

+ Show Search Results

60m
200ft



<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y**

DATE: MARCH 23, 2023

AGENDA ITEM: 8. b.

Discussion And Possible Action

Update and Discussion On Austin Bridge and Road Delay On Ackerman Road Project

Update on the Ackerman Road Project and the cause of the delay of the Ackerman Road Project. Project was supposed to start on January 3rd, 2023 and the project has not begun.

- Possible Update from Public Works
- Possible Update from Austin Bridge and Road

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y**

DATE: MARCH 23, 2023

AGENDA ITEM: 8. c.

Discussion And Possible Action

Update and Discussion on Alan Shepard Street Repair

The discussion is meant to update the residents on the estimated time for the street repair. There have been complaints of the constant dust in the air.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

C I T Y O F K I R B Y
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y

DATE: MARCH 23, 2023

AGENDA ITEM: 8. d.

Discussion And Possible Action

Discussion And Possible Action On Adding A Budget Line Item To Pay For Council
Cell Phones (Mayor)

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: MARCH 23, 2023

AGENDA ITEM: 8. e.

Discussion And Possible Action

Discussion And Possible Action To Appoint Member(s) To The Economic
Development Committee

This is a five member committee. Currently, there is one active member on the committee. We received an application from Juan B. Cantu requesting appointment to the Economic Development Committee.

A current roster is attached.

ECONOMIC DEVELOPMENT COMMITTEE
2023

<u>MEMBER</u>	<u>TERM</u>
VACANT	DECEMBER 31, 2023
VACANT	DECEMBER 31, 2023
MICHAEL LAWRENCE-WEDEN	DECEMBER 31, 2024
VACANT	DECEMBER 31, 2024
VACANT	DECEMBER 31, 2023

(COUNCIL LIAISON: Sylvia Leos-Apodaca)

(January 2023)

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: MARCH 23, 2023

AGENDA ITEM: 8. f.

Discussion And Possible Action

Discussion And Possible Action To Appoint Member(s) To The Beautification And Recycle Committee

This is a seven member committee. Currently, there are four active member on the committee. We received an application from Patricia J. Baber requesting appointment to the Beautification and Recycle Committee. Ms. Baber is a former member of the committee.

A current roster is attached.

BEAUTIFICATION AND RECYCLE COMMITTEE

KATHERINE E. McGARITY	TERM: OCTOBER 1, 2024
BARBARA HERB	TERM: OCTOBER 1, 2023
GLENDA EHLERS-CURTIS	TERM: OCTOBER 1, 2023
MARIA LOZANO	TERM: OCTOBER 1, 2024
VACANT	TERM: OCTOBER 1, 2024
VACANT	TERM: OCTOBER 1, 2023
VACANT	TERM: OCTOBER 1, 2024

(Council Liaison – Mayor Pro-Tem Janeshia Grider)

(MARCH 2023)

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSENT AGENDA
<input type="checkbox"/>	PUBLIC HEARING
<input type="checkbox"/>	PRESENTATION
<input type="checkbox"/>	WORKSHOP

**C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y**

DATE: MARCH 23, 2023

AGENDA ITEM: 8. g.

Discussion And Possible Action

Update And Discussion On Amazon Thru Traffic And Possible Code Violations

Amazon Warehouse concerns with thru truck traffic affecting the citizens. There are concerns of loud music playing and lights being flashed into homes from the Amazon parking lot which is causing complaints from citizens. Discussion to be brought up on options to alleviate citizens concerns with the busy business area.