



*Kimberly McGehee Aldrich, Mayor*

Sylvia Apodaca  
Mike Grant  
Mike Martin

Joe Salazar  
Janeshia Grider  
Susan E. Street

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**CITY COUNCIL MINUTES  
REGULAR MEETING  
THURSDAY, APRIL 28, 2022 – 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

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**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**

Mayor Aldrich  
Council Member Martin  
Council Member Grider  
Council Member Street

**ABSENT**

Mayor Pro-Tem Grant  
Council Member Apodaca  
Council Member Salazar

## **5. Citizen Participation**

1. Michele Garcia – Ms. Garcia introduced herself as a candidate for Justice of the Peace Precinct 4.

2. Jack Miller – Mr. Miller informed Council he has police reports from Precinct 4 in Bexar County that pertain to Council Member Grant. Mayor Aldrich Mayor Aldrich informed Mr. Miller that he is targeting a specific council member and she is not trying to stifle his first amendment rights. He stated for the record that he wanted to read the police report and was being told he was not allowed to read the report. He informed Council that he feels he has a first amendment right to read the report. He will table what he has to say, for now. He said he has an issue with the citizen participation statement. This is enacting a restriction on citizens speaking. He reserved the rest of his time for prayer.

3. Mark Anthony - Mr. Anthony spoke Spanish, Mr. Miller translated the following. It is a citizen's right under the first amendment to speak without restrictions that are constitutionally vague and more restrictive than restrictions that could be put in place and least restrictive. He spoke about time he spent in Ukraine. As a business owner and tax payer in Kirby I do not want to see Mr. Miller take action against Kirby that will cost the taxpayers money. I encourage you to work with Mr. Miller to fix a resolution about first amendment citizens right to speak without unnecessary restrictions. I have a lot of respect for the Kirby Police Department, city council on the dais, but I think there are a few people here that are absolutely stupid.

4. Joe Molina – Mr. Molina introduced himself as one of eight candidates for City Council. He provided his background.

5. David Barboza – Mr. Barboza said Amazon trucks are still driving through the City on Boatmen. He thanked Public Works for fixing pot holes. He asked how do we stop the trucks on Boatman Street.

6. Chris Garza – Mr. Garza was not able to attend the meeting. City Secretary read Mr. Garza's email. Mr. Garza wrote that he wants you to understand the type of people that are protected by the Kirby City Staff and Council majority by telling you a true story. He wrote about an incident that occurred in Kirby and involved an off-duty Kirby police officer in 2002.

## **6. Presentations**

a. Police Badge Pinning Ceremony – Chief Roxanne Cardona

This item was moved to the next meeting.

b. Delinquent Water Account Collections, McCreary, Veselka, Bragg & Allen LLC (MVBA)

Ms. Katherine Torrence and Mr. Steve Whigham, representatives from McCreary, Veselka, Bragg & Allen, provided an overview of their services and reported the last quarter. They manage collections for delinquent water accounts.

c. National League Of Cities (NLC) Service Line Warranty Program – Emilie Zalfini

Ms. Emilie Zalfini phoned in to the meeting due to a conflict with her schedule. She provided information about the service line warranty program.

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

a. Regular Minutes – April 14, 2022

Council Member Street moved to accept the Minutes of April 14, 2022; seconded by Council Member Grider. The motion passed with a 4-0 vote.

**8. Workshop**

a. Discussion And Direction On Fiscal Year 2022-2023 Budget

City Manager Vernon explained the budget workshops start in May and last year Council talked about publishing deadlines required in order to increase taxes. Council was provided a copy of the 2022 tax and budget deadline specifically for cities with population with less than 30,000. She said tonight department heads are going to talk about capital items only.

Chief Hilburn, Fire Department: Radios \$41,000; Gear Rack System \$8,000; Exhaust System \$80,066; Hoses \$10,000; Stabilizing Kit \$6,500; Security Camera System \$10,000; Jaws of Life \$15,000; Cutter & Spreader \$25,000.

City Manager Vernon: Parks Department: Replace windows at John Sterling: Waiting for bid; Cutting trees: Summerfest \$7,000, Friendship Park \$19,000, Friendship Park & Summerfest \$26,000; Tennis Court - \$233,100.

City Manager Vernon: Streets Department: Jaenke Street Reconstruction Project – Mill/overlay \$54,265; Complete Asphalt Removal/Base Work \$80,000; Mill \$27,405; Asphalt Zipper \$220,000; Water System \$3,000; Box Blade for Backhoe \$5,000; Heavy Duty Compaction Roller (Used) \$25,000; Asphalt/Chip Seal Laydown Machine (Used) \$30,000.

City Manager Vernon: Proposed Employee - Administration: Assistant to City Manager \$35,043; Workman's Comp Insurance \$95.40; Payroll Taxes \$508.12; TMRS-Retirement \$4,964.72; Texas Workforce Commission \$252; Total Salaries, Taxes & Retirement \$40,863.24;

Health Insurance for 12 months \$7,305.72; Dental Insurance for 12 months \$214.20; Vision Insurance for 12 months \$123.84; Life Insurance for 12 months \$95.40. Total \$48,602.40.

City Manager Vernon: Proposed Employee - Police Department: Code Compliance Officer \$35,448; Workman's Comp Insurance \$195.72; Payroll Taxes \$514.; TMRS – Retirement \$5,022.10; Texas Workforce Commission \$252; Total Salaries, Taxes & Retirement \$41,431.82; Health Insurance for 12 months \$7,305.72; Dental Insurance for 12 month \$214.20; Vision Insurance for 12 months \$123.84; Life Insurance for 12 months \$95.40. total \$49,170.98.

Council discussed the information they received.

## **9. General Discussion And Possible Action**

- a. Discussion And Possible Action On Ordinance No. O-2022-911 An Ordinance Repealing Sections 30.01 – 30.10 Of The Code Of Ordinances Of The City Of Kirby Relating To The City Council And Its Rules Of Procedure And Rules For Citizen Participation At Meetings And Adopting New Sections 30.01 – 30.10 Of The Code Of Ordinances Of The City Of Kirby Relating To The Rules Of Procedure For The City Council And Rules For Citizen Participation At City Council Meetings And Establishing An Effective Date. This Is The Second Reading.

City Council discussed the rights of citizens when they sign up to speak and the new Citizen Participation statement on the City Council agenda.

City Manager Vernon said the previous Citizen Participant statement will be placed back on the agenda.

Council Member Grider moved to approve Ordinance No. O-2022-911 an Ordinance repealing Sections 30.01 – 30.10 of the Code of Ordinances of the City of Kirby relating to the City Council and its rules of procedure and rules for citizen participation at meetings and adopting new Sections 30.01 – 30.10 of the Code of Ordinances of the City of Kirby relating to the rules of procedure for the City Council and rules for citizen participation at City Council meetings and establishing an effective date; seconded by Council Member Street. The motion carried with a 4-0 vote.

AYES: 4

NAYES: 0

- b. Discussion And Possible Action On Engineering Services Proposal From Bain Medina Bain For Alan Shepard Drive Sewer Reconstruction

Mr. Carl Bain, Bain Medina Bain, was present to answer questions. The City is responsible for payment of permits, if there are any. The approximate time frame to start the project is in August.

Council Member Martin moved to approve the engineering services proposal from Bain Medina Bain for Alan Shepard Drive Sewer Reconstruction; seconded by Council Member Street. The motion carried with a 4-0 vote.

AYES: 4

NAYES: 0

c. Discussion And Possible Action On Appointment Of A Member To The Economic Development Committee

There were not any applications.

d. Update And Discussion On Section 2.16 Of The City Of Kirby Charter

Mr. Marc Schnall, city attorney, explained section 2.16 of the Charter. The Council shall have the power to inquire into the official conduct of any department, agency, office, officer, or employee of the City. Another section of the Charter provides that neither the Council or any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the city manager or any of his or her subordinates are empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment or removal of such officers and employees.

After it was determined that the origin of this request was based on a specific employee, city secretary, Mr. Schnall read the official duties of the City Secretary in the Charter.

Mr. Schnall said if he understands correctly any action that was taken was corrected within 24 hours of being called to the city secretary attention. It was resolved.

Council was provided information on procedures in place when asked by a resident to investigate an employee or a request to investigate a council member.

Mr. Schnall said if it's a criminal matter the proper place to start is with an investigation by Chief Cardona.

e. Discussion And Possible Action On Publishing City Council, Board, Commission And Committee Meeting Agendas in English and Spanish

Council Member Grider said she has seen agendas from other cities with English and Spanish translation and inquired about the cost to do this.

City Manager Vernon said there is special translation software that will be needed. If including Spanish translation on agendas, there is a possibility the minutes would have to be translated, and then the entire packet. Staff inquired from Texas cities if they translated their agendas and 24 responded and said they did not.

City Manager Vernon said she will get an estimate for the cost of the software.

f. Update, Discussion And Possible Action On Cost Comparison Of Annual Bulk/Brush Curbside Pick Up And Spring Drop Off

Tom Armstrong, Republic Services, provided the history of bulk/brush drop off and curbside pick-up. The drop off at public works has increased annually and the curbside pick-up has fluctuated annually. There are more residents participating in the curbside pick-up than drop off.

There was discussion about eliminating the drop off at public works and adding another curbside pickup.

Mr. Armstrong said he provide the cost to do this and the cost can be negotiated when discussing the new contract.

g. Discussion And Possible Action On 2022 Pool Season

City Manager Vernon said pool season May 28 through September 5; \$2.00 entry fee current cost.

Council discussed the entry gate fees and pool passes. There was discussion about the water fitness class.

Mayor Aldrich asked City Manager Vernon to invite water fitness class instructor to the next Council meeting to discuss a contract for use of the pool for water fitness.

Mayor Aldrich proposed to bring this item back on the next agenda. City Manager can bring back options for a pool pass and can decide at that time.

h. Council Liaisons

1. Animal Advisory Committee – Mayor Pro-Tem Grant
2. Beautification And Recycle Committee – Council Member Grider
3. Building And Standards Commission – Council Member Martin
4. Crime Control And Prevention District – Council Member Salazar
5. Economic Development Committee Council Member Apodaca
6. Planning And Zoning Commission – Mayor Aldrich
7. Senior Center Corporation Board – Council Member Street

1. Animal Advisory Committee – Mayor Pro-Tem Grant

Mayor Pro-Tem Grant was not available to provide an update.

2. Beautification And Recycle Committee – Council Member Grider

Council Member Grider provided an update.

3. Building And Standards Commission – Council Member Martin

Council Member Martin didn't have anything to report.

4. Crime Control And Prevention District – Council Member Salazar

Council Member Salazar was not available to provide an update.

5. Economic Development Committee Council Member Apodaca

Council Member Apodaca was not available to provide an update.

6. Planning And Zoning Commission – Mayor Aldrich

Mayor Aldrich did not have anything to report.

7. Senior Center Corporation Board – Council Member Street

Council Member Street provided an update.

**11. City Manager Announcements**

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

City Manager Vernon announced the Annual Spring Community Yard Sale, May 13 – 15 and May Clean-Up, May 16-22, 10:00 A.M. to 6:00 P.M., Kirby residents only. City offices will be closed on Monday, May 30 in observance of Memorial Day. Early voting ends on May 3 and Election Day is May 7.

**12. 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 – She said Alamo Area Council Of Government is hosting an Economic Development workshop; Bexar County Appraisal District, May 9 at 10:30 A.M. at the Senior Center; Election Day is May 7, please vote. She asked what can be done about the route the Amazon drivers are taking in Kirby.

Council Member Grider – She said there are two Facebook pages for Kirby and asked that there be one page. One for the public and other you submit comments. She thanked Council Member Martin for the employee lunch. May is Bike Month and there will be a family friendly ride at Friendship Park on May 22, 2:00 – 4:00 P.M. This Saturday, April 30, City of Kirby youth outreach event hosted by Semper Fortis Jiu Jitsu noon to 1:00 P.M. at Kirby VFW Post 2059. Madison Cluster Bike Night at Woodstone Elementary, May 4, 4:30 P.M. – 6:00 P.M.

Council Member Martin - He thanked Council Member Grider and BJ Voigt for helping with the employee lunch. The Kirby City Birthday, May 18 at 5:30 P.M. in Friendship Park

City Manager Vernon asked residents to call her if they have historical items.

Council Member Martin – He said on May 21 there will be a Citizen Forum at 10:00 A. M. He thanked City employees for doing a great job. He thanked the ladies with the election.

Mayor Aldrich- She thanked everyone for attending the meeting. Bexar County Appraisal District will be at the Senior Center on May 9 at 10:30 A.M. The deadline to protest is May 16. We need to protest our property values.

### **13. Adjournment**

Meeting adjourned at 9:54 P.M.

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Kimberly Aldrich, Mayor

ATTEST

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Patty Cox, City Secretary, TRMC