



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Mike Grant
Mike Martin

Joe Salazar
Janeshia Grider
Susan E. Street

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, MARCH 10, 2022 – 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. Jack Miller - He informed Council part of his remarks will be in English and the other in Spanish. He spoke about a statement that was made during a Council meeting and asked that the statement be rescinded.

Mr. Miller read his comments in Spanish and Chief Cardona translated. His comments pertained to the Texas Public Information Act.

6. Presentation

a. Introduction Of New City Employees

Michael Ives, Public Works Director, informed Council there is a new employee in the Parks Department: David Hernandez.

Roxanne Cardona, Police Chief, informed Council there are two new employees in Dispatch: Rafael Ferreras and Edward Tijerina.

7. Consideration Of And Action On Minutes

a. Regular Minutes – February 24, 2022

Council Member Apodaca moved to approve the minutes of February 24, 2022; seconded by Council Member Salazar. The motion carried with a 6-1 vote.

AYES: 6

ABSTAIN: 1 (Mayor Pro-Tem Grant)

8. General Discussion And Possible Action

a. Discussion And Possible Action On Ordinance No. O-2022-909 Amending The Zoning Ordinance Of The City Of Kirby, Texas, To Grant Specific Use Permit #2022-028 For Use Of The Property Located At CB 5941A BLK 2 LOT 6, Otherwise Known As 130 Edalyn St., Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-2) District To Be Used As A Single Family Dwelling. This Is The First Reading.

Mayor Aldrich recognized Jack Miller who signed up to speak on this item.

Mr. Miller spoke and said he has heard remarks from the community regarding this item and he will continue to look into this and will come back to the next Council meeting with his findings.

Council Member Martin moved to adopt Ordinance No. O-2022-909 amending the Zoning Ordinance of the City of Kirby, Texas, to grant Specific Use Permit #2022-028 for use of the property located at CB 5941A BLK 2 LOT 6, otherwise known as 130 Edalyn St., Kirby, TX 78219, which is zoned Commercial, Office and Retail (C-2) District to be used as a Single Family Dwelling; seconded by Council Member Salazar. The motion carried with a 5-2 vote.

AYES: 5

NAYES: 2 (Mayor Pro-Tem Grant and Mayor Aldrich)

- b. Discussion And Possible Action On Ordinance No. O-2022-910 Amending The Zoning Ordinance Of The City Of Kirby, Texas, To Grant Specific Use Permit #2022-029 For Use Of The Property Located At CB 5941 BLK 1 LOT E 45 FT OF S 1/2 OF 5, Otherwise Known As 433 Edalyn, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-2) District To Be Used As A Single Family Dwelling. This Is The First Reading.

Mayor Aldrich recognized Jack Miller who signed up to speak on this item.

Mr. Miller said he passes on speaking on this item.

Council discussed this request.

Council Member Martin moved to accept Ordinance No. O-2022-910 amending the Zoning Ordinance of the City of Kirby, Texas, to grant Specific Use Permit #2022-029 for use of the property located at CB 5941 BLK 1 LOT E 45 FT of S 1/2 of 5, otherwise known as 433 Edalyn, Kirby, TX 78219, which is zoned Commercial, Office and Retail (C-2) District to be used as a Single Family Dwelling; seconded by Council Member Salazar. The motion carried with a 5-2 vote.

AYES: 5

NAYES: 2 (Mayor Pro-Tem Grant and Mayor Aldrich)

- c. Discussion And Possible Action On Ordinance No. O-2022-907 An Ordinance Amending The 2021-2022 Municipal Budget Of The City Of Kirby. This Is The Second Reading.

City Manager Vernon identified the revision to the amended budget. After our last Council meeting the City received the Worker's Comp invoice. This revision consolidated the Worker's Comp payment into one line item in the general operations budget in the General Fund instead of a line item per department. City Manager Vernon answered questions from Council.

Mayor Aldrich recognized Jack Miller who signed up to speak on this item.

Mr. Miller did not have any comments.

Council Member Street moved to approve Ordinance No. O-2022-907 an Ordinance amending the 2021-2022 Municipal Budget of the City of Kirby, seconded by Mayor Pro-Tem Grant. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Council Member Street)

- d. Discussion And Possible Action On Ordinance No. O-2022-908 An Ordinance Amending Ordinance No. O-2018-849 Regulating Signs In The City Of Kirby, Texas, And Superseding All Previous Ordinances Pertaining To Signs, And Providing Penalties For Violation Thereof. This Is The Second Reading.

City Manager Vernon stated that the candidates will be able to place their signs out ten days after the second publication of the Ordinance in the official newspaper.

Mayor Aldrich recognized Jack Miller who signed up to speak on this item.

Mr. Miller advised Council to confer with the city attorney that this ordinance is not more restrictive than state law.

Council Member Martin moved to approve Ordinance No. O-2022-908 an Ordinance amending Ordinance No. O-2018-849 regulating signs in the City of Kirby, Texas, and superseding all previous ordinances pertaining to signs, and providing penalties for violation thereof; seconded by Mayor Pro-Tem Grant. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- e. Discussion And Direction On Revisions To Ordinance No. O-2019-865 An Ordinance Of The City Of Kirby, Texas Repealing Existing Chapter 91 Of The Code Of Ordinances And Adopting A New Chapter 91 Entitled "Animals" 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 identified the recommendations to O-2019-865 and answered questions.

City Manager Vernon asked if Council is comfortable with the changes, if so, Staff will bring this back on the next agenda.

- f. 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 First Reading.

City Manager Vernon provided the history that led to the creation of this ordinance.

Council discussed the proposed changes.

Mayor Aldrich recognized Jack Miller who signed up to speak on this item.

Mr. Miller proceeded to speak about this item and Council's responsibility.

Mayor Pro-Tem Grant moved to postpone 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; seconded by Council Member Grider. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- g. Discussion And Possible Action On Resolution No. R-2022-744 A Resolution Of The City Council Of The City Of Kirby, Texas, Confirming City Participation In Global Opioid Settlements Including Those Involving Distributors, Janssen/J&J, Endo, Teva, And Any Other Parties With Which The Office Of The Attorney General Of Texas Reaches Settlements, And Authorizing The City Manager To Execute All Necessary Documents In Connection With Any Opioid Settlements On Behalf Of The City Of Kirby, Texas

Mayor Pro-Tem Grant moved to accept Resolution No. R-2022-744 a Resolution of the City Council of the City of Kirby, Texas, confirming city participation in global opioid settlements including those involving distributors, Janssen/J&J, Endo, Teva, and any other parties with which the Office of the Attorney General of Texas reaches settlements, and authorizing the city manager to execute all necessary documents in connection with any opioid settlements on behalf of the City Of Kirby, Texas; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- h. Discussion And Possible Action On Alan Shepard Sewer Repairs And Street Reconstruction Project

City Manager Vernon explained the cost estimate of needed sewer repairs has been provided by Bain Medina Bain. They submitted two estimates: Open Cut (\$645,612.00) and Pipe

Bursting (\$691,917.60). She asked Council to decide if they want the sewer repaired before the CDBG construction project.

Mr. Carl Bain, Bain Medina Bain Engineers, was present to answer questions.

Mayor Aldrich recognized Jack Miller who signed up to speak on this item.

Mr. Miller asked if could speak after the discussion.

After the discussion, Mayor Aldrich recognized Jack Miller and asked if he would like to speak.

Mr. Miller said he passes on speaking.

After Council discussion Council Member Salazar moved to accept the open cut cost estimate on Alan Shepard sewer repairs and street reconstruction project; seconded by Mayor Pro-Tem Grant. The motion carried with a 7-0 vote

AYES: 7

NAYES: 0

i Discussion And Possible Action On Ackerman Road Bond Phase II Engineering Proposal

Council discussed the proposed fees for the Ackerman Road Bond Phase II project.

Mr. Bain was present to answer questions.

Mayor Aldrich recognized Jack Miller who signed up to speak on this item.

Mr. Miller inquired about the purpose of the CAD onsite visits and how much is being charged to tax payers for these visits.

Mayor Pro-Tem Grant moved to accept the Ackerman Road Bond Phase II Engineering Proposal for professional services; seconded by Council Member Grider. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

j. Discussion And Direction On Ordinance No. O-2001-581 A Zoning Ordinance Repealing Ordinance No. O-97-524 And Ordinance No. O-98-540 Of The City Of Kirby, Texas, And Enacting And Adopting Zoning Provisions And A Zoning District Map Dividing The Area Within Th Corporate Limits Of The City Of Kirby Into Districts In Accordance With A Comprehensive Plan; Regulating The Location, Size, Height, And Use Of Buildings In Such Respective Districts; Fixing Setback Lines For Each Respective District; Providing For Planting And Screening; Establishing Certain

Controls For Sexually Oriented Businesses In Certain Areas; Providing For A Planning And Zoning Commission; Providing For Procedures For Amendment Of These Provisions; And Providing For Enforcement and Imposing Penalties.

City Manager Vernon informed Council they were provided the current zoning ordinance.

Council Member Martin requested this item be placed on an agenda to look at the commercial area around City Hall. This is the highly populated area we receive the most requests for specific use permits.

Clay McBee, Chairperson Planning and Zoning Commission, stated the Commission will discuss the zoning issues at their next meeting.

Council discussed hiring a consultant to help with mixed use decisions; not allowing mixed use; inquiries about properties along FM 78 and a map identifying Specific Use Permit deadlines.

Mayor Aldrich recognized Roger Romens and asked Council for a vote on whether or not to allow him to speak. Council Member Martin moved to allow Mr. Romens to speak; seconded by Council Member Street. The motion carried with a 7-0 vote.

Mr. Romens spoke about the Comprehensive Plan and goals identified in the Plan. He suggested a workshop with the Planning and Zoning Commission and City Council.

9. City Manager Announcements

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

City Manager Vernon – She announced the Park Clean Up on March 12 at Hugo Lentz, 8:30 A.M. – noon. Lunch will be provided. Accepting candy donations and volunteers needed for Easter Egg Hunt.

10. 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 will be at the Park Clean Up at 8:30 A.M. She reminded volunteers to bring their own equipment. Lunch will be provided.

Council Member Grider – She said Beautification and Recycle is having the Fiesta Decorating Contest. Entry forms are available at City Hall. The deadline to submit your entry is 5:00 P.M. on March 28, 2022. Donations of gift cards are welcomed. She was approached about crime concerns and she asked that the next Council Forum have a discussion about these

concerns of the community. She asked that Sheriff Salazar and Nancy Stafford be invited. There are checks and balances in society. When you ask a question and don't get the answer you want you still received an answer. Let's be productive. Be safe during spring break.

Mayor Pro-tem Grant – He asked if the citizens present would indulge him. He shared personal information.

Council Member Salazar – He thanked everyone for staying and good job.

Council Member Apodaca – She said the VFW is having a Fish Fry on April 14, 11:00 A.M. -3:00 P.M. Includes a 50/50 raffle. Council is working together for the City. Public Works is doing a great job.

Council Member Martin – He thanked everyone for doing an outstanding job. He asked if the Council could consider a burn area at the park.

Mayor Aldrich – She thanked everyone for staying through the meeting. She has a conflict with her work schedule and will not be able to attend the clean-up. The time change is this weekend. She expressed her sincere appreciation for our Police Department and our police officers tonight.

11. Adjournment

Meeting adjourned at 9:51 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC