



*Kimberly McGehee Aldrich, Mayor*

Sylvia Apodaca  
Christopher Garza  
Janeshia Grider

Mike Martin  
Susan Street  
Debbie Walczyk

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**CITY COUNCIL MINUTES  
REGULAR MEETING  
THURSDAY, AUGUST 11, 2022 – 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

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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:

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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

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. David Barboza – As President of the Board of the Kirby Senior Center he thanked City Council and City Manager Vernon for the sidewalk being fixed and hopefully the parking lot will be fixed. He thanked Council Member Apodaca for the goodies she took to the Kirby Senior Center. He extended an invitation to anyone who wants to visit the Center.

2. Maria Lozano – She thanked Council for the umbrellas set up at John Sterling Pool and thanked Mayor Pro-Tem Grider for ZUMBA and walk activities at Friendship Park. In regards to the Kirby Rock Garden, as Chairperson of the Beautification Committee we are always looking for ways to beautify the City. Item 8 she asked Council to consider leaving the stop sign in place. There are benefits to having the cross walk for residents in that area. Also, there is a blind spot at the intersection of Fred Haise.

3. Devan Hemphill – He informed Council he is the President of Speed 21 and provided information on other organizations he is involved with. He is present because of his interest in Friendship Park.

4. Jack Miller – He spoke about raising the rate \$10 for officer off duty working an event in the City of Kirby. The First Amendment protects all speech. He spoke about his visit to a meeting in Uvalde. He said he apologized to the people outside the building after the last Council meeting when he was ejected from the meeting.

**6. Presentation**

a. Police Badge Pinning Ceremony, Chief Roxanne Cardona

Chief Cardona recognized Officer William Hilt and officiated the Oath of Office.

b. Recognize Kirby Baptist Church For Youth Street Clean Up

A representative from Kirby Baptist Church thanked Council for the recognition and gave the glory to God. She said Kirby Baptist Church is here to serve God through the community and the people in it.



Council Member Apodaca moved to approve the Budget Workshop Minutes – July 30, 2022; seconded by Council Member Garza. With all voting “aye” the minutes carried with a 7-0 vote.

AYES: 7

NAYES: 0

**8. Discussion And Possible Action**

a. Discussion And Possible Action On Proposed 2022 Property Tax Rate.

City Manager Vernon informed Council the appraisal rates were received from Bexar County. These are the two proposed rates: Voter Approval Tax Rate is 0.614126 and No New Revenue Tax Rate which is 0.605950. Staff is proposing that we use the Voter Approval Tax Rate. That is the highest rate we can use without triggering an election. The No New Revenue Tax Rate is the amount of taxes that we need that would equal the same amount of taxes if applied to the same properties that are taxed in both years. Staff is recommending the slightly higher rate because it would allow us to meet the requests that we have for the budget and pay our debt.

Council Member Street moved to accept the Voter Approval Tax Rate of 0.614126; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

b. Discussion And Possible Action On An Ordinance Of The City Of Kirby, Texas, Amending Chapter 55 Of The Code Of Ordinances In Regard To Construction Storm Water Management Practices As Required By The United States Environmental Protection Agency And The Texas Commission On Environmental Quality; And Providing That The City May Seek Injunctive Relief To Restrain Violations Or To Compel Abatement Or Remediation Of Violations; Providing For A Civil Penalty Of Up To \$1,000 Per Day For A Violation Of This Chapter; Setting A Fee For Reviewing Proposed Storm Water Pollution Prevention Plans; And Providing For An Effective Date. This Is The Second Reading.

Council Member Street moved to approve the Ordinance amending Chapter 55 of the Code of Ordinances in regard to Construction Storm Water Management Practices as required by the United States Environmental Protection Agency and the Texas Commission on Environmental Quality; and providing that the City may seek injunctive relief to restrain violations or to compel abatement or remediation of violations; providing for a civil penalty of up to \$1,000 per day for a violation of this chapter; setting a fee for reviewing Proposed Storm Water Pollution Prevention Plans; and providing for an effective date; seconded by Council Member Martin. The motion carried with a 7-0 vote

AYES: 7

NAYES: 0



City Manager Vernon informed Council that, Mr. Brian Medina, Texas Spartans agreement expires on August 14, 2022. Mr. Medina will no longer be a part of the Texas Spartans and he is not interested in a new agreement. He sent a message that Mr. Hemphill has shown an interest in negotiating a contract for use of Friendship Park for youth activities in the future. No action is required tonight because he is not here to provide information. If that is something that they want, we need to have a future agenda item to discuss it.

g. Discussion And Possible Action On Funding And Timeline For ADA Compliance At The Kirby Senior Center

Council discussed funding and timeline for ADA compliance at the Kirby Senior Center.

Council Member Martin asked Norma Hamby, Senior Center Manager about the timeline for ADA compliance. AACOG came to you in December and said there is a problem. You didn't bring it to the Board until May. A Board member informed me you said the Center was going to pay for it. We all know the Center doesn't have the money to pay for it. He asked if this project been funded in the past. Ms. Hamby said it hasn't been funded in the past.

City Manager Vernon said only the sidewalks are ADA compliant. Council Member Street asked if the project can be continued using the current proposal. City Manager Vernon said she will talk to Hayden Paving.

There was discussion about the deadline and funding to complete the project. City Manager Vernon said she was not provided a specific deadline for the project the last time she spoke with AACOG. They did say it should have been completed months ago. They wanted to know our timeline because it needed to be done as soon as possible in order to continue getting funding from AACOG.

Ms. Hamby said the State took over and the Center was informed they needed to hire an inspector and currently the Center has paid \$900 for an inspection and the parking lot and inside. The inside work did not pass ADA compliance. The inspector has not come out since the sidewalks has been repaired. It will cost another \$900 for a reinspection. AACOG was notified about the inspection.

Council Member Garza moved to approve funding the entire parking lot for ADA compliance for the Kirby Senior Center using Hayden Paving's bid; seconded by Mayor Pro-Tem Grider. The motion carried with 7-0 vote.

AYES: 7

NAYES: 0

h. Update And Discussion On Kirby Water Distribution System And Well Site Improvements Plan



City Manager Vernon provided the history of the Ordinance Review Committee. When the Committee was created there were three members appointed to the Committee. Council can determine how to establish the Committee. The Committee doesn't have to meet at City Hall, they can meet on their own and present their findings to Council.

Mayor Aldrich said Council will review the applications for appointment to the Committee and if there are not any received, ask former members to participate.

Council discussed the appointment process. They considered a five-member committee with a resident code compliance officer for code enforcement knowledge, business owner and one or two Council Members.

Mayor Aldrich said she prefers an outside look and no Council members on the Committee. She said accept applications and allow six-month time for review to be completed.

Mr. Miller said there should not be any Council Members on the committee. Citizens can bring their input to the Committee without Council Members.

Council Member Street moved to establish an Ordinance Review Committee of five members, no Council Members on the committee with the six-month tenure after the Committee has their first meeting; seconded by Council Member Walczyk.

Council Member Martin amended the motion to appoint five new residents on the Ordinance Review Committee; seconded by Council Member Apodaca. Vote on amended motion failed by a 3-4 vote.

AYES: 3                      NAYES: 4 (Council Members Street, Walczyk Garza, Mayor Pro-Tem Grider and Mayor Aldrich)

Council Member Street move to rescind her motion; seconded by Council Member Walczyk to rescind.

Council Member Garza move to allow Ms. Wilcox to speak; seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

AYES: 7                      NAYES: 0

Ms. Wilcox urged residents to sign up for the various committees.

Council Member Walczyk moved to establish an Ordinance Review Committee with five citizens plus a code compliance person and add a Council liaison for a six month period to complete the review. The motion died for lack of a second.



- n. Discussion And Direction On Ordinance No. O-2021-904 An Ordinance To Repeal Ordinance No. O-2005-618 And To Add A Stop Intersection North And South At Binz Engleman And Fred Haise To Schedule I Of Chapter 72 Of the Code of Ordinances

Council Member Garza said there was no research done when the Stop sign was placed. There needs to be protocol to set up a Stop sign. He asked that the sign be removed.

There was discussion whether the sign should be removed or remain in place.

Mayor Pro-Tem Grider pointed out that Council was asked several times to bring the locations of signs for staff to assess. The only one submitted was this one on Binz Engleman Road and Fred Haise.

- o. Discussion On The Policy For Allowing Contractors To Have Access To City Hall

Council Member Garza asked City Manager Vernon questions about contractors entering City Hall.

City Manager Vernon said there are not any contractors who have access to City Hall. There was a temporary contractor for Public Works who had access during office hours and then an incident occurred. We no longer use the Temp Service company. The former Finance Director has access because she is a part-time employee assisting with the Finance Department and has limited access. She is never in the building alone.

Mayor Aldrich said the City Secretary was Acting City Manager and was present when the former employee was here in the City Manager's absence.

City Manager Vernon made it clear the former Finance Director was a reputable employee and left in good standing and had nothing to do with the checks that were stolen.

- p. Update And Discussion On December 2021 Customer Check Theft Incident

Council Member Garza asked about the outcome from the customer check theft incident.

City Manager Vernon said everyone affected by the check theft was contacted in person by THE Kirby Police Department. The City looked into some identity theft services but did not pursue any. One of the reasons was because these were already processed checks and several banks that process automatic checks did not have an actual account number on the check. The City has access to some theft protection through Texas Municipal League.

Council Member Garza asked if everything is square. City Manager Vernon said Bexar County District Attorney is handling prosecution and the City of Kirby had done due diligence to protect our residents.

q. Discussion On The City Manager Treating Council Members The Same

Council Member Garza expressed this week has been pleasant and he appreciated the feedback and the information he received from City Manager Vernon.

Council Member Garza asked why his agenda items are always last.

City Manager Vernon said they are not strategically placed unless there is a guest or an item that is being brought back. She explained the agenda preparation process she and Mayor Aldrich follow.

Council Member Garza asked if the emergency meeting was prepared in advance. City Manager Vernon said she's not aware of anyone having an issue with placing an item on the agenda. If Council Members stated they never had issues in the past, they have more time to consider than you do. You have been on Council two and a half months. They have experience working with me and understanding how the process works. The Charter says the Mayor and City Manager prepare the agenda. When Council Members request items, we typically add them. Sometimes certain circumstances could prevent items from being placed on the agenda at a certain time.

Council Member Garza asked if she and the Mayor put the emergency agenda together. City Manager Vernon said yes they did.

Council Member Garza asked City Manager Vernon why she didn't reply to his email when he requested contact information for the City Attorney. City Manager Vernon said because he already had the information.

Mayor Pro-Tem Grider suggested bringing back monthly meetings with City Manager. City Manager Vernon agreed as long everyone participates.

**9. City Manager Announcements**

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

City Manager Vernon announced the CRASE Course was taking place at 1:00 P.M. at City Hall on Saturday, August 13, 2022. This is an active shooting course for residents. The Community Garage Sale is September 2 – 4. The Annual Curbside pickup has three sections this year. Residents can visit the City's Website, Facebook Page and lobby to see which dates you can place your items at the curb.

**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 announced Back to School Pool Party, Saturday, 7:00 P.M. – 10:00 P.M., pizza and hotdogs. This is a free event. She obtained donations from ASTOUND Broadband and Bain Medina Bain. An item for the agenda – Training for committee members through TML. She thanked City staff. See you Saturday.

Council Member Garza asked that the front doors to City Hall be opened at 6:30 P.M. for people to enter the building on meeting nights because they have to go through metal detectors and get situated before the meeting. Place on an agenda if need be. He asked if the RFP has been prepared for our search for a lawyer. He thanked the Kirby Baptist Church youth and volunteers, Volunteer Fire Department, Arctic Ape ice cream social, Police and Public Works, Fire Fighters and the rest of Council who are working to be involved.

Mayor Pro-Tem Grider thanked City Manager Vernon for the Robert's Rules of Order book. She thanked everyone who came out for Zumba. There will be Kirby Fitness Walk on August 18 6:30 P.M – 7:30 P.M., meet at Friendship Park. Another Zumba class on August 23 at 6:30 P.M. – 7:30 P.M. The instructor agreed to conduct two free classes per month for the rest of the year. An item for the agenda is Council to consider changing the dates for Council meetings in November to November 10 and 17 and for December to December 8 and 15.

Council Member Walczyk said we will meet the Public Works Director soon. She asked for follow up on Peppermint/Kirby Drive about part that needed to be ordered. Thank you for Robert's Rule of Order book. Pray for Carrizo Springs because they had a major water main break and do not have any water.

Council Member Apodaca said Judson ISD classes start next week. The Judson ISD School Board hired four new officers. One officer will patrol two schools, but not on site. Contact the Superintendent and School Police Chief to voice your concerns about safety of the children. Say a prayer for the students. God bless them and protect them.

Council Member Martin thanked City employees and expressed his appreciation.

Mayor Aldrich offered her condolences to Carrizo Springs. She corrected a statement that was made earlier. The umbrellas are not from the entire Council, they are from four Council Members. She spoke to Council Members Martin, Walczyk, Street, and Garza about keeping an effort to not create a quorum. There are four names on the new umbrellas which indicates there was a quorum when discussing the umbrellas. Council Member Martin expressed he didn't know his name was being included and he didn't know anything about it. Mayor Aldrich thanked everyone for attending the meeting. She expressed she's thankful for City staff.

**11. Adjournment**

The meeting adjourned at 8:53 P.M.

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Kimberly Aldrich, Mayor

ATTEST

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Patty Cox, City Secretary, TRMC