



*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, JULY 28, 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. Charles Valdez – Frontier Waste – He provided information regarding going out for bids for waste service. He promoted Frontier Waste for this service.

2. Jack Miller – He spoke about an open record request he recently submitted and he is not pleased with how the request was processed. He asked three questions he wanted answered. 1. Was the city attorney lying to attorney general or was the city asking him to lie? 2. Did the City tell the attorney general office to argue that date of birth and driver's licenses should have been withheld even though I agreed to have them redacted? 3. How much money did the City pay rather how much tax payer dollars did the City waste on having to fight the release of information that I agreed already to have redacted? He spoke about some of the information he received.

3. Lisa Pierce – She spoke in favor of waiving the fees for City services and use of Friendship Park for the 2022 Braylon Nelson Walk. Braylon's journey is tragic at its best, but it is also very triumphant. Braylon continues to keep going and having this event is a reminder and celebration of his life and his continuation.

4. Roger Romens – He said the minutes of the special meeting are inaccurate. His comment was inaccurate, did not reflect in the way that it was said. The sentiments of the meeting are not accurately reflected in the way the minutes are written. The purpose of the minutes is what occurred at the meeting, not a narrative.

**6. Presentation**

a. Fire Badge Pinning Ceremony, Chief William Hilburn

Chief Hilburn introduced Firefighter Colin Sperry.

City Secretary officiated the Oath of office of Colin Sperry.

b. Certificate Of Appreciation To 210Cycleriderz

Mayor Pro-Tem Grider recognized 210Cycleriderz for their donation fans for seniors and school supplies.

c. Certificate Of Appreciation To Team Taco

Mayor Pro-Tem Grider recognized Team Taco for their donation of school supplies.

d. Recognize Yard of the Quarter

Mayor Pro-Tem Grider introduced Pat Baber, Beautification & Recycle Committee member. Ms. Baber provided history on the recipients of the Yard of the Quarter, Mr. and Mrs. Christian. Unfortunately, they were not able to attend.

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

a. Special Minutes – July 7, 2022

Council Member Apodaca moved to approve the Special Minutes – July 7, 2022; seconded by Council Member Martin. The minutes carried with a 6-0-1 vote.

AYES: 6                                      NAYES: 0                                      ABSTAIN: 1 (Council Member Garza)

b. Special Minutes – July 11, 2022

Council Member Garza asked that the minutes be rewritten. The minutes are an inaccurate reflection of what happened at the meeting.

Council Member Street said she notified the City Secretary with concerns about the minutes. She did not receive any corrections.

Mr. Miller thanked the Council for those that do not want to approve the minutes until accurately reflected. The minutes seem to be an example when citizens speak critical of something we get a blank paper.

Council Member Martin moved to postpone vote on the Special Minutes – July 11, 2022 to the next Council meeting; seconded by Council Member Walczyk. The motion carried with a 7-0 vote.

AYES: 7                                      NAYES: 0

c. Regular Minutes – July 14, 2022

Council Member Walczyk moved to approve the Regular Minutes – July 14, 2022 with corrections; seconded by Council Member Martin. The minutes carried with a 5-2 vote.

AYES: 5                                      NAYES: 2 (Council Members Garza and Street)

**8. Discussion And Possible Action**

Council Member Walczyk moved to address Item b before item a; seconded by Council member Martin. With all voting aye the motion carried.

- a. 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 inquired about the review fee.

Marc Schnall, City Attorney said the review fee is determined by Givler.

Council Member Walczyk moved to postpone this item until August 11, 2022 agenda for more clarity on the review fees; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- b. Discussion And Possible Action On A Request For The City To Waive Fees For City Services And Use Of Friendship Park For The 2022 Braylon Nelson Walk On October 15, 2022

Ms. Candice Matthews introduced Braylon Nelson and provided his history.

Council Member Martin said this is a great cause and said he will pay the fees for the park.

Council Member Garza said Crime Control has a fund for security detail. Chief Cardona said Crime Control will donate funds toward security detail.

There was no action taken.

Mr. Miller thanked Council Member Martin for agreeing to pay the fees.

- c. Discussion And Possible Action On Renewal Of Contract With McCreary Veselka Bragg & Allen (MVBA) For The Collection Of Delinquent Water Utility Accounts

City Manager said there were not any new proposals this year. There are not any fees assessed to the City.

Ms. Katherine Torrence, representative of MVBA. She has worked with Kirby for three years. She expressed their record of success and process.

Council Member Martin moved to renew the contract with McCreary Veselka Bragg & Allen (MVBA) for the collection of delinquent water utility accounts; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

d. Discussion And Possible Action On Renewal Of Contract With Environmental Health Group, LLC For Health Inspection Services

Rebecca Vera, representative, was present and provided background of their business.

Council Member Walczyk moved to approve the contract with a change of the effective date to August 1, 2022 through July 31, 2024 on renewal of contract with Environmental Health Group, LLC For Health Inspection Services; seconded by Council Member Garza.

City Manager Vernon explained we wanted to make this retroactive because they did continue their service for this month. This can be effective July 1, 2022.

Council Member Walczyk amended her motion to accept the contract with Environmental Health Group, LLC for health inspection services effective July 1, 2022 through July 31, 2024; seconded by Council Member Garza. The motion carried with 7-0 vote.

AYES: 7

NAYES: 0

e. Discussion And Possible Action On Interlocal Agreement With Alamo Area Council Of Governments (AACOG) For Grant Writing, Administrative Services And Fiscal Services

Council discussed this item and noted there are no fees.

Mayor Pro-Tem Grider moved to accept the Interlocal Agreement with Alamo Area Council of Governments (AACOG) for grant writing, administrative services and fiscal services; seconded by Council Member Street.

Mayor Pro-Tem Grider moved to amend her motion to accept the Interlocal Agreement with Alamo Area Council of Governments (AACOG) for grant writing, administrative services and fiscal services effective July 29, 2022 for one year; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Mayor called for a break at 8:09 P.M.

Mayor reconvened at 8:28 P.M.

f. Update And Discussion On Hickory Hill Main Break

Mayor Aldrich announced that the resident is satisfied with results of the repairs.

Council Member Garza asked if the residents can be provided information on the steps to take if this ever occurs on their property.

City Manager Vernon provided the steps to take. During office hours call City Hall and on weekends or after hours call dispatch to report a main break.

g. Discussion And Possible Action On Establishing An American Rescue Plan Act (ARPA) Funded Water Rebate Program For City Of Kirby Account Holders

City Manager Vernon said more time is needed to gather information.

Council Member Walczyk moved to postpone this item to August 11, 2022 Council Meeting; seconded by Council Member Street.

Mr. Miller thanked Council for considering this item.

The motion carried with 7-0 vote.

AYES: 7

NAYE: 0

h. Discussion And Possible Action On Rules, Policies, Procedures And Code Of Conduct For Board, Commission And Committee Members

Council Member Garza asked who placed this item on the agenda.

Mayor Aldrich said she placed this item on the agenda. She spoke in regards to responsibility of liaisons. They report to the Council the events of the board, commission and committee.

City Manager Vernon provided the history on the Rules, Policies, Procedures and Code of Conduct for Board, Commission and Committee members. The City Council followed the Rules, Policies, Procedures. Boards, Commissions and Committees followed the Code of Conduct for Board, Commission and Committee Members.

Council Member Walczyk said all City Council should receive a copy of Robert's Rules if we are going to follow. Provide a paper copy for each Council Member, Board, Commission and Committee Member.

Mr. Miller said he doesn't want Council to follow Robert's Rules.

Council Member Street moved to recognize Roger Romens; seconded by Council Member Garza. The motion carried with a 7-0 vote.

Roger Romens gave background on this Code of Conduct. It's applicable to Committees, Commissions and Boards only. Not City Council.

Mr. Miller said he supported the Code of Conduct.

Council Member Walczyk suggested reviewing these documents and bring back the last meeting in August.

Mayor Pro-Tem Grider said all Council should sign them too.

Council Member Garza moved to recognize David Faulkner; seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

David Faulkner asked for clarification, is this during meetings or personal life.

Council Member Walczyk said you address yourself correctly at all times.

Mayor Pro-Tem Grider said this should apply to everyone across the board.

Council Members Walczyk and Street will update the policy.

i. Discussion And Possible Action On A Policy And Procedure For Reimbursing City Council Member Expenses

Council Member Street provided the information from her research. She was open to input from City Council. It was determined that procedures were needed. Council Member Street offered to draft procedures and will bring to the August 25, 2022 meeting.

j. Discussion And Direction On Possible Amendments To Ordinance No. O-2018-838; Authorizing The Use Of Parks And Recreation Areas Owned And Controlled By The City Of Kirby; Regulating Possession And Consumption Of Alcoholic Beverages In Such Parks; Stating The Policies And Regulations Governing The Use Of Such Park, Establishing A Curfew For Parks Usage.

Council Member Street presented the changes to the Ordinance and said the changes are in red.

There was discussion about security. Who pays for security, when, and amount of the fee.

Mr. Miller said he supported security at events.

Discussions continued regarding advertising signs, increasing the contract rate for organizations, pool passes, where to place the fee schedule. There was a consensus of the Council the fee should be \$40 per hour for security.

Mr. Miller spoke about the fees for security.

Council Member Street said she and Council Member Walczyk will update the ordinance and bring back August 25, 2022.

Mayor Aldrich asked for a motion to move to item "o" before this next item.

Council Member Walczyk moved to discuss item "o" before this next item; seconded by Council Member Apodaca. The motion carried with a 7-0 vote in favor.

Prior to discussing this item, Mayor Aldrich called a ten-minute recess at 10:09 P.M.

Mayor Aldrich reconvened the meeting at 10:19 P.M.

- k. Discussion And Possible Action On Ordinance No. O-2021-903 An Ordinance Of The City Council Of The City Of Kirby, Texas, Amending Chapter 30 Of The Code Of Ordinances To Provide For Certain Qualifications For Candidates For Mayor Or For Places On The City Council Or To Serve In Places On The City Council Of The City Of Kirby.

Mayor Aldrich and Council Member Garza exchanged communication on this item.

Mayor Aldrich said this item should go to the voters and Council Member Garza said this ordinance should be removed.

Mayor Pro-Tem Grider concurred this item should go to the voters.

Council Member Walczyk said this is possibly a lawsuit and should be reworked to everyone's satisfaction under the Texas laws.

Council Member Martin said it's unconstitutional and should be removed.

Mr. Miller said let the voters decide.

Council Member Street suggested writing a new ordinance, rescind the current ordinance and prepare for Charter.

Council Member Walczyk moved to repeal Ordinance O-2021-903 an Ordinance of the City Council of the City of Kirby, Texas, amending Chapter 30 of the Code of Ordinances to provide for certain qualifications for candidates for Mayor or for places on the City Council or to serve in places on the City Council of the City of Kirby; seconded by Council Member Street.



The motion carried with a 5-2 vote.

AYES: 5                      NAYES: 2 (Council Member Apodaca, Mayor Aldrich)

I.        Discussion And Possible Action On City Attorney Services

Council Member Garza said he placed this item on the agenda to ask the City Attorney Marc Schnall questions about Ordinance No. O-2021-903, because it doesn't make sense why it was put into place without instruction that it could lead to a lawsuit.

City Attorney Marc Schnall said he believed that the City was aware that it might result in a lawsuit. He believed that the ultimate action and the ultimate decision on whether that ordinance was or was not appropriate or legal or constitutional could only be decided by a judge or by an appellate court.

City Attorney Marc Schnall was available and answered the questions from City Council.

Council Member Garza moved to go out for RFQ for city attorney services; seconded by Council Member Street. The motion carried with a 4-3 vote.

AYES: 4                      NAYES: Council Member Apodaca, Mayor Pro-Tem Grider,  
Mayor Aldrich)

m.        Discussion And Possible Action On Scheduling A City Council Retreat

Mayor Pro-Tem Grider said there is a lot of anger and hate. These emotions need to be addressed and then move forward. The retreat should be away from this location, bring in a mediator and after the retreat we need to move forward.

Council Member Walczyk said she doesn't have any problems with anyone and she doesn't hold grudges.

Council Member Martin said we are here for citizens and we have to work together.

Council Member Apodaca said TML has an online course on building effective relationships.

Mayor Pro-Tem Grider moved to schedule a retreat in the near future; seconded by Council member Martin. The motion carried with 5-2 vote.

AYES: 5                      NAYES: Council Members Garza and Street)

n.        Discussion And Possible Action To Declare A Vacancy On The Economic Development Committee Due To Absenteeism.

City Manager Vernon stated the Economic Development Committee Member has not been able to attend meetings and the Committee voted in favor of removing the Member.

Council Member Walczyk moved to remove Robert Boyd from the Economic Development Committee and place on the Website to find a replacement; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- o. Discussion And Possible Action To Enter Into A Contract With Dr. Stephanie Barker For Veterinary Services.

Dr. Stephanie Barker introduced herself to the Council. She wants to offer something positive to the City.

Council Member Walczyk asked City Manager Vernon if the hourly fees were a part of the \$15,000 in the budget.

City Manager Vernon said it is. The \$15,000 is based on historically what we have spent for vet service. After we use Dr. Barker's services for a few months we will be able to gauge the expense for budget purposes better.

Council Member Walczyk moved to enter into a contract with Dr. Stephanie Barker for veterinary services; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- p. Discussion And Possible Action To Consider A Vendor Agreement With Bexar County For A Residential Low Income Household Water Assistance Program

Council Member Garza moved to consider a vendor agreement with Bexar County for a Residential Low Income Household Water Assistance Program; seconded by Mayor Pro-Tem Grider. The motion carried with a 7/0 vote.

AYES: 7

NAYES: 0

## **9. City Manager Announcements**

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

City Manager Vernon said the Fall Curbside Pick Up is September 5 – September 23. There are three quadrants this year. The Annual Garage Sale will September 2-4 which is Labor Day Weekend.

## **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 requested reinstating the Ordinance Review Committee; establish a fee schedule on the Website; creating a festival committee; discuss a water contingency plan; and on August 13 there will be a Back To School Pool Party, 7 P.M. to 10 P.M.

Council Member Garza - He requested placing on the next agenda a discussion to address the City Manager treating Council Members the same; open session about water situation to allow questions from the citizens to be answered; address the stop signs at Binz Engleman and Fred Haise; discuss restoring the ordinance for stop signs and placement; discuss the policy for allowing contractors access to offices in City Hall; address stolen checks and final outcome. He also wanted to state that Mayor Aldrich is confrontational and disrespectful to Council Members including himself. He said he is mirroring her leadership.

Mayor Pro-Tem Grider - She said there is Kirby Fitness Travel the Trail on August 4 and 18, 6:30 P.M. – 7:30 P.M.; August 9 & 23 Zumba under pavilion in Friendship Park 6:30 P.M. – 7:30 P.M. On September 14 and October 12 at 5:30 – 7:30 come out and share a one-on-one meeting with herself and the City Manager to discuss concerns and suggestions. The venue is to be determined. If you are looking for information about current events taking place, go to Kirby's Facebook page, nobody is blocked on Kirbytx.org. She provided contact information for free COVID tests you will receive in the mail. Go to Covidtest.gov.

Council Member Walczyk – Regarding the ordinances, a five-member committee could review them. She asked Chief Hilburn if a red stripe could be painted down Diadem and Starfire by the fire hydrant. All Council Members should have a copy of Robert's Rules. An item for the August 11 agenda is a water plan and alarm system. She spoke about NIMS training. She asked if the Onboard Session regarding fire, police, code compliance on August 12<sup>th</sup> can be rescheduled because new members will be in training. She inquired about the fire truck for volunteers.

City Manager Vernon said waiting for written request from the Volunteer Fire Department Board and will place on an agenda.

Council Member Apodaca – She said on July 26 the Judson School Board unanimously approved to add four police officers to the Judson ISD police force. Judson is offering school supplies up to grade 5. She has other sources for school supplies. She said contact her for the information. On August 12 Judson ISD is having a block party at Rutledge Stadium, 6:30 P.M. - 9:00 P.M.

Council Member Martin - He thanked everyone for staying. He thanked all staff. He said he has a problem with Emergency Management. Everyone needs to be notified what is going on if there is an emergency. He inquired about the City Manager's plan for workers and volunteers to be kept out of heat.

Mayor Pro-Tem Grider - She stated another item for the budget is funding for mixed use assessment.

Mayor Aldrich – She spoke to Council Member Garza about respect. She urged Council to read the Texas Municipal League Handbook on the role of the Council. Council Members can contact the City Manager before going to other City departments to schedule a time to go to the department. She said Council needs to stop micromanaging the City Manager. There are too many hands in the pot and it is not productive. She said NIMS training is used to qualify for funding. Regarding the cooling stations, had she been informed they were wanted; she could have made a call and had some delivered. When Council Members speak badly about this City you are also speaking badly about yourself. We need to fight for the City and not against the City.

**11. Adjournment**

The meeting adjourned at 12:11 A.M.

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Kimberly Aldrich, Mayor

ATTEST

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Patty Cox, City Secretary, TRMC