



*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 25, 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

Mayor Aldrich  
Council Member Apodaca

ABSENT

Mayor Pro-Tem Grider

Council Member Garza (participated via ZOOM)  
Council Member Martin  
Council Member Street  
Council Member Walczyk

**5. Citizen Participation**

1. Cindy Eckert – She was concerned about the lights and noise coming from the business. The tow truck company back gate is by her driveway. She urged Council to vote no.
2. Mary Hernandez – Her backyard is behind this land. The applicant said the building will be beautiful. She said his current location has junk cars. Lots of children meet their parents on Pageland and this could be a safety issue.
3. Jessica Pope – She thanked Council for their prayers. She spoke about the safety for the children walking back and forth to Hopkins Elementary. She did not support the tow truck use because of safety concerns.
4. Wendy Holden – Trying to keep children safe and the tow truck company across the street from the school is terrifying. This is not the proper location for the tow truck company.
5. Rosario Ortiz – We need to protect our children. Why is the applicant going to use bullet proof glass? She asked what is going to happen? The business will be across street where bullets will be flying where our children are. We cannot allow that to happen.
6. Lisa Pierce – She provided an overview of the Ordinance Review Committee and scope of the intent of the Committee. She supported having Council liaison for the Committee. Also, the Committee should deter from creating ordinances. She thanked the council for serving City of Kirby citizens.
7. Rochelle Tolliver – The towing service reminded her about her neighborhood issues. Two neighbors have moved because of the problems. Only two homeowners are left. They have tenants in there playing loud music. There are diesel trucks and loud cars coming through all the time. She inquired about services to help senior citizens.
8. Priscilla Romero – She is concerned about the safety of her children because of the tow truck company. She has children attending Hopkins Elementary. When a company talks about installing bullet proof glass it's because they are protecting themselves.

9. Jessica Pope – She informed Council she did not receive a letter notifying her about the Planning and Zoning meeting. Also, the PTO President didn't receive letter of notification and neither did other employees of Judson ISD. She spoke about a fence request that was denied previously.
10. Jerry Pecina – He questioned the purpose of bullet proof glass. Why bring in something bad; we don't need that. He was concerned the houses in the area would be shot at.
11. Abby Wilcox – City Secretary read Ms. Wilcox's email. She asked how the City plans to address the safety concerns of small children who walk home. How will this benefit the company and the City?
12. Sabrina Khounnorath – City Secretary read Ms. Khounnorath's email. She is a concerned parent and resident of Kirby for 30 years. She is concerned about the safety of children who cross the street. Beside the physical aspect of it being an eye sore, our children's environment should not be surrounded by entities that can impose any type of negativity. It does not give off the right impression for a "safe school zone." Hopkins Elementary has been standing strong for decades and she asked that Council to please do all we can to preserve the safety of our community and school.
13. Linda Khounnorath – City Secretary read Ms. Khounnorath's email. She has been a resident of Kirby since 1990. Her best memories were from elementary school. Back then we would walk at the end of the year to Kirby City Park. Her daughter attended Hopkins Elementary and her nephews attend now. We love the close-knit relationships of the teachers and staff within our community.

The crossing guard made sure their babies got on campus safety. She feels the towing company being built across the street would be a definite eye sore. She could only imagine the dangers that they would encounter with the vehicles/parts that are towed and left in that field. We want a welcoming environment for our students and their families.

## 6. Presentation

- a. Proclamation National Payroll Week

Mayor Aldrich read the Proclamation and presented to Ms. Denise Kelley.

- b. Recognition Of Sponsors And Report On 2022 Fireworks In The Park Event

City Manager Vernon formally recognized the companies who contributed to the event: HEB, Republic Services, Hayden Paving, Inc., RRG, Linebarger, Marsh McLennan Agency, Bain Medina Bain, Langley & Banack, CPS Energy, and Astound. There was revenue generated from parking fees and vendors.

c. Introduction Of New City Employees

City Manager Vernon introduced Frank Salazar – Public Works Director; Mariana Ramirez – Court Clerk and Honey Ernest – Kennel Tech.

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

a. Regular Minutes – August 11, 2022

Council Member Apodaca moved to approve the Regular Minutes – August 11, 2022; seconded by Council Member Walczyk. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

**8. Public Hearing**

a. Public Hearing On A Request For A Specific Use Permit For The Property Located At CB 4018G (SPRINGFIELD INDUSTRIAL PARK), LOTS 6 And 7, Otherwise Known As 0 Springfield Road, Kirby, TX 78219, Which Is Zoned Light Industrial (LI) To Be Used For The Following Purpose: Constructing Offices And Warehouses To Rent To Different Trades.

Mayor Aldrich opened the Public Hearing at 7:47 P.M.

There were no proponents or opponents to speak. Mayor Aldrich closed the Public Hearing at 7:49 P.M.

b. Public Hearing On A Request For A Specific Use Permit For Property Zoned Commercial Office And Retail (C-2) To Be Used For A Vehicle Storage Facility And Towing Company. Located At CB 5098J BLK LOT 1 MCGAUGHY SUBD, Otherwise Known As 0 Ackerman Ln., Kirby, TX 78219.

Mayor Aldrich opened the Public Hearing at 7:49 P.M. and read a letter she was provided a few minutes earlier by the City Secretary from the applicant, Roger Barrientes. Mr. Barrientes withdrew his application for the request for a Specific Use Permit for property zoned Commercial Office and Retail (C-2) to be used for a vehicle storage facility and towing company. Located at CB 5098J BLK LOT 1 MCGAUGHY SUBD, otherwise known as 0 Ackerman Ln., Kirby, TX 78219.

Mayor Aldrich closed the Public Hearing at 7:50 P.M.

**9. 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), LOTS 6 And 7, Otherwise Known As 0 Springfield Road, Kirby, TX 78219, Which Is Zoned Light Industrial (LI) To Be Used For The Following Purpose: Constructing Offices And Warehouses To Rent To Different Trades.

Council Member Walczyk said she is concerned about the types of businesses he will lease to.

Council Member Garza inquired about sales tax and City Manager said the City will receive sales tax.

Council Member Martin moved to approve the Specific Use Permit for the property located at CB 4018G (SPRINGFIELD INDUSTRIAL PARK), LOTS 6 and 7, otherwise known as 0 Springfield Road, Kirby, TX 78219, which is zoned Light Industrial (LI) to be used for the following purpose: constructing offices and warehouses to rent to different trades; seconded by Council Member Garza. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- b. Discussion And Possible Action On A Request For A Specific Use Permit For Property Zoned Commercial Office And Retail (C-2) To Be Used For A Vehicle Storage Facility And Towing Company. Located At CB 5098J BLK LOT 1 MCGAUGHY SUBD, Otherwise Known As 0 Ackerman Ln., Kirby, TX 78219.

The application for request for a Specific Use Permit for property zoned Commercial Office and Retail (C-2) to be used for a vehicle storage facility and towing company. Located at CB 5098J BLK LOT 1 MCGAUGHY SUBD, otherwise known as 0 Ackerman Ln., Kirby, TX 78219

Mr. Barrientos withdrew his application. There was no action taken.

- c. Presentation, Discussion And Possible Action On Kirby Well Site Improvements

City Manager Vernon provided background information on the SCADA system. A Microcom representative provided a cost estimate. She explained the process the company uses to set up the system, funding and functions of the system. This is an advanced system and the cost is \$65,996 plus \$16,000 to install. She reached out to another company, but they are not taking new customers at this time.

Council inquired about the optional equipment and what is included, also where will the system be set up.

City Manager Vernon stated she would like to add this to FY 2022-2023 Budget.

Council Member Walczyk moved to table this discussion to the next meeting at which time we should make a decision for our Budget.

City Manager Vernon stated action is not required tonight, this can be discussed at the next meeting.

Council Member Walczyk withdrew her motion.

- d. 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 Mayor Pro-Tem Grider initially requested this item.

Council discussed the amount for the rebate and when to apply the rebate to the accounts. There was discussion about applying to new accounts, only accounts during the pandemic or all Kirby account holders.

Council Member Street moved to accept the water rebate program for the City of Kirby account holders at \$75.00 credit on October 15, 2022; seconded by Council Member Garza. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- e. Discussion And Possible Action On Ordinance No. O-2022-915 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. This Is The First Reading.

Chief Cardona explained that Ordinance No. O-2022-915 repeals the existing Chapter 91 of the Code of Ordinances and adopts a new Chapter 91 entitled "Animals" to set out provisions as to animals. She identified all the changes. She answered questions and clarified sections. She will change page 38 Rabies #7, microchip take place of license.

Council Member Street moved to accept Ordinance No. O-2022-915 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 with changes; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- f. Discussion And Possible Action On Ordinance No. O-2022-916; 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. This Is The First Reading.

Council discussed changes to the Ordinance. Section B. FEES change the last sentence to and citizens alike unless it is a city event sanctioned or approved by City Council. The fees will apply to everyone.

Council Member Walczyk moved to accept Ordinance No. O-2022-916; 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 with changes; seconded by Council Member Street. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- g. Discussion And Possible Action On A Policy, Process And Procedure For Reimbursing Expenses To City Council Members

Council discussed the policy submitted by Council Member Street.

City Manager Vernon explained that currently there is not a line item for reimbursing expenses to City Council Members. Tonight, Council needs to vote whether to use this.

Council Member Street moved to allow Kat McGarrity to speak; seconded by Council Member Walczyk. The motion carried with a 6-0 vote.

Kat McGarrity asked if this is for one time or max?

Mayor Aldrich said \$300 max.

Council Member Street moved to accept the Council Reimbursement Policy stating if a Council Member or group of Council Members wish to put on an event and use City funds for

reimbursement, the event must be voted on and approved by City Council. Each Council Member cannot exceed the individual amount determined annually by Council and noted in the annual budgeted line item "City Council Event," which would be the total budgeted amount divided by seven (7). Example: \$2,100 allotted to City Council Events on the annual budget divided by seven equals \$300 possible reimbursement to any one Council Member for the fiscal year. Unused funds would remain in the budget; seconded by Council Member Walczyk. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Mayor Aldrich)

h. Discussion And Possible Action To Change The November And December 2022 Regular Council Meeting Dates

City Manager Vernon said Mayor Pro-Tem Grider requested this item.

Council discussed the dates and Council Member Apodaca moved to change the meeting dates in November to November 3 and 16 and December dates to December 1 and 15, 2022. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

i. Discussion And Possible Action On Ordinance No. O-2022-914 An Ordinance Amending the 2021-2022 Municipal Budgets Of The City Of Kirby. This Is the First Reading.

Council Member Street moved to discuss item "n." before discussing item "i."; seconded by Council Member Garza. The motion carried with a 6-0 vote.

Council discussed item "i." after discussing item "n."

Council Member Garza said he didn't have time to review this item, he received it yesterday.

Mayor Aldrich said if not approved tonight there will not be funds to attend Texas Municipal League Annual Conference in San Antonio. City Manager Vernon said currently there are enough funds for one person to attend.

Council discussed the 2021 – 2022 Budget amendments. They discussed funds that would allow all Council Members to attend and purchase a sewer machine.

Council Member Street moved to accept the budget amendment with the change for Council attending TML and the purchase of a sewer machine in the amount of \$85,000 for the 2021-2022 Budget Amendment; seconded by Council Member Martin. The motion carried with a 6-0 vote.



AYES: 6

NAYES: 0

- j. Discussion And Possible Action To Dispense With The Second Reading Of Ordinance No. O-2022-914 So That Ordinance No. O-2022-914 Becomes Effective Immediately.

Council Member Street moved to dispense with the second reading of Ordinance No. O-2022-914 so that Ordinance No. O-2022-914 becomes effective immediately; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- k. Discussion And Possible Action To Appoint Members To The Planning And Zoning Commission For Terms That Expire August 2024.

Council Member Street moved to appoint Alexandra Ebert to the Planning and Zoning Commission for a term that expires August 2024; seconded by Council Member Martin. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- l. Discussion And Possible Action To Appoint Alternate Members To The Building And Standards Commission For Terms That Expire October 1, 2023.

Council Member Street asked Richard Bundick why he wants to be on Building and Standards Commission.

Mr. Bundick replied he has lived in Kirby all of his life and he is interested in the City.

Council Member Martin moved to appoint Richard Bundick to alternate member to the Building and Standards Commission for a term that expires October 1, 2023; seconded by Council Member Martin. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- m. Discussion And Possible Action To Negotiate An Agreement With Speed 21 For Use Of Friendship Park

City Manager Vernon said Mr. Hemphill submitted a letter for use of Friendship Park.

Mr. Hemphill provided an overview for use of Friendship Park.

Mr. Hemphill would like to use the back area where the Spartans used to rent, he signed up 125-300 individuals, free camp, non-profit, Monday – Thursday, Saturday and Sunday, \$650 per year, no conflict with baseball and basketball, might require security, traffic control in December event.

City Manager Vernon will draft a contract with this information and bring back to Council.

n. Discussion And Possible Action To Select Council Members To Attend The 2022 Texas Municipal League Annual Conference To Be Held October 5-7, 2022

Council discussed attending the 2022 Texas Municipal League Annual Conference to be held October 5-7, 2022

There was discussion about funding for all Council Members to attend because the event is in San Antonio and there will not be housing and travel expenses.

Council Member Garza moved to allow all Council Members to attend the 2022 TML in San Antonio; seconded by Council Member Street. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Mayor Aldrich)

o. Reports By Council Liaisons

1. Animal Advisory Committee – Council Member Walczyk

Council Member Walczyk they are meeting on September 29<sup>th</sup>.

2. Beautification And Recycle Committee – Mayor Pro-Tem Grider

Mayor Pro-Tem Grider was not present.

3. Building And Standards Commission – Council Member Martin

Council Member Martin said there was nothing to report.

4. Crime Control And Prevention District – Council Member Garza

Council Member Garza provided an update.

5. Economic Development Committee Council Member Apodaca

Council Member Apodaca provided an update.

6. Planning And Zoning Commission – Mayor Aldrich

Mayor Aldrich provided an update.

7. Senior Center Corporation Board – Council Member Street

Council Member Street provided an update.

**10. City Manager Announcements**

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

City Manager Vernon announced three City events: pool season is coming to an end on September 5, 2022. The Annual Garage Sale is September 2<sup>nd</sup> – 4<sup>th</sup>; Curbside Brush and Bulk Pick-up is September 5 – 23, 2022. This year there are three sectors, and National Night Out is October 4<sup>th</sup>, 6:00 P.M. – 8:00 P.M. at Friendship Park.

**11. 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 said August 13 was the pool party and it was a blast. She thanked the volunteers and everyone who helped. She thanked the employees who come to work. An item for the agenda – which sections of Roberts Rules will we use.

Council Member Garza said he wanted to clear the air about the umbrellas. He said he purchased them. The only Council Member he spoke with about them was Council Member Street. He thanked everyone who made the pool party a success. These events are needed. He thanked everyone who attended and spoke tonight.

Council Member Walczyk thanked the citizens who came out and spoke. She thanked the Fire Chief Hilburn and Police Chief Cardona for their Onboard Session. For the agenda – information for Code of Ethics and Code of Conduct for all Committees, Boards and Commissions.

Council Member Apodaca thanked the residents for attending the meeting. She asked Judson ISD families to contact Police Chief and Superintendent of District. We don't want to forget what happened in Uvalde. We need to protect our children.

Council Member Martin thanked everyone for staying with us. He thanked for all they do. Starfire bridge is starting to sink also some of the other Bexar County bridges.

Mayor Aldrich said National Night Out is October 4, 2022 at Friendship Park. Asked staff to follow up on Rochelle Tolliver's issue on Landis. She said there's an area on Binz Engleman

Road near VFW that has a dip along the center line. She expressed her appreciation for the employees and welcomed Frank.

**12. Adjournment**

The meeting adjourned at 10:11 P.M.

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Kimberly Aldrich, Mayor

ATTEST

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Patty Cox, City Secretary, TRMC