



Storm Water Management Plan MS4 Annual Implementation Report City of Kirby, Texas

Submitted By:



515 Busby Drive, Suite 101
San Antonio, Texas 78209
TBPE No. F-2573

Permit Year 4
TPDES Permit No. TXR040086
GEI Project No. KIRBY-001
April 23, 2023



515 Busby Drive, San Antonio, Texas 78209
TBPE No. F-2573

City of Kirby
TXR040086
TCEQ Region 13

April 23, 2023

Texas Commission on Environmental Quality
Stormwater & Pretreatment Team Leader (MC-148)
P.O. Box 13087
Austin, TX 78711-3087

Re: Phase II MS4 Annual Report Transmittal for the City of Kirby
TPDES Authorization: TXR040086
GEI Project No. BHTS-001

Dear Team Leader:

This letter serves to transmit the required annual report for the Texas Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer System General Permit, Authorization Number TXR040086 for the City of Kirby.

The annual report is for Year 4. The reporting period's beginning 01/24/2022 and ending 01/23/2023.

A separate Notice of Change has not been submitted as there have been no proposed changes for the next permit year.

As required by the general permit, a copy of the report has been mailed to the TCEQ's regional office **13** in San Antonio, Texas.

Sincerely,

Greg Wassom, Engineer in Training
Givler Engineering, Inc.

CC: Kimberly McGehee Aldrich

Phase II (Small) MS4 Annual Report Form
TPDES General Permit Number TXR040000

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Comprehensive Schedule for SWMP Implementation Program

Exhibits

- Exhibit A – Supporting Documents for MCM 1
- Exhibit B – Supporting Documents for MCM 2
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- Exhibit D – Supporting Documents for MCM 5

A. General Information

Municipality/Authorization Number: City of Kirby/TXR040086

Reporting Year (year will be either 1, 2, 3, 4, or 5): 4

Name of MS4: City of Kirby

MS4 Operator Level: 2

Annual Reporting Year Option Selected by MS4:

Calendar Year: _____ Permit Year: X Fiscal Year: _____ Last day of fiscal year: (____)

Reporting period beginning date: 01/24/2022 Reporting period end date: 01/23/2023

Contact Name: Greg Wassom Telephone Number: (210) 342-3991 ext. 229

Email: wassom@givlerengineering.com Mailing Address: 515 Busby Drive, San Antonio, TX 78209

A copy of the annual report was submitted to the TCEQ Region: YES X NO ____

Region the annual report was submitted to: TCEQ Region 13

B. Status of Compliance with the MS4 GP and SWMP

1. Provide information on the status of complying with permit conditions: (TXR040000 Part IV.B.2)

	Yes	No	Explain
Permittee is currently in compliance with the SWMP as submitted to and approved by the TCEQ.	X		Permittee has maintained compliance with the SWMP submitted to TCEQ. SWMP is pending TCEQ approval.
Permittee is currently in compliance with recordkeeping and reporting requirements.	X		Permittee has maintained all records and meets all reporting requirements.
Permittee meets the eligibility requirements of the permit (e.g., TMDL requirements, Edwards Aquifer limitations, compliance history, etc.).	X		Permittee continues to meet all eligible requirements of the MS4 permit.
Permittee conducted an annual review of its SWMP in conjunction with preparation of the annual report	X		Permittee has conducted an annual review of its SWMP in conjunction with preparation of the annual report.

2. Provide a general assessment of the appropriateness of the selected BMPs. You may use the table below to meet this requirement (see **Example 1 in instructions**):

MCM(s)	BMP #	BMP Name	BMP is appropriate for reducing the discharge of pollutants in stormwater (Answer Yes or No and explain)
1: Public Education, Outreach, and Involvement	1.1	NOI and NOC Public Comment	Yes, a copy of the SWMP is maintained at the front desk of city hall for public access.
	1.2	Recurring Public Comment	Yes, city council meetings were agendaized each month with time for citizens to comment, which could be used to discuss any storm water issues or questions.
	1.3	Brochures and Fact Sheets	Yes, the city raises awareness of storm water pollution prevention, improvement, and preservation of storm water quality.
	1.4	Household Hazardous Waste	Yes, residents can contact the County's Household Hazardous Waste Contractor to schedule an at home pickup. This is a service the county offers residents to make it easy to properly dispose of potentially hazardous materials to reduce pollution in stormwater.
	1.5	Stormwater Website	Yes, the stormwater website is an effective communication tool providing a continual means to share and exchange information to anyone seeking knowledge regarding the stormwater management program.
	1.6	Storm Drain Marking	Yes, storm drain markings help the public easily identify their location and raises awareness that runoff carries discharges untreated into local streams.
	1.7	Stormwater Public Awareness Survey	Yes, the public's comments help us identify sources of storm water pollution throughout the city and keep them engaged in promoting storm water quality.
End of MCM 1: Public Education, Outreach, and Involvement			
2: Illicit Discharge Detection and Elimination (IDDE)	2.1	Storm Sewer Map	Yes, the MS4 map shows the location of each outfall and the names and locations that discharge into the waters of the U.S.

MCM(s)	BMP #	BMP Name	BMP is appropriate for reducing the discharge of pollutants in stormwater (Answer Yes or No and explain)
	2.2	Illicit Discharge Detection Plan	Yes, this plan helps us identify sources of pollution using regularly scheduled observations.
	2.3	Illicit Discharge and Dumping Hotline	Yes, concerns reported to the hotline allow for quick response to illegal discharges and complaints.
	2.4	Illicit Discharge Ordinance Update	Yes, this ordinance helps the city provide the health, safety, and general welfare of the public and the city through regulating the discharge of pollutants.
End of MCM 2: Illicit Discharge Detection and Elimination			
3: Construction Site Storm Water Runoff Control	3.1	Technical Manual for Construction Runoff	Yes, the manual explains appropriate storm water controls for construction sites and gives guidance for alternative solutions.
	3.2	Site Plan Review Program	Yes, program reviews site plans and determines proper measures during construction procedures are incorporated in order to control erosion, sedimentation, and other sources of storm water pollution.
	3.3	Construction Site Inspection Program	Yes, through periodic inspections, this program helps construction sites to remain in compliance and reduce sources of pollution.
	3.4	Construction Runoff Hotline	Yes, concerns reported to the hotline allow for quick response to illegal discharges and complaints regarding construction activities.
	3.5	Construction Storm Water Management Ordinance Update	Yes, this ordinance establishes requirements for contractors to reduce pollutants in storm water runoff.
	3.6	City Staff Training and Development	Yes, training focused on storm water BMPs helps grow knowledge and improve level of awareness.
End of MCM 3: Construction Site Storm Water Runoff Control			

MCM(s)	BMP #	BMP Name	BMP is appropriate for reducing the discharge of pollutants in stormwater (Answer Yes or No and explain)
4: Post-Construction Storm Water Management in New Development and Redevelopment	4.1	Technical Manual for Post-Construction Runoff	Yes, the manual explains appropriate storm water controls and provides developers and contractors guidance on pollutant controls and proper maintenance criteria for long-term stabilization.
	4.2	Site Plan Review Program for Post-Construction Runoff	Yes, site plans submitted to the city are reviewed by the city's storm water consultant, who provides recommendations to enhance post-construction runoff controls, as necessary.
	4.3	Long-Term Inspection and Maintenance Plan for Post-Construction Runoff	Yes, the city's storm water consultant will perform annual inspections and determine if maintenance is required for all completed construction sites to ensure compliance with post-construction storm water management control requirements.
	4.4	Post Construction Storm Water Management Ordinance Update	Yes, the ordinance helps establish requirements for storm water quality controls and implement long-term inspection and maintenance requirements.
End of MCM 4: Post-Construction Storm Water Management in New Development and Redevelopment			
5: Pollution Prevention/Good Housekeeping for Municipal Operations	5.1	Municipal Employee Pollution Prevention Manual	Yes, this manual informs current and new city employees on proper handling procedures and specifies methods used to reduce the potential for pollution.
	5.2	Municipal Employee Training	Yes, city employees who handle processes which may impact storm water quality receive an introduction to pollution prevention and tips on maintaining good housekeeping practices in their facility.
	5.3	Street Sweeping	Yes, street sweeping is an effective way to prevent pollutants from entering storm drains, watersheds, and rivers, while keeping streets and gutters looking great.
	5.4	Pest Management Program	Yes, this program has been established to address insect problems and provides guidance on the safety and training requirements related to the pesticide application.

MCM(s)	BMP #	BMP Name	BMP is appropriate for reducing the discharge of pollutants in stormwater (Answer Yes or No and explain)
	5.5	Disposal of Waste Materials	Yes, the city reviews waste disposal procedures and process for both solid waste and hazardous materials to ensure they are properly disposed of. The city also reminds its staff annually through employee training.
	5.6	Contractor Oversight Procedures	Yes, the city requires its contractors to ensure that they use appropriate storm water control measures and operating procedures.
	5.7	Inventory of Facilities and Stormwater Controls	Yes, inventory of facilities and storm water controls help identify high priorities that have the potential to generate storm water pollutants.
	5.8	Assessment of Operations and Maintenance Activities	Yes, through assessment of the City's operations and maintenance activities, we can identify pollutants of concern and implement measures to reduce the discharge of pollutants.
End of MCM 5: Pollution Prevention/Good Housekeeping for Municipal Operations			

3. Describe progress towards achieving the goal of reducing the discharge of pollutants to the MEP. If no progress was made or the BMP did not result in a reduction in pollutants, provide an explanation. Use the table below to meet this requirement (**see Example 2 in instructions**):

MCM(s)	BMP#	BMP Name	Information Used & Quantity/Units	Does the BMP Demonstrate a Direct Reduction in Pollutants? (Answer Yes or No and explain)
1: Public Education, Outreach, and Involvement	1.1	NOI and NOC Public Comment	Provide one opportunity for residents to comment on executive director's comments to the NOI and NOC's.	No. Though this BMP does not result in a direct reduction of pollutants, the public has the opportunity to participate and feedback on all public notices.
	1.2	Recurring Public Comment	Provide opportunities each month for public comment during city council meetings.	No. Pollutants will be reduced over time as citizens participate and provide feedback on the SWMP.
	1.3	Brochures and Fact Sheets	Issue two newsletters each year.	No. Though this BMP does not result in a direct reduction of pollutants, educating the citizens will eventually reduce litter, hence pollutants.
	1.4	Household Hazardous Waste	Provide 1 opportunity for residents to dispose of household hazardous waste.	Yes. This service makes it easy for residents to properly dispose of potentially hazardous materials to reduce pollution in stormwater.
	1.5	Stormwater Website	Record copies of all informational material updated.	No. Though this BMP does not result in a direct reduction of pollutants, educating the citizens will eventually reduce litter, hence pollutants.
	1.6	Storm Drain Marking	Inspect 50% of storm drains markings.	No. Markers on storm drains serve as a visual reminder that will reduce pollutants over time.
	1.7	Stormwater Public Awareness Survey	Distribute 100 surveys.	Yes. When citizens identify illicit discharges, immediate action can be taken to remove the pollutant and track the source.
End of MCM 1: Public Education, Outreach, and Involvement				
2: Illicit Discharge Detection and Elimination	2.1	Storm Sewer Map	Update map one time.	No. Though this BMP does not result in a direct reduction of pollutants, the map shows the location of each outfall.

MCM(s)	BMP#	BMP Name	Information Used & Quantity/Units	Does the BMP Demonstrate a Direct Reduction in Pollutants? (Answer Yes or No and explain)
	2.2	Illicit Discharge Detection Plan	Inspect 8 IDDE Zones.	Yes. When illicit discharges are observed, immediate action can be taken to remove pollutants and track the source.
	2.3	Illicit Discharge and Dumping Hotline	Maintain hotline on an ongoing basis.	Yes. When illicit discharges are reported, immediate action can be taken to remove pollutants and track the source.
	2.4	Illicit Discharge Ordinance Update	Review and update ordinance one time.	No. Though this BMP does not result in a direct reduction of pollutants, the ordinance sets city standards.
End of MCM 2: Illicit Discharge Detection and Elimination				
3: Construction Site Storm Water Runoff Control	3.1	Technical Manual for Construction Runoff	Review technical manual one time.	No. By continuously updating the technical manual it allows us to refine contractor guidelines and stormwater controls measures to directly reduce pollutants from construction sites.
	3.2	Site Plan Review Program	Review 100% of site plans and storm water pollution prevention plans for proposed construction.	No. Though this BMP does not result in a direct reduction of pollutants, reviewing plans confirms proper measures are incorporated into construction procedures and reduce sources of storm water pollution.
	3.3	Construction Site Inspection Program	Inspect 100% of active construction sites for sources of storm water pollution.	Yes. By inspecting construction sites, we can evaluate if proper BMPs are installed to effectively reduce sediment discharge and erosion.
	3.4	Construction Runoff Hotline	Maintain hotline on an ongoing basis.	Yes. When illicit discharges are reported, immediate action can be taken to remove the pollutant and track the source.

MCM(s)	BMP#	BMP Name	Information Used & Quantity/Units	Does the BMP Demonstrate a Direct Reduction in Pollutants? (Answer Yes or No and explain)
	3.5	Construction Storm Water Management Ordinance Update	Review and update ordinance one time, if needed.	No. Though this BMP does not result in a direct reduction of pollutants, enforcing requirements and procedures established by this ordinance will eventually reduce pollutants entering stormwater runoff.
	3.6	City Staff Training and Development	Attend one training regarding stormwater.	Yes. Trainings review the use of appropriate stormwater control measures and operating procedures that will eventually reduce sediment and pollutants.
End of MCM 3: Construction Site Storm Water Runoff Control				
4: Post-Construction Storm Water Management in New Development and Redevelopment	4.1	Technical Manual for Post-Construction Runoff	Review and update manual one time, if needed.	No. Though this BMP does not result in a direct reduction of pollutants, continuously refining contractor guidelines will eventually reduce sediment and pollutants.
	4.2	Site Plan Review Program for Post-Construction Runoff	Review 100% of site plans submitted.	No. By reviewing plans submitted, we can evaluate if proper post-construction BMPs are needed to reduce sediment discharge and erosion.
	4.3	Long-Term Inspection and Maintenance Plan for Post-Construction Runoff	Review 100% of long-term inspection and maintenance plans.	Yes. By inspecting post-construction runoff, we can monitor the quality of runoff and take swift action to remove any pollutants.

MCM(s)	BMP#	BMP Name	Information Used & Quantity/Units	Does the BMP Demonstrate a Direct Reduction in Pollutants? (Answer Yes or No and explain)
	4.4	Post-Construction Storm Water Management Ordinance Update	Review and update the ordinance one time.	No. Though this BMP does not result in a direct reduction of pollutants, enforcing requirements and procedures established by this ordinance will eventually reduce pollutants entering stormwater runoff.
End of MCM 4: Post-Construction Storm Water Management in New Development and Redevelopment				
5: Pollution Prevention/Good Housekeeping for Municipal Operations	5.1	Municipal Employee Pollution Prevention Manual	Review technical manual for new changes to accepted practices and regulations one time.	No. Though this BMP does not result in a direct reduction of pollutants, educating municipal employees will eventually reduce possible stormwater pollution impacts.
	5.2	Municipal Employee Training	Train city employees on pollution prevention techniques one time.	No. Though this BMP does not result in a direct reduction of pollutants, educating municipal employees will eventually reduce pollutants from various municipal operations.
	5.3	Street Sweeping	Develop and implement street sweeping procedures one time.	Yes. Street sweeping is an effective way to prevent pollutants from entering storm drains, watersheds, and rivers, while keeping streets and gutters looking great.
	5.4	Pest Management Program	Develop and implement pest management program procedures one time.	Yes. Helps promote Best Management Practices (BMPs) used to solve pest problems while minimizing risks to people and the environment.
	5.5	Disposal of Waste Materials	Review municipal solid and hazardous waste disposal procedures one time.	Yes. By evaluating proper disposal of solid waste and hazardous materials, immediate action can be taken to remove pollutants.

MCM(s)	BMP#	BMP Name	Information Used & Quantity/Units	Does the BMP Demonstrate a Direct Reduction in Pollutants? (Answer Yes or No and explain)
	5.6	Contractor Oversight Procedures	Review contractor oversight procedures one time.	Yes. By inspecting contractor procedures, we can evaluate if contractors are taking the proper measures to reduce pollution in the MS4.
	5.7	Inventory of Facilities and Stormwater Controls	Review inventory of facilities and stormwater controls one time.	No. Though this BMP does not result in a direct reduction in pollutants, developing an inventory of the city facilities and controls helps prioritize facilities containing pollutants and identify poor housekeeping practices, and discharge of pollutants, hence reducing pollutants.
	5.8	Assessment of Operations and Maintenance Activities	Evaluate 5 municipal operation and maintenance activities.	Yes. By inspecting city operations and maintenance activities, we can evaluate if proper measures are being taken to reduce pollution in the MS4.
End of MCM 5: Pollution Prevention/Good Housekeeping for Municipal Operations				

4. Provide the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals (see **Example 3 in instructions**):

MCM(s)	BMP#	BMP Name	Measurable Goal(s)	Explain progress toward goal or how goal was achieved. If goal was not accomplished, please explain.
1: Public Education, Outreach, and Involvement	1.1	NOI and NOC Public Comment	SWMP and NOI were made available for public review	Met goal – made the City’s SWMP available to residents for review.
	1.2	Recurring Public Comment	Provide 12 opportunities for the public to comment in City council meetings	Exceeded goal – provided more than 12 opportunities for the public to address council.
	1.3	Brochures and Fact Sheets	Issue 2 brochures and fact sheets twice each year	Met goal – issued 2 articles to the public pertaining to storm water pollution.
	1.4	Household Hazardous Waste	Provide one opportunity for residents to dispose of household hazardous waste each year	Met goal – resident can contact the county for assistance with household hazardous waste disposal. No collections during reporting period.
	1.5	Stormwater Website	Update informational material on stormwater webpage one time each year	Did not meet goal – the stormwater website will be updated during permit year 5.
	1.6	Storm Drain Marking	Survey 50% of storm drain markings every two years, in even numbered years	Exceeded goal – surveyed 100% of storm drain markings.
	1.7	Stormwater Public Awareness Survey	Issue 100 stormwater public awareness surveys every two years, in odd numbered years	N/A – public awareness surveys will be distributed in year 5.
End of MCM 1: Public Education, Outreach, and Involvement				

MCM(s)	BMP#	BMP Name	Measurable Goal(s)	Explain progress toward goal or how goal was achieved. If goal was not accomplished, please explain.
2: Illicit Discharge Detection and Elimination	2.1	Storm Sewer Map	Storm sewer map will be updated every two years, in even numbered years.	Met goal – storm sewer map was reviewed and updated.
	2.2	Illicit Discharge Detection Plan	Inspect 8 zones each year	Met goal – inspected 8 of 8 zones for illicit discharges.
	2.3	Illicit Discharge and Dumping Hotline	Inspect 100% of complaints received	Met goal – inspected 1 of 1 reported illicit discharge.
	2.4	Illicit Discharge Ordinance Update	Review Illicit Discharge Ordinance during permit year 4	Met goal – Illicit Discharge Ordinance was updated and adopted.
End of MCM 2: Illicit Discharge Detection and Elimination				
3: Construction Site Storm Water Runoff Control	3.1	Technical Manual for Construction Runoff	Review technical manual for construction runoff during permit year 3	N/A – technical manual for construction runoff was reviewed and updated in year 3.
	3.2	Site Plan Review Program	Review 100% of site plans submitted	Met goal – reviewed 0 of 0 site plan submitted.
	3.3	Construction Site Inspection Program	Inspect 100% of active sites	N/A – no active sites to inspect.

MCM(s)	BMP#	BMP Name	Measurable Goal(s)	Explain progress toward goal or how goal was achieved. If goal was not accomplished, please explain.
	3.4	Construction Runoff Hotline	Inspect 100% of complaints received	Met goal – maintained construction runoff hotline. No complaints were reported.
	3.5	Construction Storm Water Management Ordinance Update	Review storm water construction ordinance during permit year 4	Met goal – ordinance was updated and adopted.
	3.6	City Staff Training and Development	Attend one training each year	Met goal – attended 1 training during the permit year.
End of MCM 3: Construction Site Storm Water Runoff Control				
4: Post-Construction Storm Water Management in New Development and Redevelopment	4.1	Technical Manual for Post-Construction Runoff	Review technical manual for post-construction runoff during permit year 3	N/A – technical manual for post-construction runoff was reviewed and updated in year 3.
	4.2	Site Plan Review Program for Post-Construction Runoff	Review 100% of site plans for post-construction runoff each year	Met goal – reviewed 0 out of 0 site plan submitted.

MCM(s)	BMP#	BMP Name	Measurable Goal(s)	Explain progress toward goal or how goal was achieved. If goal was not accomplished, please explain.
	4.3	Long-Term Inspection and Maintenance Plan for Post-Construction Runoff	Review 100% of long-term inspection & maintenance plans each year	N/A – no construction sites applicable for long-term inspection.
	4.4	Post-Construction Storm Water Management Ordinance Update	Review storm water post-construction ordinance during permit year 3	N/A – ordinance was reviewed during year 3.
End of MCM 4: Post-Construction Storm Water Management in New Development and Redevelopment				
5: Pollution Prevention/Good Housekeeping for Municipal Operations	5.1	Municipal Employee Pollution Prevention Manual	Review municipal employee pollution prevention manual each year	Met goal – manual was reviewed during reporting period. No updates were necessary.
	5.2	Municipal Employee Training	Conduct one municipal employee training each year	Met goal – held one municipal employee training.
	5.3	Street Sweeping	5.3 Review street sweeping procedures during permit year 3	Met goal – street sweeping procedures were reviewed during reporting period. No updates were necessary.

MCM(s)	BMP#	BMP Name	Measurable Goal(s)	<p>Explain progress toward goal or how goal was achieved.</p> <p>If goal was not accomplished, please explain.</p>
	5.4	Pest Management Program	Review pest management procedures during permit year 3	Met goal – pest management procedures were reviewed during reporting period. No updates were necessary.
	5.5	Disposal of Waste Materials	Review disposal of waste material procedures each year	Met goal – disposal of waste material procedures were reviewed during reporting period. No updates were necessary.
	5.6	Contractor Oversight Procedures	Review contractor oversight procedures each year	Met goal – contractor oversight procedures were reviewed during reporting period. No updates were necessary. Observed activities of 1 contractor hired by City.
	5.7	Inventory of Facilities and Stormwater Controls	Review inventory of facilities and stormwater controls each year	Met goal – reviewed and updated city inventory of facilities and stormwater controls.
	5.8	Assessment of Operations and Maintenance Activities	Evaluate 5 municipal operations and maintenance activities	Met goal – assessed 5 out of 5 maintenance activities performed.
End of MCM 5: Pollution Prevention/Good Housekeeping for Municipal Operations				

C. Stormwater Data Summary

Provide a summary of all information used, including any lab results (if sampling was conducted) to assess the success of the SWMP at reducing the discharge of pollutants to the MEP. For example, did the MS4 conduct visual inspections, clean the inlets, look for illicit discharge, clean streets, look for flow during dry weather, etc.?

It has been determined that all current BMPs selected for the SWMP are appropriate against reducing the discharge of pollutants entering storm water. Monitoring includes periodic observation of the City's storm water features in accordance with the schedule set forth in the IDDE Plan (BMP 2.2). As a result of the implementation of these BMP's, a minimal quantity and frequency of pollutants in storm water discharges has been noted and documented.

D. Impaired Waterbodies

1. Identify whether an impaired water within the permitted area was added to the latest EPA-approved 303(d) list or the Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d). List any newly-identified impaired waters below by including the name of the water body and the cause of impairment.

The latest EPA-approved §303(d) list does not identify any new impaired waters were added within the permitted area.

2. If applicable, explain below any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4's BMPs used to address the pollutant of concern.

N/A

3. Describe the implementation of targeted controls if the small MS4 discharges to an impaired water body with an approved TMDL.

N/A

4. Report the benchmark identified by the MS4 and assessment activities:

Benchmark Parameter (Ex: Total Suspended Solids)	Benchmark Value	Description of additional sampling or other assessment activities	Year(s) conducted
N/A	N/A	N/A	N/A

5. Provide an analysis of how the selected BMPs will be effective in contributing to achieving the benchmark:

- a. The number of sources of bacteria will be identified and eliminated;*
- b. The number of incidents regarding illegal dumping will be reduced;*
- c. An increase of illegal dumping reporting;*
- d. The number of educational opportunities conducted, focusing on the reduction or elimination of bacteria in storm water discharges; and*
- e. An increase of illicit discharge detection through dry screening or other selected detection methods.*

Benchmark Parameter	Selected BMP	Contribution to achieving Benchmark
N/A	N/A	N/A

6. If applicable, report on focused BMPs to address impairment for bacteria:

Description of bacteria-focused BMP	Comments/Discussion
N/A	N/A

7. Assess the progress to determine BMP's effectiveness in achieving the benchmark.

For example, the MS4 may use the following benchmark indicators:

- number of sources identified or eliminated;
- number of illegal dumpings;
- increase in illegal dumping reported;
- number of educational opportunities conducted;
- reductions in sanitary sewer flows (SSOs); /or
- increase in illegal discharge detection through dry screening.

Benchmark Indicator	Description/Comments
N/A	N/A

E. Stormwater Activities

Describe activities planned for the next reporting year:

Attached is an important schedule summary indicating all storm water activities which are currently planned for the upcoming plan year. MS4 will implement new SWMP submitted to TCEQ.

F. SWMP Modifications

1. The SWMP and MCM implementation procedures are reviewed each year.

☒ Yes ☐ No

2. Changes have been made or are proposed to the SWMP since the NOI or the last annual report, including changes in response to TCEQ's review.

☐ Yes ☒ No

If "Yes," report on changes made to measurable goals and BMPs:

N/A

Note: If changes include additions or substitutions of BMPs, include a written analysis explaining why the original BMP is ineffective or not feasible, and why the replacement BMP is expected to achieve the goals of the original BMP.

3. Explain additional changes or proposed changes not previously mentioned (i.e. dates, contacts, procedures, annexation of land, etc.).

N/A

G. Additional BMPs for TMDLs and I-Plans

Provide a description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans.

Based on monitoring data, it has been determined that current BMPs implemented under the SWMP are adequate to ensure compliance with all applicable TMDL's and implementation plans. No additional BMPs are necessary at this time. This determination will continually be reviewed and assessed on an annual basis, and BMPs will be added or amended at that time if the need for additional or modified BMPs is necessary to ensure compliance with all applicable TMDL's and implementation plans.

H. Additional Information

1. Is the permittee relying on another entity to satisfy any permit obligations?

_____ Yes X No

If "Yes," provide the name(s) of other entities and an explanation of their responsibilities (add more spaces or pages if needed).

Name and Explanation: N/A

Name and Explanation: N/A

Name and Explanation: N/A

Name and Explanation: N/A

2.a. Is the permittee part of a group sharing a SWMP with other entities?

_____ Yes X No

2.b. If "yes," is this a system-wide annual report including information for all permittees?

_____ Yes X No

If "Yes," list all associated authorization numbers, permittee names, and SWMP responsibilities of each member (add additional spaces or pages if needed):

Authorization Number:	<u>N/A</u>	Permittee:	<u>N/A</u>
Authorization Number:	<u>N/A</u>	Permittee:	<u>N/A</u>
Authorization Number:	<u>N/A</u>	Permittee:	<u>N/A</u>
Authorization Number:	<u>N/A</u>	Permittee:	<u>N/A</u>

I. Construction Activities

1. The number of construction activities that occurred in the jurisdictional area of the MS4 (Large and Small Site Notices submitted by construction site operators):

0

- 2a. Does the permittee utilize the optional seventh MCM related to construction?

 Yes X No

- 2b. If "yes," then provide the following information for this permit year:

The number of municipal construction activities authorized under this general permit	
The total number of acres disturbed for municipal construction projects	N/A

Note: Though the seventh MCM is optional, implementation must be requested on the NOI or on a NOC and approved by the TCEQ.

J. Certification

If this is this a system-wide annual report including information for all permittees, each permittee shall sign and certify the annual report in accordance with 30 TAC §305.128 (relating to Signatories to Reports).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name (printed): Kimberly McGehee Aldrich Title: Mayor

Signature: _____ Date: _____

Name of MS4 City of Kirby

If you have questions on how to fill out this form or about the Stormwater Permitting program, please contact us at 512-239-4671.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.

Kirby Comprehensive Schedule for Storm Water Management Plan Implementation Program

BMP No.	Scheduling Item	Year 1					Year 2				Year 3				Year 4				Year 5			
		Jan 24, 2019	Jul 23, 2019	Jul 30, 2019	Oct 31, 2019	Jan 23, 2020	Apr 23, 2020	Jul 23, 2020	Oct 23, 2020	Jan 23, 2021	Apr 23, 2021	Jul 23, 2021	Oct 23, 2021	Jan 23, 2022	Apr 23, 2022	Jul 23, 2022	Oct 23, 2022	Jan 23, 2023	Apr 23, 2023	Jul 23, 2023	Oct 23, 2023	Jan 23, 2024
	TCEQ issued TPDES General Permit No. TXR040000																					
	Deadline Submittal Date for City NOI and SWMP IP																					
1.1	NOI and NOC Public Comment ***																					
1.2	Recurring Public Comment																					
1.3	Brochures and Fact Sheets																					
1.4	Household Hazardous Waste																					
1.5	Stormwater Website																					
1.6	Storm Drain Marking																					
1.7	Stormwater Public Awareness Survey																					
2.1	Storm Sewer Map																					
2.2	Illicit Discharge Detection Plan																					
2.3	Illicit Discharge and Dumping Hotline																					
2.4	Illicit Discharge Ordinance																					
3.1	Technical Manual for Construction Runoff																					
3.2	Site Plan Review Program																					
3.3	Construction Site Inspection Program																					
3.4	Construction Runoff Hotline																					
3.5	Construction Storm Water Management Ordinance																					
3.6	City Staff Training and Development																					
4.1	Technical Manual for Post-Construction Runoff																					
4.2	Site Plan Review Program for Post-Construction Runoff																					
4.3	Long-Term Insp. and Maint. Plan for Post-Constr. Runoff																					
4.4	Post-Construction Storm Water Management Ordinance																					
5.1	Municipal Employee Pollution Prevention Manual																					
5.2	Municipal Employee Training and Education																					
5.3	Street Sweeping																					
5.4	Pest Management Program																					
5.5	Disposal of Waste Materials																					
5.6	Contractor Oversight Procedures																					
5.7	Inventory of Facilities and Stormwater Controls																					
5.8	Assessment of Operations and Maintenance Activities																					
	Deadline for Implementing SWMP																					



515 Busby Drive, Suite 101
San Antonio, Texas 78209



Milestone Date Established by TCEQ



Planning and/or Study to Prepare for Implementation



Measureable Goal Deadline

*** Exact scheduling for this item is not controlled by the city. The schedule for this item represents an educated guess rather than a commitment.

Exhibit A

Supporting Documents for MCM 1

- 1.2 Recurring Public Comment
- 1.3 Brochures and Fact Sheets
- 1.4 Household Hazardous Waste
- 1.6 Storm Drain Markings



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Mike Grant
Mike Martin

Joe Salazar
Janeshia Grider
Susan E. Street

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, JANUARY 13, 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

Mayor Aldrich
Mayor Pro-Tem Grant
Council Member Apodaca
Council Member Martin
Council Member Grider
Council Member Street

ABSENT

Council Member Salazar*

*Due to medical reasons Council Member Salazar was able to listen and speak only during the meeting.

5. Citizen Participation

1. Roger Romens – He spoke item 10. Executive session. He said six years ago he requested to do this and was told Council could not have the information because it was an HR matter.

2. Chris Garza - City Manager Vernon read an email from Chris Garza. He voiced his concerns about City Council, voting, street repairs, budget and zipper to repair streets. He wants the Council to work for everyone.

6. Consideration Of And Action On Minutes

a. Regular Minutes – December 9, 2021

Mayor Pro-Tem Grant moved to approve the regular minutes – December 9, 2021; seconded by Council Member Martin. The motion carried with a 5-0-1 vote. (Council Member Apodaca abstained.)

b. Regular Minutes – December 16, 2021

There was no official action taken on this item.

7. Presentation

a. Employee Of The Quarter

Chief Cardona introduced Andrew Gonzales, Employee of the Quarter.

b. Fire Badge Pinning Ceremony

Chief Hilburn introduced Miles Bentz. He received his pin and Teresa Wagner, Police Secretary, officiated the Oath of Office as a Firefighter/EMT of the Fire Department.

c. Blue Santa Donor Recognition – Officer Megan Thompson

Officer Thompson recognized Blue Santa Donor's. Mayor Aldrich, Dollar General – Foster & Kirby, Joe Salazar, BJ Voigt, Mike Grant, Gibson Plumbing, Kirby Cleaners, Auto Brake & Clutch and JD Air & Plumbing.

8. Consent Agenda

a. Approval Of Quarterly Investment Report For Period Ending September 30, 2021

No official action taken on this item.

9. General Discussion And Possible Action

- a. Discussion And Possible Action On Resolution No. R-2022-740 Adopting The City Of Kirby Investment Policy.

Council discussed moving some of the funds into a CD.

No official action taken on this item.

- b. Discussion And Possible Action On Resolution No. R-2022-741 Adopting The City Of Kirby Investment Strategy

Council discussed the Investment Strategy.

Council Member Street moved to accept Resolution No. R-2022-741 Adopting The City Of Kirby Investment Strategy; seconded by Mayor Pro-Tem Grant. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

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

Mayor Pro-Tem Grant moved to appoint Jody Flynn to the Economic Development Committee with a term expiring December 31, 2023; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- d. Discussion And Possible Action On Appointment Of A Member To The Beautification And Recycle Committee

Council Member Apodaca moved to appoint Glenda Ehlers-Curtis to the Beautification and Recycle Committee; seconded by Council Member Martin. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

e. Update, Discussion And Possible Action On K-9 Jake

Chief Cardona informed Council that Mr. Guzman, CEO/Director of Operations at JIREH K-9 Training Academy, has agreed to accept K-9 Jake if Council votes to relinquish all rights at no cost.

Council discussed K-9 Jake and what is best for him and the City.

Mayor Pro-Tem Grant moved to release ownership of K-9 Jake to Mr. Ramiro Guzman, retire K-9 Jake's badge and relinquish all rights at no cost; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

f. Discussion And Possible Action on SWAT Agreement Renewal.

Chief Cardona presented the procedures for the SWAT team procedures. The cost will be \$6,500.

Council discussed this item.

There was no official action taken on this item.

g. Update, Discussion And Possible Action On City Council Candidate Filing Application Addendum

Council discussed this item.

Mayor Pro-Tem Grant moved to allow the City Council Candidate filing application addendum to be included in the City Council Candidate packet; seconded by Council Member Apodaca. The motion failed with a 3-3 vote.

AYES: 3

NAYES: 3 (Council Members Street, Grider and Martin)

10. Executive Session

a. Deliberate Evaluation Of The Public Works Director – Possible Executive Session Pursuant To Texas Government Code Section 551.074, Personnel Matters

Mayor Aldrich closed the regular meeting at 7:49 P.M. to convene into Executive Session to deliberate evaluation of the Public Works Director – possible executive session pursuant to Texas Government Code Section 551.074, personnel matters.

Mayor Aldrich reconvened the regular meeting at 8:18 P.M., stating there was not action taken in executive session.

11. City Manager Announcements

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

City Manager Vernon said City offices will be closed on January 17, 2022 recognizing Martin Luther King, Jr. Day. She reminded everyone about winter averaging and rebate program.

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 the Senior Center repairs at gazebo will start soon. The Center is having a Valentine Day Spaghetti Lunch event. Call the Senior Center to reserve/prepay, ask questions. She spoke about a Grant Development Workshop she wants to attend and asked if the City will pay for it? She wanted to schedule time to meet with Mayor Aldrich. She thanked City employees, first responders, and asked everyone to stay warm and safe.

Council Member Grider – She announces several events: Beautification and Recycle Committee will have Fiesta contest, Travel the Trail - January 19 and February 16; youth program activity suspended due to COVID; planning spring activities. On January 17, 9:00 A.M. Major Taylor Cycling Club bike event -35 miles - contact Council Member Grider for additional information. Goals – create youth activities, plan and organize a festival, funds for animal control services. Community service for youth in the future; infrastructure, streets, connect trail to parks. Prayers for Patsy Flores family. She is here for residents to be their voice. Keep giving feedback and hopes this year we can all work together.

Mayor Pro-Tem Grant – He asked that the Community Garden be placed on the next agenda.

Council Member Apodaca – She thanked Ms. Flynn and Ms. Curtis for volunteering, she thanked department heads, city employees. She thanked everyone who reached out to her and offered their prayers for her family.

Council Member Martin – He said he attended the North East Partnership and the topic was I-H 35 Corridor. On January 26 there will be an appreciation lunch for all city employees at the Fire Department starting at noon. Wednesday, January 19 is the first day to file for the election. Potholes are still a concern and the streets need to be repaired.

Mayor Aldrich - Reminded everyone still in winter averaging until February 15; successful Santa parade; thanked all City employees, thank you for choosing Kirby, she will meet with Council Member Street after the meeting. She thanked everyone for attending the meeting.

13. Adjournment

Meeting adjourned at 8:34 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Mike Grant
Mike Martin

Joe Salazar
Janeshia Grider
Susan E. Street

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, JANUARY 27, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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:

1. Call Meeting to Order

Mayor Aldrich called the meeting to order at 7:08 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
Mayor Pro-Tem Grant
Council Member Salazar
Council Member Martin
Council Member Grider
Council Member Street

ABSENT

Council Member Apodaca

5. Citizen Participation

1. Chris Garza – He spoke about accountability among City Council and staff. He said he is concerned about agendas and minutes. Rules are needed to be followed. He stated eligibility to run for Council are through the State and City Charter and allow him to run for Council.

2. Roger Romens – He said minutes are to provide accurate accounts of what occurred at the meeting. The minutes presented are not accurate. He identified items that were omitted.

3. Jack Miller – He spoke about disorderly conduct. He asked Council to follow the rules and do the right thing.

6. Consideration Of And Action On Minutes

a. Regular Minutes – December 16, 2021

There was no motion.

b. Regular Minutes – January 13, 2022

Council Member Street stated there are items missing. The minutes must reflect what occurred during the meeting.

There was no motion.

7. Presentation

a. Police Badge Pinning Ceremony

Chief Cardona recognized Reginald Sullivan and shared the history on his career. Chief Cardon pinned his new badge and officiated the Oath of Office.

8. Consent Agenda

a. Approval Of Quarterly Investment Report For Period Ending September 30, 2021

City Manager Vernon explained why this item is being placed back on agenda.

Council Member Martin moved to approve the Quarterly Investment Report for period ending September 30, 2021; seconded by Mayor Pro-Tem Grant. The motion carried with 6-0 vote.

AYES: 6

NAYES: 0

9. General Discussion And Possible Action

a. Update, Discussion And Possible Action On City Council Candidate Filing Application Addendum

City Manager Vernon stated this item failed at the last meeting. This item has been placed on the agenda to discuss whether to place on another agenda.

City Council discussed this item.

Jack Miller spoke about this item.

Chris Garza spoke about this item.

Mayor Pro-Tem Grant moved to bring this item back for the next agenda; seconded by Council Member Salazar. The motion failed with a 3-3 vote.

AYES: 3

NAYES: 3 (Council Members Grider, Street Martin)

City Manager Vernon stated the addendum will be removed from the City Council Candidate packet.

b. Discussion And Possible Action On Ordinance No. O-2021-906 An Ordinance Repealing Section 30.10 Of The Code Of Ordinances And Adopting A New Section 30.10 Of The Code Of Ordinances On Citizen Participation At Meetings To Revise Certain Matters And To Add A Provision Concerning The Location Of Cameras For Recording Of Meetings. This Is The First Reading.

After discussing this item it was determined there were inconsistencies.

Mayor Pro-Tem Grant moved to postpone this item; seconded by Council Member Martin. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- c. Update And Discussion On City of Kirby Animal Ordinance And New State Law Relating To Unlawful Restraint Of A Dog

Chief Cardona provided an overview of the Animal Control Officers responsibilities.

Mike Carillo, Animal Services Manager, provided a power point presentation regarding rabies, dangerous animals, wildlife, common diseases, unlawful restraint and other topics.

There was a discussion addressing hens and chickens.

Chris Garza spoke about the ordinance and addressing chickens, foul, and livestock.

- d. Discussion And Possible Action On Appointment Of Members To The Animal Advisory Committee

City Manager Vernon explained that the Kirby Advisory Committee shall consist of four members appointed by the City Council. The members of this Committee shall include a licensed veterinarian, a municipal official, a shelter employee and one member of an animal welfare organization. She asked that Mike Carillo, Animal Services Manager, be appointed to the Animal Advisory Committee.

Mayor Pro-Tem Grant moved to appoint Mike Carrillo to the Animal Advisory Committee; seconded by Council Member Grider. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- e. Update, Discussion And Possible Action On Kirby Community Garden

Mayor Pro-Tem Grant said he requested this item.

Christine Linares was present and informed Council she is the contact for the Community Garden.

There was discussion about possibly creating a committee to oversee the Community Garden, farmers market to share produce, no City involvement, continue as has been operating.

Mayor Aldrich said keep the Community Garden the way it has been managed. There is no need for the City to get involved.

f. Discussion And Possible Action On Establishing An Investment Advisory Committee For The City Of Kirby

City Manager Vernon said this will be a temporary committee, approximately three months. The suggested members are: City Manager as Chair; Finance Director, two Council members and one Economic Development Committee member.

Council Member Martin moved to establish a temporary Investment Advisory Committee; seconded by Council Member Street. The motion carried 6-0.

AYES: 6

NAYES: 0

g. Discussion And Possible Action To Pay For Council Member Susan Street To Attend A Grant Writing Workshop

City Secretary read an email from Stephanie Faulkner addressing grant writing.

Council Member Street said she volunteered to write grants and the workshop would help her learn how to write grants.

The Council discussed the pros and cons on this item.

Council Member Grider moved to postpone this item to the next meeting; seconded by Council Member Salazar. The motion carried with a 4-1-1 vote.

AYES: 4

NAYES: 1 (Mayor Aldrich)

ABSTAIN – 1 (Council Member Street)

h. Discussion And Possible Action On A Resolution Designating And Re-appointing A Health Authority For The City Of Kirby And Authorizing The Mayor To Sign A Certificate Of Appointment

City Manager Vernon explained the history of this item. Dr. Chichi Junda Woo was appointed two years ago and her appointment will be up for re-appointment this year.

Mayor Pro-Tem Grant moved to accept this Resolution designating and re-appointing Dr. Chichi Junda Woo as health authority for the City of Kirby and authorizing the Mayor to sign a Certificate of Appointment; seconded by Council Member Salazar. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

i. Discussion And Possible Action on SWAT Agreement Renewal

Council discussed SWAT agreement renewal.

Council Member Salazar moved to renew the SWAT Agreement; seconded by Council Member Grider. The motion carried with 6-0 vote.

AYES: 6

NAYES: 0

j. Discussion And Possible Action On Resolution No. R-2022-740 Adopting The City Of Kirby Investment Policy

City Council discuss the investment policy.

Council Member Grider moved to accept the City of Kirby Investment Policy; seconded by Council Member Street. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

k. City Council Liaison Reports

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 provided 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 said there was nothing to report.

4. Crime Control And Prevention District – Council Member Salazar

Council Member Salazar said there was nothing to report.

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 said there was nothing to report.

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 the Easter Egg Hunt, April 17, 2022. Volunteers are needed to fill the eggs, hide the eggs and candy donations are needed, there are plenty of eggs. Email City Manager Vernon if you would like to help.

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 – She asked if Committees are being provided printed packets. City Manager Vernon said they will receive a printed copy if they request one. She thanked the employees and expressed they are appreciated.

Council Member Grider – Mr. Romens gave her a tour of the entire pack and some cleaning needed. Contract Ms. Grider if interested in helping. On February 2 & 16 Travel the Trail at Hugo Lentz at 5:30 P.M. Remember those who were killed during the Intentional Holocaust.

Mayor Pro-Tem Grant - He asked if the City has a wood chipper. Mr. Ives said the City has a wood chipper.

Council Member Salazar – He thanked Mr. Carillo for everything he does.

Council Member Martin – He inquired about the bus stop on Charles Conrad. He asked that this be placed on the next agenda. The appreciation lunch will be rescheduled. The San Antonio Live Stock Show and Rodeo BBQ cook-off will be this weekend. He said to continue fixing the streets. He thanked all employees.

Mayor Aldrich – She said it will be cold this weekend – bring your pets in and feed them. There will be a workshop this Saturday at 10:00 A.M. She reminded Council members to not send an email to entire Council. This creates a walking quorum when members reply. She addressed Council Member Street about posting to social media.

12. Adjournment

Meeting adjourned at 9:45 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee-Aldrich, Mayor

Sylvia Apodaca
Mike Grant
Mike Martin

Joe Salazar
Janeshia A. Grider
Susan E. Street

**CITY COUNCIL MINUTES
SPECIAL MEETING
SATURDAY, JANUARY 29, 2022 10:00 A.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

1. Call Meeting to Order

Mayor Aldrich called the meeting to order at 10:05 A.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 Salazar
Council Member Martin
Council Member Grider
Council Member Street

ABSENT

Council Member Apodaca
Mayor Pro-Tem Grant

5. Citizen Participation

1. Roger Romens – He asked why the agenda items are being discussed in a special meeting and not a regular meeting.

2. Patricia Mann – She thanked Council for focusing on funds from ARPA and having a Saturday meeting.

6. Discussion And Possible Action

a. Discussion And Possible Action On Establishing 2022 Goals For The City Of Kirby

The Council discussed establishing 2022 Goals for the City of Kirby. City Manager Vernon reviewed the 2019-2020 goals with Council to identify the Goals that have been met and those that need more time due to COVID-19.

GOAL A. Enhance City appearance (Beautification and Code Compliance).

GOAL B. Promote economic development (Boundary adjustment and business recruitment).

GOAL C. Improve workplace environment through the recruitment and retention of talented employees.

GOAL D. Provide proactive maintenance and improvement of infrastructure.

GOAL E. Actively seek and obtain grants.

GOAL F. Improve Community Involvement.

b. Update, Discussion And Possible Action On American Rescue Plan Act Funding

City Manager Vernon provided an update on the history of American Rescue Plan Act (ARPA) and current expenditures. Discussion addressed current and future expenditures.

7. Adjournment

The meeting adjourned at 12:21 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Mike Grant
Mike Martin

Joe Salazar
Janeshia Grider
Susan E. Street

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, FEBRUARY 10, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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:

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
Mayor Pro-Tem Grant
Council Member Apodaca
Council Member Martin
Council Member Grider
Council Member Street

ABSENT

Council Member Salazar

5. Citizen Participation

1. Willie Mae Clay – She thanked Council for considering her request for the installation of a platform at the bus stop at Charles Conrad and FM 78.

2. Jessica Zapata Bogardus – She introduced herself as a candidate for Bexar County District Clerk.

3. Thomas Jank - He inquired about the building permit he submitted for a carport in his backyard.

4. Chris Garza – He participated via video conference call. He recited an oath of office and said it seems a Council majority have forgotten what they swore by when they took office. He spoke about discussions and decisions during various Council meetings. He asked that the issue he addressed be placed on the next agenda.

6. Consideration Of And Action On Minutes

a. Regular Minutes – December 16, 2021

Mayor Pro-Tem Grant moved to approve the minutes of December 16, 2021; seconded by Council Member Grider. The motion carried with a 4-1-1 vote.

AYES: 4 NAYES: 1 (Council Member Martin) ABSTAIN: 1 (Council Member Apodaca)

b. Regular Minutes – January 13, 2022

Council Member Martin moved to approve the minutes of January 13, 2022; seconded by Council Member Apodaca. The motion carried with a 5 – 1 vote.

AYES: 5

NAYES: 1 (Council Member Grider)

c. Regular Minutes – January 27, 2022

Mayor Pro-Tem Grant moved to approve the minutes of January 27, 2022; seconded by Council Member Grider. The motion carried with a 5 – 1 vote.

AYES: 5

ABSTAIN: 1 (Council Member Apodaca)

7. General Discussion And Possible Action

a. Discussion And Possible Action To Pay For Council Member Susan Street To Attend A Grant Writing Workshop

Council Member Street said City Manager Vernon had provided her with the information from the City Attorney informing her it would not be recommended for her to write grants for the City. She stated she stopped the fundraiser and is returning the money to those who donated. She thanked the residents for their support.

b. Discussion And Direction On 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

Police Chief Cardona said a house bill that was enacted in 2019 changed some of the current ordinance. She presented information in our current ordinance addressing hens, chickens, roosters, livestock, fowl and astray animals. She also addressed spay/neuter and microchipping.

City Manager Vernon said the current ordinance will be updated with the new language from State Law.

c. Discussion And Possible Action On The Installation Of A Concrete Bus Stop Pad At Charles Conrad And Old Seguin Road

Council discussed the installation of a concrete bus stop pad at Charles Conrad and Old Seguin Road.

Mayor Pro-Tem Grant moved to accept the installation of a concrete bus stop pad at Charles Conrad and Old Seguin Road; seconded by Council Member Martin.

AYES: 6

NAYES: 0

- d. Discussion And Possible Action On Resolution No. R-2022-743, Calling A General Election On May 7, 2022; For The Purpose Of Electing A Three Council Members; Designating The Polling Places And Directing The Giving Of Notice Of Such Election; And Providing Details Relating To The Holding Of Such Election

Debate y posible adopción de medidas en relación con la resolución No. R-2022-743, convocando elecciones generales el 7 de mayo de 2022; con el fin de elegir a tres miembros del Consejo; designar los lugares de votación y dirigir el aviso de dicha elección; y proporcionar detalles relacionados con la celebración de dichas elecciones

Council Member Grider moved to accept Resolution No. R-2022-743 calling a General Election on May 7, 2022; for the purpose of electing a three Council Members; designating the polling places and directing the giving of notice of such election; and providing details relating to the holding of such election; seconded by Council Member Street. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- e. Discussion And Direction On Potential Changes To Ordinance No. O-2018-849 An Ordinance Regulating Signs In The City Of Kirby, Texas.

City Manager Vernon said on April 8, 2021 Council discussed the sign ordinance and decided they would send their recommended changes to City Manager Vernon. She didn't receive any recommendations from Council.

Council discussed their recommendations regarding political signs.

8. City Manager Announcements

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

City Manager Vernon said volunteers are needed to help with Saturday park clean ups March 12 & 19, 8:30 AM Hugo Lentz Park and check in under the pavilion. The Easter Egg Hunt will be held on April 10 at Friendship Park and volunteers are needed.

9. 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 announced the Senior Center is hosting a Valentine’s Day lunch at noon on February 14, 2022. She asked to revisit Ordinance No. O-2021-903 at the next meeting for reconsideration and possible action. She thanked the employees for their hard work.

Council Member Grider – She announced Beautification & Recycle Committee is hosting the Fiesta Decorating Contest. The deadline to enter is March 28, 2022 at 5:00 P.M. Judging will be on April 1, 2022. Pick up entry form at City Hall. Email entry form to City Secretary. The Beautification and Recycle Committee will partner with the VFW having a parking lot sale on May 14. This will be the first fundraiser for the Beautification & Recycle committee. She thanked the VFW. She announced Kirby Youth Outreach Program is starting back up. Brazilian Jujitsu will come out April, May and June and will provide one free clinic per month for the kids. The VFW will be assisting with the location. Community partnerships are so important. She recognized February as Black History month. She identified the success of individuals who are being recognized this month. In the future she would like to see all cultures observed each month.

Mayor Pro-Tem Grant – He recognized the Tuskegee pilots. He stated that it’s not the color of skin that matters; it’s what is inside the skin that matters. It’s about how we feel about one another. He said he would not be able to attend the next meeting and said there needed to be a full Council to address the Ordinance Council Member Street requested to be placed on the next agenda.

Council Member Apodaca – She urged pet owners to make sure their gates are locked. Harm comes to pets that get out of the yard and run into traffic. She thanked everyone for their phone calls and cards. She expressed how much she appreciates the support.

Council Member Martin – He said there are 18 wheelers driving on Boatman. They see the signs that regulate them and said it’s drivers that are lost and trying to find Amazon warehouse. He attended NE Partnership with Council Member Grider and she volunteered for the bicycle mobility association. He thanked City employees.

Mayor Aldrich - She thanked all the employees for the job they do and for choosing to work in Kirby. She offered her condolences to Council Member Apodaca. She thanked everyone for attending the meeting.

10. Adjournment

Meeting adjourned at 8:12 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Mike Grant
Mike Martin

Joe Salazar
Janeshia Grider
Susan E. Street

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, FEBRUARY 24, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

This meeting was 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.

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
Council Member Salazar
Council Member Martin
Council Member Grider
Council Member Street

ABSENT

Mayor Pro-Tem Grant

5. Citizen Participation

1. Jack Miller – He thanked Council for changing the citizens to be heard process. He provided other information for the City Council on issues that may be of concern.

2. Mark Rios – He spoke Spanish; therefore, staff translated his comments. He wanted to represent the people here in Kirby and said they are doing a good job.

3. Amy Hedtke – She said she was visiting Kirby and took the opportunity to let talk about three serious elections coming up. She encouraged everybody to vote.

4. Chris Garza – He participated via video conference call. He read the oath of office. He spoke about the ordinance that was going to be discussed in Executive Session.

6. Presentations

a. Update & Presentation On City Of Kirby Website Redesign - Public Alliance

Chris Mireles provided an update on the website redesign. The website is 95% complete. He was available to answer questions.

b. Yard of the Quarter

Patricia Baber accepted the Certificate for Mr. and Mrs. Rylance. She expressed that anyone can nominate a yard to receive the Yard of the Quarter.

c. Household Hazardous Waste – March 5, 2022

City Manager Vernon provided details to participate in the Household Hazardous Waste event. She expressed this is for residents only. The event will take place at Friendship Park, 9:00 A.M. until the roll off reaches full capacity.

d. Community Wide Park Clean Up – March 12 And 19, 2022

Mayor Aldrich provided information on the Community Wide Park Clean Up. Volunteers will meet under the Pavilion at Hugo Lentz Park at 8:30 A.M. to check in. She said volunteers are needed to help with clean up and serving lunch.

e. Fiesta Decorating Contest

Pat Baber spoke about the Fiesta Decorating Contest earlier. She urged everyone to participate and submit an entry for the contest. The entry forms are available at City Hall. The deadline to submit your entry form is 5:00 P.M. March 28, 2022.

f. Easter Egg Hunt

City Manager Vernon said volunteers need to sign up to help with filling plastic eggs with candy on Wednesday, April 6, 2022 5-7 P.M. and hide eggs on Sunday, April 10 at 12:00 P.M.

7. Consideration Of And Action On Minutes

a. Special Minutes – January 29, 2022

Council Member Martin moved to accept the minutes of January 29, 2022; seconded by Council Member Salazar. The motion carried with a 5-0-1 vote (Council Member Apodaca abstained)

b. Regular Minutes – February 10, 2022

Council Member Apodaca moved to accept the minutes of February 10, 2022; seconded by Council Member Martin. The motion carried with a 5-0-1 vote. (Council member Salazar abstained.)

8. Public Hearing

a. On A Request For A Specific Use Permit To Allow The Property Located At CB 5941A BLK 2 LOT 6, Otherwise Known As 130 Edalyn, Kirby, TX 78219, Which Is Zoned Commercial, Office and Retail (C-2) District To Be Used As A Single-Family Dwelling (R-1) District.

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

David Faulkner – He inquired about the number of years the specific use will be set.

Chris Garza – He spoke via video conference call. He addressed the properties on Edalyn that are going to be discussed tonight. A decision needs to be made to determine if the area should be commercial or residential.

- b. On A Request For A Specific Use Permit To Allow 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 (R-1) District.

Mr. Raul Martinez, owner/applicant was available to answer questions.

There were not any citizens to speak on this item. Mayor Aldrich closed the public hearing at 7:52 P.M.

9. General Discussion And Possible Action

- a. Presentation, Discussion And Possible Action On Dangerous Assessment Response Team (DART) Program – Officer Megan Thompson

Officer Megan Thompson provided information on Dangerous Assessment Response Team (DART) Program. At this time there is not funding available for the program.

There was discussion about how to fund the program.

- b. Discussion And Possible Action On A Request By Black Diamondz To Conduct An Easter Event in Friendship Park On April 3, 2022

Ms. Shawkie Harris spoke about her event and answered Council questions.

Council Member Martin moved to approve the request by Black Diamondz to conduct an Easter Event in Friendship Park On April 3, 2022; seconded by Council Member Salazar. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- c. Discussion And Possible Action On A Request For A Specific Use Permit To Allow The Property Located At CB 5941A BLK 2 LOT 6, Otherwise Known As 130 Edalyn, Kirby, TX 78219, Which Is Zoned Commercial, Office and Retail (C-2) District To Be Used As A Single-Family Dwelling (R-1) District.

Mrs. Adriana Trevino Robles, owner, was present to answer questions. Chief Cardona translated her replies to questions.

Mayor Aldrich supported maintaining the current zoning and is against rezoning. Council discussed the request addressing the zoning.

Council Member Martin moved to accept the Specific Use Permit to allow the property located at CB 5941A BLK 2 LOT 6, otherwise known as 130 Edalyn, Kirby, TX 78219, which is zoned Commercial, Office and Retail (C-2) District to be used as a Single-Family Dwelling (R-1) District for one year; seconded by Council Member Street. The motion carried with a 5-1 vote.

AYES: 5 NAYES: 1 (Mayor Aldrich)

- d. Discussion And Possible Action On A Request For A Specific Use Permit To Allow 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 (R-1) District.

Mr. Raul Martinez, Sr., was present to answer questions.

Council Member Martin moved to accept the request for a Specific Use Permit to allow 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 (R-1) District for one year; seconded by Council Member Salazar. The motion carried with a 5-1 vote.

AYES: 5 NAYES: 1 (Mayor Aldrich)

- e. 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 First Reading.

Council Member Street stated she wants to look through the budget again and not dispense of the second reading.

Council Member Street moved to approve the action on Ordinance No. O-2022-907 an Ordinance amending the 2021-2022 Municipal Budget of the City of Kirby; seconded by Council Member Grider. The motion carried with a 6-0 vote.

AYES: 6 NAYES: 0

- f. Discussion And Possible Action To Dispense With The Second Reading Of Ordinance No. O-2022-907 So That Ordinance No. O-2022-907 Becomes Effective Immediately.

Council Member Martin moved to dispense with the second reading of Ordinance No. O-2022-907 so that Ordinance No. O-2022-907 becomes effective immediately; seconded by Council Member Apodaca. The motion failed with a 5-1 vote. A unanimous vote is required.

AYES: 5 NAYES: 1 (Council Member Street)

- g. 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 First Reading.

City Manager Vernon identified the changes that were requested and are now included in the ordinance.

Council discussed Ordinance No. O-2022-908.

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 recommended changes provided; seconded by Council Member Salazar. The motion carried with a 6-0 vote.

AYES: 6 NAYES: 0

- h. Reports By Council Liaisons

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 provided an update.

5. Economic Development Committee Council Member Apodaca

Council Member Apodaca did not have an update.

6. Planning And Zoning Commission – Mayor Aldrich

Mayor Aldrich did not have an update.

7. Senior Center Corporation Board – Council Member Street

Council Member Street provided an update.

10. Executive Session

- a. Discussion 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 –Possible Executive Session Pursuant To Texas Government Code Section 551.071, Consultation With Attorney.

Mayor Aldrich closed the regular meeting 9:16 P.M. February 24, 2022, and convened into executive session to discuss 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 –possible Executive Session pursuant to Texas Government Code Section 551.071, Consultation With Attorney.

Mayor Aldrich closed the Executive Session and reconvened the regular meeting at 9:42 P.M. There was no action taken in Executive Session.

11. Reconvene To Open Session

- a. Update, 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.

Council Member Martin moved to abolish 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 failed with a 3-3 vote.

AYES: 3

NAYES: 3 (Council Member Apodaca, Salazar, Mayor Aldrich)

12. City Manager Announcements

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

City Manager Vernon did not have any announcements.

13. 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 asked everyone to stay warm and thanked employees.

Council Member Grider – She reminded everyone about the Fiesta Contest and Park Clean Up on March 12 & 19. There will be forms available for youth community service hours. She thanked Puppy Power for finding her fur baby and taking care of him.

Council Member Salazar – He thanked the residents for staying.

Council Member Apodaca – She thanked the employees and expressed her appreciation for their hard work. She asked everyone to be safe going home.

Council Member Martin – He expressed his appreciation of the employees and their hard work. He informed residents that Council is working on the problems in the City.

Mayor Aldrich – She expressed she sees the employees working hard and appreciates them. The Easter Egg Hunt will be on April 10. We need volunteers to fill eggs and hide eggs. She thanked everyone for staying. Be safe going home, keep your animals safe.

14. Adjournment

Meeting adjourned at 9:25 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee-Aldrich, Mayor

Sylvia Apodaca
Mike Grant
Mike Martin

Joe Salazar
Janeshia A. Grider
Susan E. Street

**CITY COUNCIL MINUTES
SPECIAL MEETING
SATURDAY, MARCH 5, 2022 10:00 A.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

1. Call Meeting to Order

Mayor Aldrich called the meeting to order at 10:00 A.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 Grant

Council Member Salazar Council
Member Martin
Council Member Grider
Council Member Street

CITY COUNCIL
REGULAR MEETING
March 5, 2022
Page 2 of 2

5. Citizen Participation

There were not any citizens signed up to participate.

6. Citizen Forum

a. Discussion Between Council And Citizens About Street And Drainage Assessments, Maintenance, Funding And Future Planning.

The discussion entailed direction to the City about cleaning drainage areas, concern about silt accumulation and maintaining a schedule to keep the drains flowing. Report of a dump truck parked in the grass and overweight truck on side of the road. When potholes are being repaired, post pictures on social media for residents to view the improvements taking place.

There was discussion about a City newsletter including type of newsletter and cost.

b. Discussion Between Council And Citizens About Considering Increasing Property Taxes For Next Fiscal Year.

The discussion addressed property values, road and bridge taxes. Also, increasing the 65 plus exemption, homestead exemption, and consider exemption for solar panels. Bexar County assess the value for properties located in Kirby. Residents are welcome to attend Commissioner's Court. Your attendance makes a difference when decisions are being made by Bexar County.

Mayor Aldrich thanked everyone for participating.

7. Adjournment

Meeting adjourned at 11:35 A.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



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



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Mike Grant
Mike Martin

Joe Salazar
Janeshia Grider
Susan E. Street

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, MARCH 24, 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

Mayor Aldrich
Mayor Pro-Tem Grant
Council Member Apodaca
Council Member Martin
Council Member Grider
Council Member Street

ABSENT

Council Member Salazar

5. Citizen Participation

1. Roger Romens – He spoke about announcements made during the request and announcements item. City Council is using the platform to project things other than what it's used for. He spoke about the last meeting during announcements.

2. Jack Miller - He addressed Mayor Aldrich and said all you have to do is say Jack leave my meeting. I'll do what you say because I follow the law. He said he has a right to ask questions. He proceeded to ask his questions.

3. Marco Antonio – He spoke Spanish. Chief Cardona translated. He said hello to City of Kirby. Have a good day.

4. Anita Mann – He expresses sorry for your loss sir. He was appalled at the live stream during the last meeting. He preferred speak first then have a discussion on agenda items.

5. Chris Garza – He was unable to attend the meeting and City Secretary read his email. He expressed the lack of accountability of City staff at City Hall. He notified Council "Article 2, Section 2.16 of the Charter allows Council to create an investigative body to inquire into the conduct of any employee."

6. Presentations

a. Bexar County Appraisal District And The Property Tax System

Chief Appraiser Michael Amezquita presented information on Bexar County Appraisal District and the Property Tax System.

b. 2021 Annual Racial Profiling Report – Police Chief Roxanne Cardona

Chief Cardona presented the 2021 Annual Racial Profiling Report. The comprehensive analysis of the data included in the report demonstrates that the Kirby Police Department has complied with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions quarterly data audits in order to ensure validity and reliability, collects and commissions the analysis of tier 2 data, and ensures that the practice of racial profiling will not be tolerated.

7. Consideration Of And Action On Minutes

a. Regular Minutes – March 10, 2022

Council Member Grider moved to approve the minutes of March 10, 2022; seconded by Council Member Apodaca. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Council Member Martin)

8. Consent Agenda

a. Quarterly Financial Report Period Ending December 31, 2021

Council Member Martin moved to accept the Quarterly Financial Report period ending December 31, 2021; seconded by Mayor Pro-Tem Grant. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

b. Quarterly Investment Report Period Ending December 31, 2021

Council Member Martin moved to accept the Quarterly Investment Report period ending December 31, 2022; seconded by Council Member Apodaca. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Council Member Street)

9. General Discussion And Possible Action

a. Discussion And Possible Action On City Of Kirby FY 2020-2021 Audit Report - Armstrong, Vaughan & Associates.

Michael Peralta, Armstrong Vaughan & Associates, presented the FY 2020-2021 Audit Report. The City received an “unmodified” opinion which is the highest opinion a City can receive. The Senior Center was not included in the City’s audit report.

Mayor Pro-Tem Grant moved to accept the City of Kirby FY 2020-2021 Audit Report; seconded by Council Member Apodaca. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Council Member Street)

b. 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 Second Reading.

Council Member Martin moved to accept 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 Grider. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Mayor Aldrich)

- c. 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 Second Reading.

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 Apodaca. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Mayor Aldrich)

- d. 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.

Council discussed Ordinance No. O-2022-911 and asked for clarity on Section 30.04 and 30.10.

Jack Miller – He thanked Council for when citizens can talk. He said Council is on the right path with this ordinance. His only issue is with restricting video equipment.

Staff will bring the Ordinance back with the changes.

- e. Discussion And Possible Action To Accept Alexandra Ebert's Resignation From The Economic Development Committee.

Council Member Street moved to Accept Alexandra Ebert's resignation from the Economic Development Committee; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- f. Discussion And Possible Action On Resolution No. R-2022-745 A Resolution Authorizing The City Manager To Submit An Application For Funding From The Program Year (PY) 2022 Allocation Of Bexar County's Community Development Block Grant (CDBG) Program.

Council discussed Foxcross Drive (Threadway to Shamrock). Bexar County Funding Request: \$206,425.00; City Cash Match \$51,606.00. Improvements Total Cost \$258,031.00.

Council Member Street moved to accept Resolution No. R-2022-745 a Resolution authorizing the City Manager to submit an application for funding from the Program Year (PY) 2022 Allocation of Bexar County's Community Development Block Grant (CDBG) Program for Foxcross Drive (Threadway to Shamrock). Bexar County Funding Request: \$206,425.00; City Cash Match \$51,606.00. Improvements Total Cost \$258,031.00; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- g. Discussion And Possible Action To Approve The Cost Of Additional Work And A New Pump for Well Site #3

Council discussed the cost of additional work and a new pump for Well Site #3.

Mayor Pro-Tem Grant moved to approve the cost of additional work and a new pump for Well Site #3; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- 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 provided 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 said Committee did not meet.

6. Planning And Zoning Commission – Mayor Aldrich

Mayor Aldrich said Commission did not meet.

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 Office of Emergency Management is updating their form. City Hall will be closed at 3:00 P.M. on Friday April 1, 2022. Still asking for volunteers to meet at City Hall on Wednesday, April 6, 5:00 P.M. -7:00 P.M. to fill Easter eggs and Easter Egg Hunt is on April 10, 2:00 P.M. -4:00 P.M., 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 – She stated she asks questions for clarification on items being discussed. She thanked employees; everybody be safe.

Council Member Grider – She thanked all the volunteers for helping during the recent clean up. She requested a special meeting in May. She suggested budgeting funds for training for boards and Planning and Zoning Commission. There is a free Kirby Youth event 12:00 to 1:00 P.M. for all ages. Dates are: April 30th, May 28th and June 25th. Hosted by Semper Fortis Jiu Jitsu

and VFW Post 2059. This is Women's History Month and she recognized the strong women of all races and backgrounds.

Mayor Pro-Tem Grant – He said he has been reviewing the salaries of employees and Council needs to look at the salaries. We need to fill all the vacant positions. He thanked staff and wished everyone a good evening.

Council Member Apodaca – She said every employee works hard. She recognized Mike Ives and stated he has done an outstanding job and your hard work is appreciated. The VFW will have two events: April 14 fish fry 11:00 A.M. -3:00 P.M. and May 7 - Loteria with 14 games, \$100 prizes, and food for sale.

Council Member Martin – He said there are plenty of things we can do in this City. We can pay employees more, buy equipment, it's up to Council to make that change. There is a difference between change and control. It's your choice what you want. He thanked Mike Ives for the hard work he has done. We can move this City forward. God Bless you all.

Mayor Aldrich – She said we have candidates running for office. Election day is May 7. She thanked all city employees for their hard work. She thanked everyone for attending the meeting and please have a safe journey home.

12. Adjournment

Meeting adjourned at 9:25 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Mike Grant
Mike Martin

Joe Salazar
Janeshia Grider
Susan E. Street

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, APRIL 14, 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

Mayor Aldrich
Council Member Apodaca
Council Member Salazar
Council Member Martin
Council Member Grider
Council Member Street

ABSENT

Mayor Pro-Tem Grant

5. Citizen Participation

1. Chris Garza – He spoke about staff and council accountability.
2. Helen Bruns – She spoke about the condition of City streets. Taxes paid by residents should pay for the repairs needed on our city streets.
3. Sally Hitt – She thanked Stephanie for the Candidate Forum.
4. Jack Miller – He spoke about an investigation he is conducting. He addressed his concerns with Mayor Pro-Tem Grant.
5. Jack Miller – He said he signed up to speak on items A-G.
6. Patricia Mann – She spoke about the Easter Egg Hunt and thanked everyone who volunteered. She would like to see more events in the City.
7. Ernest Spradling – He spoke about his support for City Manager Vernon.
8. Lisa Pierce – She spoke about her support for City Manager Vernon.
9. Harold Shaw - He spoke about his support for City Manager Vernon.

6. Presentations

a. Fire Badge Pinning Ceremony – Chief William Hilburn

Chief Hilburn introduced Blake Ferrell and Gunnar Graf. They received their pins and City Secretary swore them in as a Firefighter/EMT of the Fire Department.

b. Police Badge Pinning Ceremony – Chief Roxanne Cardona

This item will be brought back to the next meeting.

c. Volunteer Fire Department Board Update – President Casey Hawkins

President Hawkins was not able to attend the Council meeting. Chief Hilburn provided the Kirby Volunteer Fire Department Board update.

d. National Telecommunicators Week Proclamation - April 10-16

Mayor Aldrich read the proclamation recognizing National Telecommunicators Week – April 10 – 16 and presented it to Chief Cardona, Police Department and Chief Hilburn, Fire Department.

e. Fiesta Decorating Contest Winners Presentation – Beautification And Recycle Committee

Maria Lozano, Chairperson, Beautification and Recycle Committee along Barbara Herb, Alice Moxygemba, Pat Baber and Glenda Ehlers-Curtis recognized the Fiesta Decorating Contest Winners:

Schertz Bank and Trust for best indoor decorations and El Maurita Tacos Dorados for best outdoor.

Third Place - 3911 Starburst Circle; Second Place - 4818 Borchers and First Place and Most Creative - 3310 Buzz Aldrin.

7. Consideration Of And Action On Minutes

a. Regular Minutes – March 5, 2022

Council Member Street moved to approve the minutes of March 5, 2022; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

b. Regular Minutes – March 24, 2022

Council Member Apodaca moved to approve the minutes of March 24, 2022; seconded by Council Member Grider. The motion carried with a 6-0 vote.

8. 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 First Reading.

Council discussed the ordinance.

Council Member Apodaca moved to accept 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 Salazar. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- b. Discussion And Possible Action On Greater Northeast Little League (GNELL) Installing A Sprinkler System On The Friendship Park Softball Fields.

Doug Wolfe, President, Greater Northeast Little League, asked for permission to install a sprinkler system on the Friendship Park Softball Field. GNELL will pay for the entire cost of the sprinkler system and will maintain the sprinkler system.

Council discussed the proposed location of the sprinkler system and fee to pay for the water being used.

After discussing this, Council Member Martin moved to allow Greater Northeast Little League to install a sprinkler system on the Friendship Park Softball field; seconded by Council Member Salazar. The motion carried with a 4-2 vote.

AYES: 4

NAYES: 2 (Council Members Grider and Street)

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

City Manager Vernon presented the proposal in the packet for civil engineering services Task Order #2 – Alan Shepard Dr. Sewer Reconstruction BMB Project No. P-3897.02. The total for the services is \$50,000.

After Council discussed the proposal Council Member Martin moved to postpone action on engineering services proposal from Bain Medina Bain for Alan Shephard Drive Sewer Reconstruction to the next meeting, seconded by Council Member Grider. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- d. Discussion And Possible Action On Crime Control And Prevention District Fiscal Year 2021-2022 Budget Amendment

Chief Cardona identified the equipment being requested and stated the increase in expenditures is \$82,165.00 in the 2021-2022 Budget. She informed Council that Crime Control & Prevention District approved the 2021-2022 Budget amendment at their last meeting.

Council Member Salazar moved to approve; seconded by Council Member Martin. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

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

There were not any applications received.

- f. Discussion And Possible Action On Burning Brush In The City Of Kirby

Council Member Grider requested this item.

Chief Hilburn presented an overview of our current city ordinance regarding open burning permit requirements for residents. He informed Council that Bexar County has issued a Declaration on burning.

- g. Discussion And Possible Action To Authorize The City To Enter Into A Joint Election Agreement With Bexar County Elections Department For Services During Early Voting And Election Day And Authorizing The City Manager To Sign The Memorandum Of Understanding And Joint Election Agreement.

Discusión y posible acción para autorizar a la ciudad a entrar en un acuerdo electoral conjunto con el Departamento de Elecciones del Condado de Bexar para los servicios durante la votación anticipada y el día de las elecciones y autorizar al Gerente de la Ciudad a firmar el Memorando de Entendimiento y el Acuerdo Electoral Conjunto.

Council Member Apodaca moved to authorize the City to enter into a Joint Election Agreement with Bexar County Elections Department for services during Early Voting and Election Day and authorizing the City Manager to sign the Memorandum of Understanding and Joint Election Agreement; seconded by Council Member Grider. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

9. Executive Session

- a. Deliberation On Review, Evaluation, Duties, Discipline Or Dismissal Of The City Manager. Possible Executive Session Pursuant To Texas Government Code Section 551.074, Personnel Matters.

Mayor Aldrich closed the regular meeting at 8:27 P.M. to go into Executive Session for deliberation on review, evaluation, duties, discipline or dismissal of the city manager. Possible Executive Session pursuant to Texas Government Code Section 551.074, Personnel Matters.

10. Reconvene To Open Session

- a. Discussion And Possible Action On Review And Evaluation Of The City Manager.

Mayor Aldrich reconvened into open session at 9:42 P.M. and stated there was no action taken in Executive Session.

Council Member Grider moved based on the review and evaluation of the City Manager Vernon to increase her compensation by 4% effective May 1, 2022; seconded by Council Member Martin. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

11. City Manager Announcements

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

City Manager Vernon announced City Hall will be closed on April 15, 2022 in observance of Good Friday. She wished everyone a safe and Happy Easter. Effective Wednesday Stage 2 water restrictions go into effect. Spring Community Garage Sale is May 13 – 15, sign up if you want to be on the list of participants. Annual Spring Clean Up May 16 – 22 residents can drop their unwanted items at Public Works, 10 A.M. – 6 P.M. She received a suggestion from a resident that a partnership with the City and some residents to help transport items to Public Works. If anyone is interested in helping transport items, contact City Hall.

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 a request was made two times for an investigation of a city employee. She asked that this be placed on the next agenda to show Council is being responsive to requests by residents and to verify there has been no wrong doing. The Senior Center elected a new president, David Barboza and vice president Jessica Zapata Bogardus. The Senior Center will have an Earth Day Senior Appreciation Day on Friday, April 22, 10:00 A.M. – noon. There is more information posted on their Facebook page. Early Voting starts on April 25 and Election Day is May 7. She thanked Kirby residents who sent thoughts and prayers for her husband's family this week. Her mother-in-law was the best and will be missed.

Council Member Grider – She said April is National Child Abuse Prevention month. She wished everyone a Happy Ramadan and thanked Council Member Martin for attending Commissioner's Court. The City of Kirby Youth Outreach event hosted by Semper Fortis Jui Jitsu Free Clinic on April 30, May 28, June 25, noon – 1:00 P.M. at Kirby VFW Post 2059, all ages are

welcome. She requested an item on a future agenda to discuss the May Clean-up and the cost difference between dropping off at Public Works and curbside clean-up. Another agenda item is to consider English/Spanish for all items on the agenda, and everyone have a safe Good Friday and Happy Easter.

Council Member Salazar – He said Crime Control and Prevention District Board is considering June 15 or June 22 as the date for movie night this summer. They approved waiving security fees on events at Friendship Park for victims of violence related crimes. Also working on dates for the Junior Academy between July and August. The Board accepted Kari Roberts' resignation at their last meeting. He asked everyone to have a safe Easter and invited everyone to Alamo United Methodist Church on Foster Road.

Council Member Apodaca – She thanked everyone who donated candy, volunteered to filled eggs and distributed the eggs for Easter Egg Hunt. The kids had a lot of fun.

Council Member Martin – He said there are still complaints about 18 wheelers on Boatman. He welcomed Roger Aguillon back. He thanked all employees for doing a super job and expressed how proud he is of staff. He is hosting a meet and greet on April 16 at 10 A.M. – noon. There will be food, Bexar County candidates and other candidates that are involved in our election will be attending. Best of luck and thank you.

Mayor Aldrich – She wished everyone a Happy Easter, thanked everyone for attending the meeting and enjoy a fabulous Good Friday.

13. Adjournment

Meeting adjourned at 9:58 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Mike Grant
Mike Martin

Joe Salazar
Janeshia Grider
Susan E. Street

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, APRIL 28, 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

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 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.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Mike Grant
Mike Martin

Joe Salazar
Janeshia Grider
Susan E. Street

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, MAY 12, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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:

1. Call Meeting to Order

Mayor Aldrich called the meeting to order at 7:02 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.”

Mayor Aldrich read a letter of resignation submitted by Mayor Pro-Tem Grant effective immediately. He nominated Joe Molina to fill his vacancy because he received the fourth highest votes in the recent election.

4. Roll Call

PRESENT

Mayor Aldrich
Council Member Apodaca
Council Member Salazar
Council Member Martin
Council Member Grider
Council Member Street

ABSENT

Mayor Pro-Tem Grant - resigned prior
to the meeting

5. Citizen Participation

1. Maria Lozano – She asked to speak during item 8. h.
2. Jack Miller – He said he lives in Kirby and anyone can speak whether they live in the City or not. Kudos to Council for making the decision to remove the prohibition from the agenda. His reason for being here is because of a comment Council Member Grant made. He spoke about an email sent in by Mr. Garza to be read at a previous Council meeting.
3. Ismael Rincon – Mr. Miller informed Council that Ismael Rincon speaks Spanish only and decided not to speak.
3. Steve Pitman – He asked to speak during item 8. h.
4. BJ Voigt – She spoke about a comment made during a previous meeting. All proceeds from her yard sale will go toward the purchase of flags for various entities.

6. Presentations

a. City Of Kirby Anniversary Celebration

City Manager Vernon announced the 67th Anniversary Celebration on May 18th at 5:30 P.M. Everyone is invited to enjoy the celebration.

b. Emergency Medical Services Week Proclamation

Mayor Aldrich read the proclamation and presented it to Chief Hilburn and all Emergency Medical Services members.

c. Yard Of The Quarter

Chairperson Maria Lozano, Beautification and Recycle Committee and members of the Committee recognized Dee and Dan Guerro as recipients of Yard of the Quarter.

7. Consideration Of And Action On Minutes

a. Regular Minutes – April 28, 2022

Council Member Salazar moved to approve the April 28, 2022 minutes; seconded by Council Member Grider. The motion carried with a 5-0-1 vote

AYES: 5 NAYES: 0 ABSTAIN – 1 Council Member Apodaca.

8. General Discussion And Possible Action

a. Receipt Of Canvass Of The General Election Returns And Declaring The Results Of The General Election On May 7, 2022; For The Purpose Of Electing Three Council Members For Two Year Terms On The City Council.

This item was postponed to May 16, 2022 because the ballots are currently being cured by Bexar County Elections.

b. Discussion And Possible Action On Resolution No. R-2022-746 Canvassing The Returns And Declaring The Results Of The General Election Held May 7, 2022.

This item was postponed to May 16, 2022 because the ballots are currently being cured by Bexar County Elections.

c. Presentation Of Certificates Of Election To Newly Elected Officials

This item was postponed to May 26, 2022 because the ballots are currently being cured by Bexar County Elections.

d. Administration Of Oath Of Office To Newly Elected Officials And Presentation Of Statement Of Officer

This item was postponed to May 26, 2022 because the ballots are currently being cured by Bexar County Elections.

e. Discussion And Possible Action To Elect A Mayor Pro-Tem For The Term May 2022 – May 2023

Council Member Street moved to appoint Council Member Grider as Mayor Pro-Tem; seconded by Council Member Martin. The motion carried with a 5-1 vote.

AYES: 5 NAYES: 0 ABSTAIN: 1 (Council Member Grider)

f. Discussion And Possible Action To Consider Proposed Fence At The Bexar County Animal Facility

Mr. Armando Aranda represented Bexar County and explained the purpose of fence.

After their discussion, Council Member Street moved to allow the fence; seconded by Council Member Martin.

The motion carried with a 6-0 vote.

AYES: 6 NAYES: 0

g. Discussion And Possible Action On 2022 Pool Season Entry Fee And Passes

Council discussed the fees for the 2022 pool season.

Council Member Street moved to continue charging the \$2 entry fee, and bring back the following fees for the 2022 pool season: pool pass fees \$35 per individual, \$25 per additional and \$70 per family (max 4 members); seconded by Council Member Apodaca.

The motion carried with a 6-0 vote.

AYES: 6 NAYES: 0

h. Discussion And Possible Action On 2022 Water Fitness Classes

There was an extensive discussion about the water fitness classes offered by Stephanie Faulkner. The discussion encompassed pros and cons for the classes, fees, insurance and a contract. Maria Lozano expressed her experiences with the water fitness classes. Jack Miller offered his thoughts on this item.

Mayor Pro-Tem Grider moved to not charge the instructor a rental fee for the 2022 water fitness classes; seconded by Council Member Salazar. The motion carried with a 4 – 2 vote.

AYES: 4 NAYES: 2 (Council Members Street and Martin)

i. Discussion And Possible Action On Amazon Delivery Trucks Route

Chief Cardona provided the history on Amazon's delivery truck route.

Mayor Aldrich identified the problem with the delivery trucks entering Kirby and the weight restrictions.

Ms. Jessica Breaux, Representative from Amazon participated through ZOOM. She expressed they are discussing solutions for the problem. They discussed GPS, relay navigator that would identify restricted streets, third party apps will be contacted to update the map, and a temporary sign to redirect drivers from using Kirby streets.

Council discussed Amazon placing a sign to deter drivers from using certain streets, time frame for placing the sign, whether drivers should or should not be issued a citation or a warning.

j. Discussion And Possible Action On City Of Kirby Social Media Sites

Mayor Pro-Tem Grider requested this item because residents approached her about the purpose of the two social media sites on Facebook. She suggested one central location for residents to go to.

City Manager Vernon provided history of why there are two group. The City currently has one Facebook Page and one official Facebook Group.

Jack Miller – Mr. Miller contributed to the discussion regarding social media.

Council Member Salazar moved to allow Mr. Pitmon to speak; seconded by Council Member Street. The motion carried with 6-0 vote.

Steve Pitmon - Mr. Pitmon spoke about the social media sites.

Council Member Street moved to eliminate official City of Kirby Group on Facebook and only post on City of Kirby Facebook Page for City business; seconded by Council Member Apodaca. The motion carried with 5-1 vote:

AYES: 5

NAYES: 1 (Mayor Aldrich)

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

Mayor Aldrich said an application was submitted by Michael Lawrence-Weden.

Council Member Martin moved to appoint Michael Lawrence-Weden to the Economic Development Committee; seconded by Council Member Street. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

l. Discussion And Possible Action On Appointment Of A Member To The Crime Control And Prevention District Board

This item was postponed.

m. Discussion And Possible Action On Joining Greater: SATX Regional Economic Partnership

Mayor Pro-Tem Grider asked that this item be postponed until the representative can be in attendance.

n. Discussion And Possible Action On a Memorandum Of Understanding For The Bexar County, Texas Childsafe Multi-Disciplinary Team.

Chief Cardona provided the purpose of the Memorandum of Understanding for the Bexar County, Texas Childsafe Multi-Disciplinary Team.

9. City Manager Announcements

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

City Manager Vernon announced the weekend Garage Sale May 13 – 15; May Clean-Up May 16 – 22, and Kirby 67th Anniversary May 18.

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 stated on May 19 she will be attending a webinar for information on the infrastructure bill that was passed in November to see how we can use it. To place on the next agenda: pool and park concessions and onboarding for new council members. There is a Frontline workers event on June 30 we should talk about a possible sponsorship by the City, new City web site on the agenda, Zipper machine discussion on the next agenda. She wished everyone a lovely weekend.

Mayor Pro-Tem Grider – She stated May is Mental Health Awareness Month. She attended the funeral service for Tim Hardl a long time resident and friend. She expressed her sincere condolences to his family and friends. She announced upcoming events: Bike event on May 22 2:00 P.M. – 4:00 P.M. at Friendship Park; Semper Four Jujitsu Free Clinic on May 28 & June 25 Noon – 1:00 P.M. at VFW Post 2059. Met with San Antonio District 2 Jaylen McKee Rodriguez and it was a productive meeting. She invited him to the May 21, 2022 Forum. They discussed similar

concerns shared with both of our cities. He is hosting a Crime Prevention Summit on May 26, at 6:00 P.M. at Second Baptist Community Center, 3310 E Commerce Street

Council Member Salazar – He asked Mayor Pro-Tem Grider to cover for him to provide information from Crime Control meetings. He announced an event at Alamo United Methodist Church – On Saturday, Arts/Craft Show 9:00 A.M. – 3:00 P.M.

Council Member Apodaca – She announced an event on March 14, 11:00 A.M. – 2:00 P.M. CPS Energy is hosting a Community Safety Event at CPS Energy Park, 9911 Perrin Beitel Road.

Council Member Martin – He thanked all the City employees for the work they do on a regular basis. Thanked everyone for attending the meeting and sharing their opinions. We want to hear your concerns and issues. For the next agenda he asked to place an item on the agenda to provide feedback from a discussion he had at the recent NEP meeting with a commissioner from Karnes County. He asked for an item to be placed on the next agenda to discuss City phones for Council members. When Council Member Salazar ends his term on Crime Control he would like to be added as the liaison.

Mayor Pro-Tem Grider – She announced an open forum to be held on May 21 at 10:00 A.M.– noon in City Hall to discuss the increase in crime in our city and area cities.

Mayor Aldrich – She reminded everyone the last day to protest your property taxes is May 16. It is getting hotter outside, remember elderly, children & pets. Condolences to Tim Hardl family and son Ethan. Congratulations to 2018 graduate from Wagner High School, played football for UTSA and was drafted by the San Francisco 49ers. She thanked all City staff for the fabulous job they do. Thank you for choosing Kirby. She thanked the citizens who tune in through ZOOM or however they attend and attend in person.

11. Adjournment

Meeting adjourned at 8:52 P.M.

Kimberly Aldrich
Mayor

Patty Cox, TRMC
City Secretary



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Mike Grant
Mike Martin

Joe Salazar
Janeshia Grider
Susan E. Street

**CITY COUNCIL MINUTES
SPECIAL MEETING
MONDAY, MAY 16, 2022 – 10.00 A.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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:

1. Call Meeting to Order

Mayor Pro-Tem Grider called the meeting to order at 10:03 A.M.

3. Roll Call

PRESENT

Council Member Apodaca
Council Member Salazar
Mayor Pro-Tem Grider
Council Member Martin
Council Member Street

ABSENT

Mayor Aldrich

4. Citizen Participation

There were not any citizens signed up to participate.

5. Canvass Election

- a. Receipt Of Canvass Of The General Election Returns And Declaring The Results Of The General Election On May 7, 2022; For The Purpose Of Electing Three Council Members For Two Year Terms On The City Council.

Jo Harvey presented the canvass of the General Election returns from Bexar County Election Administrator and declared the results of the General Election on May 7, 2022; for the purpose of electing three council members for two-year terms (2022-2024) on the City Council.

Michael Lawrence-Weden – 106
Sylvia Leos Apodaca - 196
Charlene Wyatt – 149
Joe Molina - 174
Chris Garza - 220
Roger Romens – 110
Thomas Hernandez – 47
Mike Martin – 217

TOTAL: 1,219

- b. Discussion And Possible Action On Resolution No. R-2022-746 Canvassing The Returns And Declaring The Results Of The General Election Held May 7, 2022.

Council Member Street moved to approve Resolution No. R-2022-746 Canvassing The Returns And Declaring The Results Of The General Election Held May 7, 2022; seconded by Council Member Apodaca. The motion carried with a 5-0 vote.

AYES: 5

NAYES: 0

6. Adjournment

Meeting adjourned at 10:06 A.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee-Aldrich, Mayor

Sylvia Apodaca
Mike Grant
Mike Martin

Joe Salazar
Janeshia A. Grider
Susan E. Street

**CITY COUNCIL AGENDA
SPECIAL MEETING
SATURDAY, MAY 21, 2022 10:00 A.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

1. Call Meeting to Order

Mayor Pro-Tem Grider called the meeting to order at 10:03 A.M.

2. 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

5. Citizen Participation

There were not any citizens signed up to participate.

6. Citizen Forum

a. Introduction Of Law Enforcement Agencies In Attendance

Mayor Aldrich introduced Sherrif Javier Salazar and District Attorney Joe.

b. Discussion Between Council And Citizens About Crime And Prevention In Kirby And The Surrounding Areas

City Manager Vernon said format is step up to podium, introduce yourself then speak.

Mr. Pittmon – thanked officers, DA, Sheriff for being er. Appr looking out of us. Need harsh punishment.

Sheriff – Kirby address, not familiar with issue and asked Piton for info.

Grider – residents history the istory of the property over 9 years. 1 year ago CID Bxar County spoke with residents.

DA answered Mr. Pitmon and gave chair of proccess/system.
Octo 2020 criminal tress pass cases at DA processes.

Garza – Repeat offender – do bonds increase this in an issue.

DA – def RO – legal – already has a prior offense and enhance punishment.

RO – comm anybody who repeats some type of offense.

Street process involved. Judges process on repeat offenders. DA judge accountability is ballot box.

DA spoke about setting bonds, etc.

Citizen makes v oice heard. Victims can reachout. Citiznes l n general thisforum.

Street - -overcrowded at jail. Sheriff – have beds, not enough staff. Don't intake incarceration.
Suisance calls used other departments to help.

Martin – 15-20 ppl no work at hous of concern in Kirby.

How do we kick them out.

Cardona – you can't barge into the home. Has been informed a new FWD.

BJ Bit – Thank you come out to hear our concerns. How many calls does it take. Vague issue. How many calls does it take. Years ago, one could happen again.

DA – talking about law enforcement. Bookline – Exec Asst – Jessica Bogardus -210-335-2342). Backline.

Steph Faulkner – any situation not tax city employers or funds. Ksolidary all in committee, watch out for each other. City problem. Its every where. Need solutions. Only heard complains.

MPT Grider – Austin connected to all houses in Kirby and out side of Kirby. sunrise comes through our community.

DA – spoke about drugs and explained educate. Only applies to less than ¼ of gram. Sheriff – join for people that people are afraid of.

Garza – Ms. F point. Stop preferential treatment. Ms Voigt past issue...we are here for solutions and speak about issues first we need help from DA and Bexar co., etc.

Pitmon – voiced opinion and concerns. Wonder if our chief any help patrol. Can bexar co help us with patrol.

Cardona – clarified if you don't see, they do pass through. Patrolling your concerns do during office hours. After cc meeting most hold up patrol who were here after meeting.

Grider – stealing property, my property. SAPD not here. Sunrise and Candlewood – through Kirby. Can we have a patrol site at weezmart a while. Have has conversation over and over. She explained spread thin and other concerns. County is familiar with that property. Has requested more officers.

Street – MPS point, we know issues, what kind of solutions can we come up with. Are there programs we can have accessible to.

MV – citizens on patrol.

Sheriff – cop in unincorporated area can help set up.

MV – if we organize with Sheriff train. Sheriff – yes, we can. Reserve deputies. 16 hour month maintain licenses.

Pledged if reserve can ride shotgun with Kirby. Will check out. Youth program – gainful summer. 14 year old explorer program. ROTC for kids who want to be cops.

Patricia Mann – thank you for form. CC Grant mentioned funding for safety officer with grant process.

Ppl with trailers behind house. If they are doing something call. Ok to be there. Look into ordinance.

Mr. Pitmon – apologize not disparing police. Code issued dcode does a great job. We don't have enough bite. Code does a great job. Code issues enforce.

Grider – will discuss code during budget time.

MV – code adm not police. She explained new process to look at code issues.

Tom Wiser – noise concern – doesn't want to report doesn't want to cause trouble. Voiced complains about his street. Our pd doing good job.

Myor – see something say something. Pd has protocol to follow.

Sheriff – SAPD before volunteer in police VIP.

Public safety team – create public safety team to help recognize city ordinances.

BJ Voigt – she has help move lawns for homeowner in department need she will do it.

Martin – commend Cardona and her officers. Went and brought other entities to help. We appreciate Bexar County, Cardona & Job she's doing for city.

Cardona – no more violence or drugs in Kirby. Thank you who attended. Thank you Sheriff, DA – see something say something. Thank you.

David Barboza – thank you sheriff, don't think we are attacking city department. ppl giving out negative...we are here to work together.

Mayor Pro-tem – favoritism from council members.

MV – tall grass - your phone will blow up from ppl who cite regardless want change results if they call you.

MPT – thank you sheriff and DA. We have to work together. Community partnership. Explorer program.

Mayor thanked citizens, DA & Sheriff. Capt Precinct 4. We are all in this together.

7. Adjournment

Adjourned at 12:00.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Chris Garza
Janeshia Grider

Mike Martin
Susan Street
Vacant

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, MAY 26, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

This meeting was 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:

1. Call Meeting to Order

Mayor Aldrich called the meeting to order at 7:02 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 Garza

Mayor Pro-Tem Grider
Council Member Martin
Council Member Grider
Council Member Street

5. Citizen Participation

1. Lisa Pierce – She will speak during item 10. e.
2. Jack Miller – He spoke about police response to active shooting and the importance of active shooting training of officers.

6. Presentations

a. Police Badge Pinning – Chief Roxanne Cardona

Chief Cardona recognized Warren Sica and Cory Dawson. The Oath of Office was administered to both officers.

b. Economic Development Committee Update – Cory Mobley, Chairman

Cory Mobley, Chairman, Economic Development Committee, gave an overview of his position as Chairman. He shared the different programs offered by the Committee.

7. Consent

a. Quarterly Financial Report Period Ending March 31, 2022

City Manager Vernon responded to the questions asked by City Council.

Council Member Martin moved to accept the Quarterly Financial Report period ending March 31, 2022; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

b. Quarterly Investment Report Period Ending March 31, 2022

City Manager Vernon responded to the questions asked by City Council.

Council Member Apodaca moved to accept the Quarterly Investment Report period ending March 31, 2022; seconded by Council Member Garza. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Council Member Street)

8. Consideration Of And Action On Minutes

a. Regular Minutes – May 12, 2022

Council Member Apodaca moved to approve the minutes of May 12, 2022; seconded by Council Member Street. With all voting “aye” the motion carried with a 6-0 vote.

9. Public Hearing

Mayor Aldrich opened the public hearing at 7:39 P.M.

- a. A Public Hearing On A Zoning Change Request For The Property Located At The West 20,720 Sq. Ft. Of CB 5191, P-19, ABS 883, Otherwise Known As 5510 Seguin Road, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-1) To Be Rezoned As Multiple Family Dwelling District (R-2) Property.

1. Lisa Pierce – She said rezoning from commercial to residential has been addressed and she asked Council to consider the recommendation from the Planning and Zoning Commission.

Mayor Aldrich closed the public hearing at 7:41 P.M.

10. Discussion And Possible Action

- a. Discussion And Possible Action On A Zoning Change Request For The Property Located At The West 20,720 Sq. Ft. Of CB 5191, P-19, ABS 883, Otherwise Known As 5510 Seguin Road, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-1) To Be Rezoned As Multiple Family Dwelling District (R-2) Property.

Mayor Aldrich stated the Planning and Zoning Commission denied the rezoning request at their last meeting. Although this is a great opportunity, this is not the space. The City should keep all commercial properties as is.

Ricardo Turrubiates, Mint Development, spoke on the zoning change request. He gave an overview of the project. Jeremy Hays, property owner, spoke about the property and changes they were wanting to make in the area.

Marc Schnall, city attorney, spoke about the illegal aspects of spot zoning.

Jack Miller commented on this item and asked Council to vote no.

Council Member Street moved to deny the request for the property located at the west 20,720 sq ft. of CB 5191, P-19, ABS 883, otherwise known as 5510 Seguin Road, Kirby, TX 78219, which is zoned Commercial, Office and Retail (C-1) to be rezoned as Multiple Family Dwelling District (R-2) property; seconded by Council Member Martin. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

b. Recognition Of Outgoing Council Members

City Manager Vernon postponed this item to June 9, 2022.

c. Presentation Of Certificates To Newly Elected Officials

Teresa Wagner, Police Secretary/notary, presented the Certificates to Newly Elected Officials to Mike Martin and Sylvia Apodaca.

d. Presentation Of Statement Of Officer And Administration Of Oath Of Office To Newly Elected Officials

Teresa Wagner presented the Statement of Office and administered the Oath of Office to Mike Martin and Sylvia Apodaca.

e. Discussion And Possible Action On Appointment Of A Person To Fill The Unexpired Council Term Created By Resignation Of Mike Grant

Lisa Pierce – She congratulated the newly elected council members. She offered facts that supported her request to Council to appoint Mr. Molina to fill the unexpired Council term created by the resignation of Mike Grant.

Jack Miller – He spoke regarding who to appoint to replace Mike Grant.

Mayor Pro-Tem Grider said Mr. Molina should be appointed to the seat. She moved to appoint Joe Molina to fill the unexpired council term created by resignation of Mike Grant; seconded by Council Member Apodaca. The motion failed with a 3-3 vote.

AYES: 3

NAYES: 3 (Council Members Garza, Martin and Street)

Council Member Martin moved to appoint Jessica Bogardus to fill the unexpired council term created by resignation of Mike Grant; seconded by Council Member Street. The motion failed with a 3-3 vote.

AYES: 3

NAYES: 3 (Council Members Apodaca, Grider, Mayor Aldrich)

Council requested the City open up applications for the position.

City Manager Vernon explained the purpose of including this item on the June 9, 2022 Council meeting. The deadline to submit an application is 5:00 P.M. on June 3, 2022.

Council Member Street moved to allow Jessica Bogardus to speak; seconded by Council Member Apodaca. With all voting aye the motion carried.

Jessica Bogardus said it would be an honor to be a part of City Council and said the application process is the best way to select who will be appointed.

- f. Presentation Of Statement Of Officer And Administration Of Oath Of Office To Newly Appointed Official

This item was postponed to June 9, 2022.

- g. Discussion And Possible Action To Establish An Onboarding Process And Schedule For Newly Elected Officials

Council discussed providing newly elected and appointed Council Members with information to help them become familiar with their role as a council member.

- h. Discussion And Possible Action To Accept Kari Roberts Resignation From The Crime Control And Prevention District Board

Council Member Apodaca moved to accept Kari Roberts resignation from the Crime Control and Prevention District Board; seconded by Council Member Garza. The motion carried with a 6-0 Vote.

AYES: 6

NAYES: 0

- i. Discussion And Possible Action On Submitting A Letter Of Support For The Redeeming Grace Church Sports Field

Mayor Por-Tem Grider read letter from Bishop Bryant, Redeeming Grace Church, requesting support for a sports field.

Mayor Aldrich said a letter will be provided to Redeeming Grace Church with signatures from entire Council.

Mayor Pro-Tem Grider moved to send a letter of support; seconded by Council Member Street the motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

j. Presentation, Discussion And Possible Action On Retail Development Services Proposal – Christopher Bontrager, Retail Strategies

Christopher Bontrager, Retail Strategies, provided information the company can offer to the City to help commercial growth.

Mr. Bontrager answered questions from City Council.

This item will be brought back to the June 9, 2022 Council meeting.

k. Presentation, Discussion And Possible Action On Asphalt Zipper Machine

John Donley, Public Works, City of Seguin and Barry Dill, Asphalt Company – shared with Council the benefits of using the asphalt zipper. They answered questions from City Council.

Jack Miller had questions about remuneration and wanted to make sure there was not any gratuity taken. Mr. Donley assured Mr. Miller and Council he is a man of integrity and there was not any bribery involved.

Joe Molina asked to speak. Council Member Martin moved to allow Mr. Molina to speak; seconded by Mayor Pro-Tem Grider. All voted yes to allow Mr. Molina to speak.

Mr. Molina spoke about the process before using asphalt.

Council Member Street moved to authorize the city manager/mayor to sign a proposal to acquire the asphalt zipper through BuyBoard/HGAC in the amount of \$201,090.00; seconded by Council Member Martin. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Council Member Apodaca)

l. Discussion And Possible Action On Sponsoring The Frontline Workers Event To Be Held On June 30, 2022 At Blue Bonnet Palace

Council Member Street explained this was brought up at Northeast Partnership and it benefits Kirby workers. The sponsorships are \$100 - \$300. This will be a donation to recognize frontline workers.

Council Member Street moved to sponsor the Frontline Workers Event with a Bronze (\$300.00) donation to be held on June 30, 2022 at Blue Bonnet Palace to support Kirby police, fire and other frontline workers; seconded by Council Member Garza. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Mayor Aldrich)

m. Discussion And Possible Action On City Issued Cell Phones For City Council Members

After discussing this item, Council asked to postpone until June 9, 2022 to allow City Manager Vernon time get the cost for phones.

n. Discussion And Possible Action On Park And Pool Concessions

Council discussed this item and discussed ideas for next season. They talked about hot dogs, popcorn, food trucks, ice cream truck and various pre-packaged food.

o. An Ordinance Repealing And Replacing 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; And Providing A Penalty For Violation Of This Ordinance. This Is The First Reading.

After some discussion, Council Member Street moved to postpone this item to June 9, 2022; seconded by Council Member Garza. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

p. Assignment Of Council Liaisons To Boards, Commissions, And Committees

1. Animal Advisory Committee - Newly Appointed Member
2. Beautification And Recycle Committee - Janeshia Grider
3. Building And Standards Commission – Mike Martin
4. Crime Control And Prevention District - Chris Garza
5. Economic Development Committee -Sylvia Apodaca
6. Planning And Zoning Commission - Kimberly Aldrich
7. Senior Center Corporation Board - Susan Street

Mayor Aldrich appointed Council Member Garza to Crime Control and Prevention District Board. The remaining Council Members will maintain their current board, commission and committee.

11. City Manager Announcements

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

City Manager Vernon said City Hall will be closing at 1:00 P.M. on May 27, and announced the pool hours.

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 congratulated the new Council Members, consider funding a mixed-use study when discussing the upcoming budget, consider reimbursement for Council Members, and she requested a copy of the inventory list of City equipment.

Council Member Garza – He would like to have information as soon as it is available. He asked that the public be allowed access into the building 30 minutes prior to the meeting and prayers for the people in Uvalde.

Mayor Pro-Tem Grider – She welcomed Council Member Garza. Prayers to all, on May 28 at the VFW noon to 1:00 P.M. there will be a free clinic. Crime Control And Prevention District will have movie night on June 15. She inquired about public hearings for the budget and contracting lawn services for the park. She said thanks for Kirby bike event and watch out for your neighbors.

Council Member Apodaca – She expressed any correspondence on City letterhead needs to be approved. Kathy Gomez and Ms. Englan are accepting donations for Uvalde.

Council Member Martin – He thanked all the city employees and said there will be a bake sale for victims in Uvalde.

Mayor Aldrich – She concurred any correspondence going out on City letterhead needs to be approved. She said Council needs to have the City logo on City emails. Prayers for everyone and be safe.

13. Adjournment

Meeting adjourned at 11:52 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie L. Walczyk

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, JUNE 9, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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:

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

5. Citizen Participation

1. Sharon Shuler – She will speak during item 8.b.
2. Maria Lozano – She thanked City Council for allowing the aerobic swim classes. She urged Council to carefully review the council applications. Also, consider cost and manpower for the asphalt zipper and test the asphalt zipper on one of our streets.
3. Kat McGarity – She announced Beautification and Recycle Committee is going to have a Clean Up on Saturday, June 11 at 8 AM – 10 AM behind Dean’s Automotive from Dairy Queen to Kirby Middle School. She asked residents to help. There will also be Fireworks in the Park on July 3.
4. Lisa Pierce – She reminded Council at the last meeting she supported Mr. Molina to be appointed to the vacant council seat. He received the next highest votes. She believed that out of the applicants submitted Roger Romens should be appointed to fill the vacancy because he was on the May ballot.
5. BJ Voigt – She announced Hermann Sons Lodge will hold a Flag Day ceremony on Tuesday June 14 at 8:30 A.M. at the Fire Station. Hermann Sons Lodge purchased Texas Flags. She read a poem from a rodeo she recently attended.

6. Presentation

a. Elder Abuse Proclamation

Mayor Aldrich presented the Elder Abuse Proclamation to Norma Hamby, Senior Center Director.

7. Consideration Of And Action On Minutes

a. Special Minutes – May 16, 2022

Council Member Apodaca moved to approve the minutes of May 16, 2022; seconded by Council Member Street. With all voting “aye” the motion carried with a 6-0 vote.

b. Special Minutes – May 21, 2022

Council Member Martin moved to approve the minutes of May 21, 2022; seconded by Council Member Apodaca. With all voting “aye” the motion carried with a 6-0 vote.

c. Regular Minutes – May 26, 2022

Council Member Apodaca moved to approve the minutes of May 26, 2022; seconded by Council Member Garza. With all voting “aye” the motion carried with a 6-0 vote.

8. Discussion And Possible Action

a. Recognition Of Outgoing Council Members

City Manager Vernon recognized Joe Salazar for his service to the City.

b. Discussion And Possible Action On Appointment Of A Person To Fill The Unexpired Council Term Created By Resignation Of Mike Grant

Sharon Shuler said she supports Jakub Kosiba and offered her reasons for supporting him.

Mayor Aldrich asked each applicant to individually come forward to reply to questions from the City Council. They were called in the following order: 1. Jakub Kosiba; 2. Jessica Bogardus; 3. Roger Romens; 4. Kat McGarity; 5. Debra Walczyk. The applicants were all asked the same questions and replied to the questions.

Council Member Apodaca nominated Debra Walczyk; seconded by Council Member Martin. The motion carried with 5-1 vote.

AYES: 5 NAYES: 1 (Mayor Pro-Tem Grider)

c. Presentation Of Statement Of Officer And Administration Of Oath Of Office To Newly Appointed Official

City Secretary presented the Statement of Officer and administered the Oath of Office to Debra Walczyk.

d. Discussion And Possible Action To Establish An Onboarding Process And Schedule For Newly Elected/Appointed Council Members

City Manager Vernon provided information for an onboarding process. She identified resources, training and in person sessions available. She recommended four in person sessions similar to Government 101.

- e. An Ordinance Repealing And Replacing 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; And Providing A Penalty For Violation Of This Ordinance. This Is The First Reading.

The Council discussed presenting all the changes at one time. They discussed fees for local leagues and advertising fees.

Council Member Apodaca moved to postpone the pool passes until next year; seconded by Council Member Garza. The motion failed with a 2/4/1 vote

AYES: 2 NAYES: 4 (Mayor Pro Tem Grider, Council Members Street
and Martin, and Mayor Aldrich)
ABSTAIN: 1 (Council Member Walczyk)

- f. Discussion And Direction On A Policy, Process And Procedure For Reimbursing Expenses To City Council Members

Council discussed a policy, process and procedure for reimbursing expenses to City Council Members. Council Member Street and Mayor Pro-Tem Grider will research area cities about their policy, process and procedure for reimbursing expenses to City Council Members.

- g. Discussion And Possible Action On Reinstating Printing Of City Council Meeting Packet

Council discussed whether to reinstate printing of City Council meeting packets.

Council Member Street moved to reinstate the printing of City Council meeting packets; seconded by Council Member Garza. The motion carried with a 5-2 vote.

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

- h. Discussion And Possible Action On Appointment Of Members To The Kirby Senior Center Corporation Board

Jessica Bogardus, Kirby Senior Center Board, said there were three vacancies.

City Manager Vernon received four applications.

Council Member Street said James McQuarter was selected at the last Board meeting.

Council Member Street moved to appoint James McQuarter to the Kirby Senior Center Corporation Board; seconded by Council Member Garza.

The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- i. Discussion And Direction On Kirby Senior Center Building And Parking Lot Needs As A Result Of ADA Survey

There was a lengthy discussion about the Senior Center building and parking lot as a result of ADA Compliance Survey.

Four residents asked to speak during this item and were granted approval by City Council. Roger Romans, Jessica Bogardus, Stephen Pitmon, and Graciela Sanchez.

Council's decision was to get new cost estimates and Senior Center will get with AACOG for more information.

- j. Discussion And Possible Action To Schedule Budget Workshops For Fiscal Year 2022-2023

Council was presented with four dates to schedule budget workshops for Fiscal Year 2022-2023.

City Council concurred to meet on June 23 at 6 P.M. and July 7 at 6 P.M.

- k. Discussion And Possible Action To Accept Stephen Pitmon's Resignation From The Planning And Zoning Commission

Council Member Martin moved to accept Stephen Pitmon's resignation from the Planning and Zoning Commission; seconded by Council Member Street. 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 announced the Crime Control Flick & Float movie at the pool on June 15, 2022, this is a free event and the gate opens at 7:30 P.M. movie show time is 8:00 P.M. and Sunday, July 3rd is Annual Fireworks in the Park at Friendship Park 5 P.M. to 10 P.M. Parking after 6:00 P.M. is \$5 per car. No outside food or drinks.

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 offered comments on the new website identifying pages that were not functioning as she expected. She thanked everyone for attending the meeting and expressed her appreciation. She asked everyone to have a good week.

Council Member Garza – He asked if the Festival HOB0 Fest needed to be placed on an agenda to plan the event for next year. City Manager Vernon said it would need to be an agenda item.

Mayor Pro-Tem Grider –She said the Beautification & Recycle Committee will have a Clean Up Saturday, June 11, 8 A.M. to 10 A.M. She urged everyone to show up and help. Council Member Martin showed his support at the last Jujitsu event.

Council Member Walczyk – She thanked Council for giving her a vote of confidence. She appreciates everybody.

Council Member Apodaca - JISD is offering free breakfast and lunch at certain schools. Check on your neighbors, walk animals on grass and not hot street. She welcomed Ms. Walczyk. She apologized to Mr. Joe Molina.

Council Member Martin – He thanked all city employees. He asked City Manager Vernon to add a grant writer to the new budget. He said, yes, I am your voice for the City. I will continue to bring your issues forward.

Mayor Aldrich – She seconded Council Member Apodaca’s apology to Mr. Molina. She welcomed Council Member Walczyk. There was a horrible fatality on Sunday. She thanked Church’s Chicken for providing ice and water to the Police Department and Fire Department working the scene. We are hitting 100-degree temperatures. Check on your neighbors, elderly, children and pets. She thanked everyone for attending the meeting.

11. Adjournment

Meeting adjourned at 9:37 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
BUDGET WORKSHOP
THURSDAY, JUNE 23, 2022 – 6:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

1. Call Meeting to Order

Mayor Aldrich called the meeting to order at 6:00 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

There were not any citizens signed up to participate.

6. Budget Workshop

a. Presentation And Discussion On City Of Kirby Funds

City Manager Vernon identified the different funds that were used in the budget. The funds are general fund, water fund, debt service fund, ARPA fund. City Manager Vernon answered questions from Council about the various funds and their function in the budget.

b. Presentation And Discussion On City Of Kirby Employee Pay

City Manager Vernon asked for direction for the July 7th special meeting regarding employee pay.

There was discussion about employee pay.

c. Discussion And Direction On City Of Kirby Fiscal Year 2022-2023 Budget

City Manager Vernon informed Council they will receive a draft budget for the July 7th special meeting. Discussion was about streets, supplies for streets, and new employee positions.

d. Presentation And Discussion On Budget Next Steps

City Manager Vernon identified the budget steps. Build the draft budget, July 25th tax information will be received from Bexar County Tax Assessor and the budget will be built off the current budget.

7. Adjournment

Meeting adjourned at 6:50 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, JUNE 23, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

This meeting was 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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3. Mission Statement

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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. Jack Miller – He spoke about the watermain repair on Ackerman Road and an employee working in the area. He mentioned an interaction between two residents at the last meeting. He encouraged Council to address rules of decorum.

6. Presentation

- a. Presentation And Discussion On City Limit Signage Located On FM78 – Dale Picha, Texas Department Of Transportation

This item was postponed.

- b. Presentation And Discussion On City Of Kirby Drainage Assessment Supplemental Report – Chris Martinez, Givler Engineering

Chris Martinez, Givler Engineering provided information on the Kirby Drainage Assessment Supplemental Report.

- c. Presentation And Discussion On Economic Development Proposals – Cory Mobley, Economic Development Committee Chairman

Cory Mobley, Economic Development Committee Chairman provided insight into the demographics of the City. He spoke about Retail Strategies and Retail Coach and provided pros and cons for each service. He answered questions from Council.

7. Consideration Of And Action On Minutes

- a. Regular Minutes – June 9, 2022

Council Member Martin moved to accept the Minutes of June 9, 2022; seconded by Council Member Garza. The motion carried with a 7-0 vote.

8. Public Hearing

- a. A Public Hearing On A Request For A Specific Use Permit To Allow The Property Located At CB: 5941A, BLK 2, LOT 12, Otherwise Known As 5235 Seguin Road, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-2) To Be Used As Single Family Dwelling District (R-1) Property.

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

1. Michael Loreda, applicant, spoke and expressed that they want the property to have residential use.

Mayor Aldrich closed the Public Hearing at 7:49 P.M.

- b. A Public Hearing On A Request For A Variance For Property Zoned Single Family Dwelling District (R-1), To Waive The Requirement Of Ordinance No. O-2015-762, Section 803.1.1, To Allow 3/8 Inch Sheathing Roofing Material Instead Of The Required 7/16 Inch Sheathing/Roofing Material Located At CB 5092C BLK 3 LOT 7, Otherwise Known As 4326 Hoeneke St., Kirby, TX 78219.

Mayor Aldrich opened the Public Hearing at 7:49 P.M.

There were no individuals to speak.

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 To Allow The Property Located At CB: 5941A, BLK 2, LOT 12, Otherwise Known As 5235 Seguin Road, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-2) To Be Used As Single Family Dwelling District (R-1) Property.

Council discussed the request for a Specific Use Permit to allow residential use. There was a brief discussion about spot zoning and Planning and Zoning Commission's recommendation to deny the request.

Council Member Martin moved to deny the request for a Specific Use Permit to allow the property located at CB: 5941A, BLK 2, LOT 12, otherwise known as 5235 Seguin Road, Kirby, TX 78219, which is Zoned Commercial, Office and Retail (C-2) to be used as Single Family Dwelling District (R-1) Property; seconded by Council Member Walczyk. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- b. Discussion And Possible Action On A Request For A Variance For Property Zoned Single Family Dwelling District (R-1), To Waive The Requirement Of Ordinance No. O-2015-762, Section 803.1.1, To Allow 3/8 Inch Sheathing Roofing Material Instead Of The Required 7/16 Inch Sheathing/Roofing Material Located At CB 5092C BLK 3 LOT 7, Otherwise Known As 4326 Hoeneker St., Kirby, TX 78219. Council Discussed the request.

Council discussed this request to allow 3/8-inch sheathing roofing material instead of 7/16-inch sheathing/roofing material and Planning and Zoning Commission's recommendation to deny the request.

Council Member Walczyk moved to deny the request for a Variance for property zoned Single Family Dwelling District (R-1), to waive the requirement of Ordinance No. O-2015-762, Section 803.1.1, to allow 3/8 inch sheathing/roofing material instead of the required 7/16 inch sheathing/roofing material located at CB 5092C BLK 3 LOT 7, otherwise known As 4326 Hoeneker St., Kirby, TX 78219; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

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

Council discussed the needed repairs. Mayor Aldrich informed Council that City of Seguin has offered to help. Kirby will provide manpower and asphalt.

Council Member Garza moved to take care of the parking lot, funding, and provide a timeline for ADA compliance at the Kirby Senior Center; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- d. Discussion And Possible Action On National League Of Cities (NLC) Service Line Warranty Program – Emilie Zalfini

City Manager Vernon informed Council Ms. Zalfini was not able to attend the meeting.

Council discussed the benefits of the program and their concerns. Marc Schnall, City Attorney, offered his thoughts on changes to the agreement.

Mayor Aldrich suggested bringing the agreement back with all the changes.

- e. Discussion And Possible Action On An Ordinance Of The City Of Kirby, Texas, Amending Chapter 54 Of The Code Of Ordinances In Regard To Illicit Discharge Restrictions Pursuant To U.S. Environmental Protection Agency Guidelines And

Adopted Texas Commission On Environmental Quality Standards, And Providing A Penalty Upon Conviction Of A Violation Of This Chapter In An Amount Not To Exceed \$500.00 Per Violation Per Day Unless The Violator Receives Actual Notice Of The Provisions Of This Ordinance In Which Case The Penalty Upon Conviction Is Not To Exceed \$1,000 Per Violation Per Day Or Not To Exceed \$5,000 Per Violation Per Day For Certain Violations Relative To Point Source Effluent Limitations Or The Discharge Of A Pollutant (Other Than From A Non-Point Source) Into A Sewer System, Including A Sanitary Or Storm Water Sewer System, Owned Or Controlled By The City, And Establishing An Effective Date. This Is The First Reading.

Abraham Galindo was available to answer questions.

After discussing the Ordinance, Council Member Street moved to accept the Ordinance of the City of Kirby, Texas, amending Chapter 54 of the Code of Ordinances in regard to illicit discharge restrictions pursuant to U.S. Environmental Protection Agency Guidelines and adopted Texas Commission on Environmental Quality Standards, and providing a penalty upon conviction of a violation of this chapter in an amount not to exceed \$500.00 per violation per day unless the violator receives actual notice of the provisions of this Ordinance in which case the penalty upon conviction is not to exceed \$1,000 per violation per day or not to exceed \$5,000 per violation per day for certain violations relative to point source effluent limitations or the discharge of a pollutant (other than from a non-point source) into a sewer system, including a sanitary or storm water sewer system, owned or controlled by the city, and establishing an effective date; seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- f. Discussion And Possible Action On An Ordinance Of The City Of Kirby, Texas, Amending Chapter 55 Of The Code Of Ordinances In Regard To Post-Construction 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 First Reading.

City Manager Vernon said there would not be any action on this item tonight due to a change needed for the caption of the ordinance.

Mr. Galindo provided information on this ordinance.

- g. Discussion And Possible Action On Wellsite #3 Repairs And Final Costs

City Manager Vernon said there were final invoices that need to be paid. She identified the invoices from Givler Engineering, Inc. and Advance Water Well Technologies.

Council Member Street moved to approve the final costs for Wellsite #3; seconded by Council Member Martin. With all voting "aye" the motion carried.

AYES: 7

NAYES: 0

- h. Discussion And Possible Action On Appointment Of A Member To The Crime Control And Prevention District Board

The application submitted by James Bogardus was approved by the Crime Control and Prevention District Board.

Council Member Garza moved to appoint James Bogardus to the Crime Control and Prevention District Board; seconded by Council Member Walczyk. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- i. Discussion And Possible Action On Appointment Of A Member To The Planning And Zoning Commission

Roger Romens was available to answer questions.

Council Member Walczyk moved to appoint Roger Romens to the Planning and Zoning Commission; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- j. Discussion And Possible Action On Appointment Of Members To The Kirby Senior Center Corporation Board

Norma Hamby, Senior Center Director said Ruby Rodriguez and Michael Lawrence-Weden were accepted by the Kirby Senior Center Corporation Board.

Council Member Garza moved to appoint Ruby Rodriguez and Michael Lawrence-Weden to the Kirby Senior Center Corporation Board; seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- k. Discussion And Possible Action On Hosting A City Of Kirby Festival In 2023

Council Member Garza spoke about different festivals the City could host.

Council discussed a committee to organize the event and start with ten members and a new name for the event.

City Manager Vernon said a three-day event will need to have funds budgeted for staffing.

10. City Manager Announcements

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

City Manager Vernon shared that Officer Sullivan was featured in the paper as part of the Regional SWAT Team. Annual Fireworks in the Park July 3, 2022. City offices will be closed July 4th.

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 she will continue to work on numbers for the budget for payroll. She said she is sponsoring along with Council Members Garza and Walczyk a back-to-school pool party on August 13, 7 P.M.– 10 P.M.

Council Member Garza congratulated the new members on the committees. Register your children for Free Kirby Baptist summer sports camp. Be careful during 4th of July and take care of your pets.

Mayor Pro-Tem Grider said she witnessed Council Member Martin represent Kirby in Commissioner's Court. Beautification and Recycle Committee had a street clean-up, Kirby Youth Outreach Event this Saturday class for youth June 25 12 to 1 P.M. free clinic. Be mindful of your pets and when you pop fireworks. Have a safe 4th of July.

Council Member Walczyk agreed with residents with PTSD, be mindful of pets walking on asphalt. Walk your pets in the grass and keep them hydrated.

Council Member Apodaca spoke about the Uvalde active shoot incident. She spoke about emergency plans and the need to have a relationship with Judson I.S.D. She provided contact information for Superintendent and Media info. Judson ISD has an emergency plan. Why aren't active shooter classes done. Janette Ball, Superintendent at Judson ISD. Free school supplies grades K-3 to 5th. Free breakfast and lunch at different schools.

Council Member Martin thanked everyone for attending the meeting and congratulated City Manager Vernon for the CDBG grant that was awarded. He thanked staff and urged everyone to stay hydrated.

Mayor Aldrich thanked Council Member Martin for attending Commissioners Court on behalf of the City of Kirby. She extended prayers for employee who was injured tonight. She thanked the Public Works Department. Kudos to the Fire Department and Police Department for

controlling traffic. She spoke about the relationship between Chief Cardona and Judson ISD. City Manager Vernon said they have been in contact. 4th July be safe. Take care of pets. Thank you.

12. Adjournment

Meeting adjourned at 9:51 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie L. Walczyk

**CITY COUNCIL MINUTES
SPECIAL MEETING/ WORKSHOP
THURSDAY, JULY 7, 2022 – 6:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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:

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
Mayor Pro-Tem Grider
Council Member Martin
Council Member Street
Council Member Walczyk

Council Member Garza

5. Citizen Participation

There were not any citizens signed up to participate.

6. Workshop

a. Discussion And Direction On City Of Kirby Employee Pay

Council Member Street presented a pay plan for all hourly employees.

There was discussion about a proposed increase in all hourly employee pay. Also, discussion about cost of living pay for department heads.

b. Discussion And Direction On City Of Kirby Fiscal Year 2022-2023 Budget

City Manager Vernon presented the proposed budget. She identified recent changes.

The next budget workshop will be July 23, 2022.

7. Adjournment

Meeting adjourned at 8:26 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
SPECIAL MEETING
MONDAY, JULY 11, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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:

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 (Attended by ZOOM)
Mayor Pro-Tem Grider
Council Member Martin
Council Member Street
Council Member Walczyk (Due to emergency left the meeting at 8:58 P.M.)

5. Citizen Participation

1. Ernest Spradling – He stated it is absurd the City Manager review is on an agenda on a Monday. Six months ago, Council voted 6-0 to give her a raise when her performance was reviewed. Now Council wants to discuss her performance because she wants to take a vacation. He said she has never taken a full week of vacation. This is not being fiscally responsible. He spoke in support of City Manager Vernon.

2. Cecilia Padilla - She expressed she wants to see more context in emails so people will know what is going on. It's good that people are being held accountable for their jobs. Spoke in regards to the recent water incident. She asked who is responsible for maintaining our equipment for our water supply? Is there a meter or device to monitor levels of our water supply? How often are these walls being inspected or maintained? Is there a log that we can view?

3. Eve Hatland - She said thank you because she had no idea how stressful the job you have is until this whole thing happened. But she was a witness to you trying to get water for the residents of Kirby. Everyone on council and staff we appreciate you as residents. Let's get involved and start helping the City of Kirby.

4. Jack Miller - He spoke in regards to the water situation. He saw the officials and citizens coming together and working together to provide water for the residents. He thanked Mr. Martin and City staff for all that they did during this time. As far as the City Manager goes, he has said it to her personally and will say it publicly, he likes her. Everything he has seen her do officially he has been impressed. As far as this whole vacation thing, the rules are vague. He spoke about a situation regarding emails that were screen shot to him and then they were taken down.

5. Sharon Shuler - She said this meeting is because the City Manager is taking vacation time. This is uncalled for. Ms. Vernon is a professional and has never been disrespectful. She is appreciative of her work and continues to support her. To the Council Members there is no way we can rate your performance. This could be your performance rating. It appears it is easy for you to quote from the Charter. Council needs to work together to resolve issues for the betterment of Kirby. She commended City Manager Vernon, Mayor Aldrich, employees, Council

Members and residents for stepping up to hand out water to the residents who were in need. She thanked the surrounding communities who came to help restore the well. She thanked HEB for their generous donation and for being a great neighbor. She urged residents to watch out for their families and neighbors.

6. Stephanie Faulkner - She said she notices flaw in the emails. She saw harassment, hostile work environment, and possible civil rights violations. She identified each according to labor laws. She spoke about recent social media activity with two Council Members. She said the two Council Members should resign immediately. That's what they used to say about two other Council Members.

7. Patricia Baber – She thanked Ms. Vernon and all employees, Council and volunteers who worked together during this current crisis. Our City Manager has done a great job. Its unfortunate we have a Council who does not work together for the good of the City. She hopes there will be changes with the appointment of the new Council Member. There's to be a review of the City attorney. She has reviewed and wonder how you plan to replace him and who you plan to replace him with? In her opinion he has done a great job for the City and is a very good attorney.

8. Roger Romens thanked the City for what they did in the recent emergency. Dispel some of the rumors and give a clear explanation what happened. He concurred with the first speaker why this meeting was called. It's not being fiscally responsible. This should have been included in a regular agenda and stated the reasons why. He asked Council if they were asked prior to the scheduling of vacation if she could take it and did you give the approval. If that occurred this is ridiculous. If it did occur that is an issue you need to consider.

9. Lisa Pierce – She said she is here to speak about the water and the current agenda item. She read the agenda item and asked that everyone understand that personnel matters can go into a closed meeting. This section is serious and extremely detrimental to the residents of Kirby. I would like to think that you are here to discuss the infractions of the City Manager, but you are not. You are here because at least two of your members are trying to settle a score with the City Manager. There is documented proof from when I was Mayor via email or social media posts. The language of the city charter is ambiguous and there has never been an agenda item to approve the City Manager vacation; employment agreement says its preferred. This sitting Council five of you just approved a 4% pay increase. She addressed the emails that were sent to Ms. Vernon and said they were appalling and she spoke about Ms. Vernon's strength. She concluded by expressing how absolutely grateful she was to every one of you who worked and were not there for the t-shirts and business cards. It was not over looked of the people who were genuinely there who helped the residents and comforted them. Thank you for everything.

10. Cory Mobley - He gave a glimpse of who he is. He said he has met some phenomenal people who can do amazing things to help people be better. Ms. Monique Vernon fits that list of people. Ms. Vernon has helped this City through three mayor transitions. She takes

goals and tasks Council presents and moves forward. How soon we forgot how this City Manager guided us through the pandemic. As City Manager she is forced to juggle several hats simultaneously. She's expected to juggle with perfection. The hypocrisy of this. Do not judge or you to will be judged. He referenced a letter he and Michael Steve Brown, Pastor, True Vision Church, offering their support of Ms. Vernon. He stated we are wasting our time tonight.

The following citizens participants had provided the City Secretary with emails.

11. Glenda Curtis wrote in and expressed the discussion of removing the City Manager rears its ugly head every couple of months. She said we have the best City Manager. She wrote she does not know her on a personal basis, she knows her professionally. She is the reason we succeed. Ms. Vernon is always professional, extremely knowledgeable and she is the glue that keeps our City together and running smoothly. She has built a rapport and relationships with other cities, counties, etc. This is a waste of time for this to come up every other month. We waste the time of other Council Members, but we also have a lawyer present and his time is costing our City each time this is in open session or executive session. She said what happened this week with our water issue was terrible and frustrating but, this is a first. We did not even have this during the terrible freeze in February thanks to our employees. Other cities suffered greatly with water outages. For those few determined to remove our City Manager and waste time and money, the water problem is not another reason and believe me, you will try to add that to the fairy tale list to remove an outstanding Kirby asset. For you few, I ask that you take your negative energy, turn it into positive energy for your City. Our City cannot thrive, grow or even exist on your current energy. Ms. Vernon has always been transparent and does not have a personal agenda. She is what Kirby needs now and for a long time. She has brought use many successes and people respect her.

12. Maria Lozano - She wrote in to voice her disappointment regarding tonight's Special Session, which was requested to discuss City Manager Monique Vernon's possible write up for her alleged unaccountability and lack of performance. She said she read the emails attached to tonight's agenda which transpired between Councilwoman Street, Councilman Garza and City Manager Vernon. In reading these emails, the City Manager was nothing but professional and respectful while the Council Members came off as disrespectful, condescending and intimidating. "Place the items on this week's agenda or else!" Ms. Vernon does so much for our City. She's visible in many of our City events even those that occur on weekend. At this point it sounds more like a personal witch hunt rather than a genuine concern for our City. This is very disappointing considering how the new City Council Members promised to bring about change and do away with the "lynch mob mentality," when in reality, it appears that it simply passed the torch. My hope is that you prove me wrong tonight.

13. Celicia Garza - She wrote that she is unable to attend tonight's meeting because she is working. She would appreciate if all of her following questions can be read and addressed to the Council. 1. How many wells does Kirby have and how many are supposed to be functioning on a daily basis? 2. How many gallons does each tower hold. 3. According to the KSAT news

story, one well was already out of commission due to electrical repairs. How long is a well usually down for electrical repairs and what was the amount of time the well was down? Was there a delay in electrical parts? 4. The KSAT story also reported an undetected leak drained the back up water supply. With this said, what was the capacity in storage? How often is the backup supply checked as preventive measures for possible leaks or any other issues? 5. What changes will the City make so the undetected leaks of these measures will not happen again.

14. Roxanne Cardona - She thanked Council for letting her speak. She spoke about how words can have a positive and negative affect on decisions that are being made. Members of Council had sworn to change injustices, and promised to provide respect to employees and citizens. I have stood in these council meetings and have sworn in officers using words like integrity, professionalism public faith and responsibility. These officers will be upheld to a professional and ethical conduct. She gave an example of City Manager Vernon's leadership.

Mayor Pro-Tem Grider asked Council to allow Chief Cardona additional time to speak; seconded by Council Member Martin. The motion carried with a 7-0 vote.

Chief Cardona continued and spoke about City Manager's professionalism and applauded her leadership. She pleaded with Council to change their behavior. Our City Manager has been doing the job of three different employees. Allowing the employees to have time off while she continues to work on her own days off.

6. Discussion And Possible Action

- a. Deliberation On Performance Of The City Manager. Possible Executive Session Pursuant To Texas Government Code Section 551.074, Personnel Matters.

City Manager Vernon read into record a request to be held in open session as public hearing.

Council Members addressed citizen comments from Citizen Participation.

Council Member Street identified her concerns with City Manager Vernon's performance. She and another Council Member wanted items placed on an agenda. She did not know City Manager Vernon was going on vacation week of a council meeting. She asked are we following the rules or not?

Council Member Garza was participating via ZOOM. He said he wanted to place an item on an agenda. He referenced rules to follow. This is about following rules. He did not know City Manager Vernon was going on vacation.

Council Member Martin said no write up. City Manager Vernon has done nothing wrong. She notified Mayor Aldrich about her vacation.

Council Member Apodaca said City Manager Vernon has always been professional and does an outstanding job. She did not support a write up.

Council Member Walczyk said she agreed with Ms. Shuler. She said this meeting should not have happened. She stated that she has not read the Charter and said all Council need to read it.

Mayor Pro-Tem Grider read the emails that Council Member Garza had written. There has never been a problem with placing an item on an agenda for the next date. She read the emails that Council Member Street had written. Mayor Pro-Tem Grider stated that City Manager Vernon had responded to Council Member Streets email. Mayor Pro-Tem Grider said this is not only about emails. Imagine someone close to you goes to work every day and someone tells them they are corrupt and worthless. Nobody has the right to do that. On social media we are supposed to be leaders. Council Members are not doing that on their social media posts.

Mayor Aldrich called a point of order to allow Mayor Pro-Tem Grider an opportunity to finish speaking.

Mayor Pro-Tem Grider continued speaking. She stated that City Manager Vernon has done nothing that warrants the way she's being treated.

Council Member Garza said he does not receive the same treatment as other Council Members.

Mayor Aldrich said she called the meeting because two Council Members wanted agenda items when City Manager Vernon would not be available to attend.

City Manager Vernon stated the issues at hand are that she has been accused of violating the Charter and Code of Ordinances. She said she is not in violation of either. There is conflicting language in the Charter, ordinance and her contract. Since September 19, 2014 she has taken a maximum of 32-hours vacation at one time and has only missed three council meetings. She asked Council to establish procedures or continue precedence that has been established. She was available to answer questions from Council Members. She replied to questions and comments from Council Members Street and Garza.

Mayor Aldrich apologized to City Manager Vernon and her family and stated she is an outstanding City Manager.

Council Member Martin moved to adjourn the meeting with no action taken; seconded by Council Member Apodaca. With all voting "aye" the motion carried.

7. Adjournment

Meeting adjourned at 9:51 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, JULY 14, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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:

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. Cecilia Padilla – Attended Monday’s meeting. There was disrespect through the meeting. Dysfunction and lack of communication. Infighting needs to stop. Should be a united front. Work together to make Kirby a better place.

2. Lisa Pierce – She thanked everyone who played a part in assisting Kirby through this past water event. The coming together of so many resources was nothing short of miraculous. If the City had a SCADA system to alert key personnel when the wells were working at low-capacity levels. Seek a method to rectify alerting key personnel. She urged the public to use social media to garnish hope and possibility. You can take the person out of Kirby, but you cannot take Kirby out of the person. She read an email from Debby Wilson recognizing Seth Scurlock.

3. Casey Hawkins – He asked if City Council would consider donating the Chief’s old vehicle to the Volunteer Fire Department. The vehicle would be used as a support vehicle for the City.

4. Lily Martinez – City Secretary read Ms Martinez’s comments. She addressed a disturbing incident from the last Council meeting. She thanked Police Chief Cardona for her inspiring speech in defense of the City Manager and other city employees. She hoped that after how the City came together to overcome the water situation that things are headed in the right direction.

6. Presentation

a. Presentation And Discussion On City Limit Signage Located On FM78 – Dale Picha, Texas Department Of Transportation

Dale Picha spoke about signage and boundaries. He answered questions from Council.

b. Presentation Of Life Saving Award, Chief Cardona

Chief Cardona recognized Police Officer Sizenbach for her recent heroic measures to save the life of a resident. Chief Cardona present Officer Sizenbach with a Life Saving Award.

c. Presentation Of Retirement Recognition To Corporal Seth Scurlock, Chief Cardona

Chief Cardona recognized Sgt. Scurlock. Sgt. Scurlock gave a heartwarming speech.

- d. Presentation And Report On Water Loss Emergency, Mayor Aldrich, Chief Hilburn, Chief Cardona

Mayor Aldrich provided a time line of the event. She thanked Universal City, Live Oak, Schertz and surrounding businesses and citizens who came together to help Kirby.

Chief Hilburn provided statistics of the event.

7. Public Hearing

- a. Crime Control And Prevention District Fiscal Year 2022-2023 Budget

Mayor Aldrich opened the public hearing at 7:46 P.M.

There were not any citizens to speak.

Mayor Aldrich closed the public hearing at 7:47 P.M.

8. Consideration Of And Action On Minutes

- a. Budget Workshop Minutes – June 23, 2022

Council Member Walczyk moved to approve the Budget Workshop Minutes – June 23, 2022; seconded by Council Member Street. With all voting “aye” the minutes carried with a 7-0 vote.

- b. Regular Minutes – June 23, 2022

Council Member Garza moved to approve the Regular Minutes – June 23, 2022; seconded by Council Member Apodaca. With all voting “aye” the minutes carried with a 7-0 vote.

9. Discussion And Possible Action

- a. Discussion And Possible Action On National League Of Cities (NLC) Service Line Warranty Program

Council discussed the pros and cons of this Program.

Council Member Walczyk moved to not support the National League of Cities Service Line Warranty Program; seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- b. Discussion And Possible Action On Crime Control And Prevention District Fiscal Year 2022-2023 Budget.

Council discussed the Crime Control and Prevention District Fiscal Year 2022-2023 Budget. Chairperson John Houlton and Vice-Chairperson David Faulkner were present to answer questions.

Council Member Martin moved to approve the Crime Control and Prevention District Fiscal Year 2022-2023 Budget; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- c. Discussion And Possible Action On An Ordinance Of The City Of Kirby, Texas, Amending Chapter 54 Of The Code Of Ordinances In Regard To Illicit Discharge Restrictions Pursuant To U.S. Environmental Protection Agency Guidelines And Adopted Texas Commission On Environmental Quality Standards, And Providing A Penalty Upon Conviction Of A Violation Of This Chapter In An Amount Not To Exceed \$500.00 Per Violation Per Day Unless The Violator Receives Actual Notice Of The Provisions Of This Ordinance In Which Case The Penalty Upon Conviction Is Not To Exceed \$1,000 Per Violation Per Day Or Not To Exceed \$5,000 Per Violation Per Day For Certain Violations Relative To Point Source Effluent Limitations Or The Discharge Of A Pollutant (Other Than From A Non-Point Source) Into A Sewer System, Including A Sanitary Or Storm Water Sewer System, Owned Or Controlled By The City, And Establishing An Effective Date. This Is The Second Reading.

Council Member Garza moved to adopt the ordinance amending Chapter 54 of the Code of Ordinances in regard to illicit discharge restrictions pursuant to U.S. Environmental Protection Agency Guidelines and adopted Texas Commission on Environmental Quality Standards, and providing a penalty upon conviction of a violation of this chapter in an amount not to exceed \$500.00 per violation per day unless the violator receives actual notice of the provisions of this ordinance in which case the penalty upon conviction is not to exceed \$1,000 per violation per day or not to exceed \$5,000 per violation per day for certain violations relative to point source effluent limitations or the discharge of a pollutant (other than from a non-point source) into a sewer system, including a sanitary or storm water sewer system, owned or controlled by the city, and establishing an effective date; seconded by Council Member Walczyk. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- d. 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 First Reading.

Council Member Apodaca moved to adopt 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 Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

e. Reports By Council Liaisons

1. Animal Advisory Committee – Council Member Walczyk
2. Beautification And Recycle Committee – Mayor Pro-Tem Grider
3. Building And Standards Commission – Council Member Martin
4. Crime Control And Prevention District – Council Member Garza
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 – Council Member Walczyk

Council member Walczyk didn't have anything to report.

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

Mayor Pro-Tem 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 Garza

Council Member Garza didn't have anything to report.

5. Economic Development Committee Council Member Apodaca

Council Member Apodaca didn't have anything to report.

6. Planning And Zoning Commission – Mayor Aldrich

Mayor Aldrich didn't have anything to report.

7. Senior Center Corporation Board – Council Member Street

Council Member Street was unavoidably detained and had nothing to report.

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 an item for the August 11, 2022 agenda: make final decision on water rebate for Kirby residents. She thanked all the volunteers, City employees, Council Members, Universal City, Schertz, New Berlin, Live Oak and Northeast Partnership for their assistance with our water emergency.

Council Member Garza – He addressed last Monday's meeting. He requested items to be placed on the July 28, 2022 agenda: the situation that happened on Hickory with public works to identify process on how to handle these situations; Discuss Ordinance 903; Discussion and Possible Action on city attorney's contract. Address Monique Vernon in open session about City Council Members, public hearing about water situation, revisit the rebate to give the community, accountability will be at the forefront of his discussion. Special thanks to all the volunteers, the other cities, Northeast Partnership, and everyone in the community. Officers, fire department and city employees. I truly appreciate the hard work you do. I appreciate the Council Members who sprang into action. He thanked Council Member Walczyk for helping to obtain water. This is a working Council.

Mayor Pro-Tem Grider – She thanked all of our City staff for doing a great job. She thanked all the Committees, Maria for buying lunch and all agencies. Impressive time line 10 hours. All hands on deck. Leaders create other leaders. An item for the next agenda is Council retreat. Protect yourself, family – COVID is out there.

Council Member Walczyk – She provided comments to Ms. Padilla and Ms. Pierce about the water situation. She said Mayor Aldrich and City Manager Vernon did a great job. An item for the August 11 agenda: water contingency plan. She said on Monday she had a health issue and left the meeting. We lost two fabulous officers, one retired and one has a new job.

Council Member Apodaca – She thanked all City employees, Committees. Attended Northeast Partnership and was informed Balcones Heights Festival on July 15 and July 29; in Marion Annual City Festival on August 6; Tommy Calvert mentioned on August 7 at the ATT Center 1:00 P.M. – 4:00 P.M. giving away free school supplies.

Council Member Martin – He thanked everyone for doing a great job with the water situation. Rules and regulations will be followed.

Mayor Aldrich – She thanked Sergio from Senator Menendez’ office for attending our meeting tonight. She inquired about forming a task force to help support surrounding cities if they have a natural disaster we can go help. She thanked staff and said we have the best police and fire departments. Congratulations Sgt. Scurlock and Officer Sizenbach. Check on your neighbors, kids, animals, and everyone be safe.

11. Adjournment

Meeting adjourned at 8:53 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**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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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

NYES: 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 12th 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.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
BUDGET WORKSHOP
SATURDAY, JULY 30, 2022 – 1:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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:

1. Call Meeting to Order

Mayor Aldrich called the meeting to order at 1:00 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. Maria Lozano – She requested funding for the Beautification and Recycle Committee to fund beautifying the City and events. Funds could be used for banners, promote activities to keep citizens active. Also, add canopies over the pool to provide shade and adding work out equipment to the walking trail and another water fitness class.

6. Budget Workshop

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

City Manager Vernon provided an overview of the proposed budget. She provided details for General Fund revenues and expenditures. She identified all the updated funds in the Police Department, Municipal Court, Fire Department, Animal Services, Parks, Streets, General Operations and Water Fund. Proposed salary increases were included in the budget.

City Manager Vernon said this Proposed Budget shows approximately 4.2 months reserve in the General Fund and 14 months in the Water Fund.

Mayor Aldrich called for a break at 1:40 P.M.

Mayor Aldrich convened the meeting at 1:52 P.M.

There was discussion about the Economic Development Expense in the amount of \$35,000.00.

City Manager Vernon explained this was requested funding for hiring a company to help the Committee with economic development.

After discussing this in-depth the City Council agreed to keep the funds in the budget.

City Manager Vernon provided an overview on department expenses, salaries, pool contract, park improvements, streets and equipment, ARPA account, portable cooling fans for employees and incentive employee and family pool pass. She answered various questions from Council Members.

7. Adjournment

3:31 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

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

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:

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.

Maria Lozano, Chairperson, Beautification & Recycle Committee thanked the youth of Kirby Baptist Church and presented them with a Certification of Appreciation.

c. Presentation And Discussion On Establishing A Kirby Rock Garden

Ms. Abigail Wilcox expressed Kirby TX Rocks wants to relocate their rock garden to the shaded area outside of the Community Garden between the trees on the left side.

Council Member Street said the location next to the Community Garden is an excellent location.

Council Member Martin asked Ms. Wilcox if they have communicated with the Senior Center because there is a sign for them to have a rock garden by the Community Garden. Ms. Wilcox said both groups could have space by the Community Garden.

Council Member Garza said he saw the plans, it's a good idea and great location.

Council Member Walczyk asked who is paying for the pavers to get to the Rock Garden? Ms. Wilcox said they will do a little at a time.

Council Member Martin asked City Manager Vernon if the City had any issues with this Rock Garden. City Manager Vernon said no as long as they take care of the area.

7. Consideration Of And Action On Minutes

a. Special Minutes – July 11, 2022

Council Member Walczyk moved to approve the Regular Minutes – July 11, 2022; seconded by Council Member Apodaca. The motion carried with a 6-1 vote.

AYES: 6 NAYES: 1 (Council Member Street)

b. Regular Minutes – July 28, 2022

Council Member Martin moved to approve the Regular Minutes – July 28, 2022; seconded by Council Member Apodaca. The motion carried with a 6-0-1 vote.

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

c. Budget Workshop Minutes – July 30, 2022

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

- c. Discussion And Possible Action To Award A Bid For Group Insurance
- d. Discussion And Possible Action On Employee Wellness Program For Fiscal Year 2022-2023

Mayor Aldrich asked if there were any objections with opening items “c” and “d” together. There were no objections.

Jenni Haff from Marsh McLennan Agency announced they negotiated a 2.5% increase this year. The policy includes employee health, vision, dental and life insurances through our current providers: Blue Cross and Blue Shield (BCBS) and Dearborn. Employees rates will be covered 100% and dependents 45%. The Wellness Plan participants would have until November 30, 2022 to submit their completed Wellness Plan form. There will be a 10% surcharge of premiums if the employee and dependents do not participate in Wellness Plan.

Council Member Garza moved to approve the insurance bid and the Wellness Plan; seconded by Council Member Street. With all voting, “aye” the motion carried 7-0.

AYES: 7

NAYES: 0

- e. Discussion And Possible Action On Vehicle Request From The Kirby Volunteer Fire Department

Casey Hawkins, President of Kirby Volunteer Fire Department, said the Kirby Volunteer Fire Department is formally requesting the City of Kirby donate the Chief’s Ford truck to the Volunteers. The truck was originally purchased by the Volunteers for the Chief, then turned over to the City for insurance reasons.

Chief Hilburn, Fire Department, said he supports donating the former Chief’s Ford truck to the Kirby Volunteer Fire Department.

Council Member Garza moved to donate Chief Hilburn’s former Chief’s truck back to the Kirby Volunteer Fire Department for their use to support our community; seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- f. Discussion And Possible Action On An Agreement Between Texas Spartans And City Of Kirby For Use Of Friendship Park

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 information on the current system. We have at the two well sites. #2 and #3 and our system is OMNI Site Well Site Monitoring. She identified the pros and cons of the system. She explained Public Works routine with water well sites.

City Manager Vernon answered Council questions. There are at least three other vendors the City will contact, and ARPA funds are available for this use. There is funding available in the Water account. Not sure if SCADA connects to ground storage tank. Fees for SCADA is financing the first year and pay 55% of the cost then set up to pay annually. Well Site #1 was capped.

City Manager Vernon said an electrical engineer is needed for Well Site #2 to redesign the generator and electrical connections.

Council Member Walczyk suggested table this item until we have all information we need.

Mr. Miller said look for the best price and entertain bids from all vendors.

City Manager Vernon said information for August 25 agenda will be to discuss SCATA and numbers for final budget for Water Fund.

- 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.

City Manager Vernon asked that this item be postponed.

Council Member Street moved to postpone reviewing of Ordinance No. O- 2022-914 an ordinance amending the 2021-2022 Municipal Budgets of the City of Kirby; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7 NAYES: 0

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

City Manager Vernon informed Council that Tess Martinez withdrew her application.

Council Member Martin moved to appoint Cecilia Padilla to the Economic Development Committee to fill the vacancy; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7 NAYES: 0

- k. Discussion And Possible Action To Establish An Ordinance Review Committee

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.

Council Member Street moved to establish an Ordinance Review Committee with five members and a resident with code compliance experience and a six-month time for completion; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7 NAYES: 0

I. Discussion And Possible Action To Establish A City Of Kirby Fee Schedule

Council discussed establishing a City of Kirby Fee Schedule. They discussed raising the hourly fee for security for events to \$40.00. Season passes can be included when fees are determined.

Mr. Miller thanked Council for raising the fee for security to \$40 per hour.

Council Member Street moved to approve the established fee schedule; seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

AYES: 7 NAYES: 0

m. Discussion And Possible Action To Establish A 2023 Festival Planning Committee

Council Member Street said post on the City's website, etc. that applications are being accepted for the 2023 Festival Planning Committee and the initial Kick Off will be in September for the event next fall.

Council Member Garza moved to allow Ms. Wilcox to speak; seconded by Council Martin. The motion carried with a 6-0-1 vote.

NAYES: 6 NAYES: 0 NOT AVAILABLE WHEN CALLING VOTE: 1
(Council Member Walczyk)

Ms. Wilcox volunteered to help organize the event.

Council Member Walczyk said they were considering six members and there would be no more than three Council Members. Also, during the TML New Council Member seminar they learned that they cannot solicit funding because of indiscretions that might cause. She said they are looking for someone that has experience in that area. There are 4 spots left to complete the Committee of ten.

Council Member Garza moved to establish the 2023 Festival Planning Committee; seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

AYES: 7 NAYES: 0

- 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.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, AUGUST 25, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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:

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 safely. 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 29th.

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 2nd – 4th; Curbside Brush and Bulk Pick-up is September 5 – 23, 2022. This year there are three sectors, and National Night Out is October 4th, 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.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
SPECIAL MEETING
THURSDAY, SEPTEMBER 1, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

This meeting was 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:

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

ABSENT

Mayor Pro-Tem Grider

Council Member Apodaca
Council Member Garza
Council Member Martin
Council Member Street
Council Member Walczyk

5. Citizen Participation

None

6. Presentation

a. Presentation Of Proposed General, Water, Debt Service And ARPA Fund Budgets For The 2022-2023 Fiscal Year

City Manager Vernon presented the Proposed tax rate: 0.614126 per \$100; No New Revenue Tax Rate \$0.605950 per \$100; Voter Approved Tax Rate 0.614126 per \$100. She provided the breakdown for property taxes. The 2021 Certified Roll identified the Tax Levy \$2,922,364. The 2022 Certified Tax Roll identified the Tax Levy: 3,194,242. Last year's average residence value was \$131,530 @ .685667/100 = \$901.86. Using this year's proposed tax rate the average residence value is \$145,601 @.614126/100= \$894.17.

City Manager Vernon provided an overview on the proposed General, Water, Debt Service and ARPA Fund Budgets for the 2022-2023 Fiscal Year. The information is based on the last budget session. Proposed revenue is \$4,556,165 with \$600,000 transfer in from the water fund for a total of \$5,156,165. Total expenditures is \$5,912,001. The deficit is \$755,836. Total amounts per department: City Council: \$20,500; City Administration: \$461,525; Police Department: \$1,606,820; Municipal Court: \$97,659; Fire Department: \$1,329,304; Animal Services Department: \$159,203; Parks Department: \$226,812; Streets Department: \$1,428,262; General Operations: \$581,916; Capital Expenditures: Fire Department: \$20,000; Streets Department: \$898,000. Interest and Sinking Fund: Ad Valorem Tax Collection plus interest \$504,574; Bond Principal plus interest and paying agent fees \$487,925. Excess \$16,649. Capital Project Fund Series 2018 current status: Capital Project Series 2018 - \$6,845,000. Capital Project fund as of August 2022 plus issuance excess and interest income is \$7,106,115. Expenses \$667,411; Ending Balance \$6,438,704.

City Manager Vernon announced the meeting the Council will vote on the tax rate will be Thursday, September 8, 2022 at 7:00 P.M.

7. Public Hearing

a. Public Hearing On Proposed Budgets For The 2022-2023 Fiscal Year

Mayor Aldrich opened the Public Hearing at 7:22 P.M.

1. Roger Romens – He stated that ten years ago the operational reserve was over eight months. Now it is under three months with this budget. The City is needing more funds to operate and that comes from the residents. He's concerned for the residents who will have to make decisions on what they are going to do without.

2. Cory Mobley – He stated as a member of the Economic Development Committee there is a need for an outside organization to help them generate more businesses. Three proposals were provided and in order to help the community the Committee needs outside help.

3. Lisa Pierce – These days most people are on a fixed income. She understands challenges that are being faced. She urged Council to think about each line item. Consider as we move into the year our animal services. This service that is least looked at and overlooked. There is a large number of stray animals and the shelter needs people to help care for them. Funding is needed for animal services. This is a necessity. Thank you for your service.

Mayor Aldrich closed the public hearing at 7:31 P.M.

8. Discussion And Possible Action

a. Discussion And Direction On Proposed Budgets For Fiscal Year 2022-2023

City Manager Vernon stated in order to have four months reserves there needs to be \$550,000 removed from the budget. Council discussed the various items in the budget could be removed.

City Manager Vernon started the discussion with an overview of the Water Fund. Salaries were increased in department budgets to reflect the \$2.00 per hour increase for every employee, except department heads. Adding a pipe cutter - \$5,000.

City Manager Vernon provided an overview of the General Fund Revenues. Council provided input on the line items.

City Manager Vernon asked Council if they had any changes to Council Expenses. Council did not have any changes. She continued with the expenses of City Administration, Police Department, Municipal Court, Fire Department, Animal Services, Parks, Streets, and General Operations.

Council Member Garza moved to allow Lisa Pierce an opportunity to speak; seconded by Council Member Walczyk. The motion carried with a 6-0 vote.

Lisa Pierce spoke about a previous street construction bid and the contractor did resurface the street as a part of their bid.

City Council continued their exploration of the proposed budget to reduce \$550,000 from the budget.

City Manager Vernon will continue reviewing the budget for the funds.

9. Adjournment

The meeting adjourned at 9:25 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MEETING
REGULAR MEETING
THURSDAY, SEPTEMBER 8, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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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 Garza (participated via ZOOM)

ABSENT

Council Member Apodaca

Mayor Pro-Tem Grider
Council Member Martin
Council Member Street
Council Member Walczyk

5. Citizen Participation

1. Kate Silvas – She informed Council she is a business owner, principal and CEO of Silvas Group a private consulting firm in Converse, Texas. She attended the meeting to listen, learn and understand the City's needs and priorities.

2. Robert Gonzalez – He is representing his pastor, Carlos Garcia. They are seeking approval to use Friendship Park Pavilion for a youth ministry event, Juventud Que Adora Texas, on October 31. There will be approximately 150 youth that will gather and they understand the need for security.

3. Roger Romens – He stated in light of the recent negative press coverage of the Kirby Senior Center it would be appropriate for Council to place on the next agenda an operational status update of the Kirby Senior Center from the Board President or Vice President. The Kirby Senior Center is a 100 percent wholly owned subsidiary corporation of the City of Kirby. The board members are approved and removed at the sole discretion of the City Council. The update will help alleviate clientele concerns caused by rumors and social media. He identified the functions of the Kirby Senior Center.

6. Consideration Of And Action On Minutes

a. Regular Minutes – August 25, 2022

Council Member Martin moved to approve the minutes of August 25, 2022; seconded by Council Member Walczyk. The motion carried with a 4-1-1 vote.

AYES: 4 NAYES: 1 (Council Member Garza) ABSTAIN: 1 (Mayor Pro-Tem Grider)

7. Presentation

a. Presentation And Discussion On 2022 Pool Season

City Manager Vernon presented an overview of the 2022 pool season and answered questions. The current contract expires November 2022.

8. Discussion And Possible Action

a. Discussion And Possible Action To Award A Bid For The Alan Shepard Road Reconstruction And Sewer Replacement Project

Carl Bain, City Engineer, reported on the seven bids that were received for the Alan Shepard Road Reconstruction and Sewer Replacement Project. There was a four-member committee selected by the City to score the bids. The low bidder with the highest score was RL Jones Construction, score of 95.25. The project reconstruction is from Alan Shepard from the cul-de-sac to Dick Gordon.

After receiving the bid information from Mr. Bain, Council discussed the difference between the bid amount and grant amount awarded that the City needs to allocate to finish the project.

Council Member Walczyk moved to scale back the Alan Shepard Road Reconstruction and Sewer Replacement Project by ten percent to procure savings and reflect that also on our other projects; seconded by Council Member Street. The motion failed with a 2-4 vote.

AYES: 2 NAYES: 4 (Council Member Garza and Martin; Mayor Pro-Tem Grider and Mayor Aldrich)

Council Member Martin moved to accept the bid from RL Jones Construction for the Alan Shepard Reconstruction and Sewer Replacement project; seconded by Mayor Pro-Tem Grider. The motion failed 3-3 vote.

AYES: 3 NAYES: 3 (Council Members Walczyk, Street, Garza)

Council Member Street moved to postpone this item to the next meeting to allow the City Engineer time to provide additional information; seconded by Council Member Garza. The motion failed with a 3-3 vote.

AYES: 3 NAYS: 3 (Mayor Pro-Tem Grider and Council Members Martin and Aldrich)

Council Member Walczyk moved to approve the bid from RL Jones Construction for the Alan Shepard Road Reconstruction and Sewer Replacement Project as long as the money doesn't come out of salaries; seconded by Council Member Martin. The motion carried with a 4-2 vote.

AYES: 4 NAYES: 2 (Council Members Garza and Street)

b. Discussion And Possible Action To Award A Bid For The Ackerman Road Phase II Project

Carl Bain, City Engineer, reported on the eight bids that were received for the Ackerman Road Phase II Project. The bids were evaluated by the four member committee. The low bidder was Texas Sterling with a total price in the amount of \$9,763,552.55. Of that amount \$1,224,879.80 is CPS Energy gas work. The City of Kirby will be responsible for \$8,538,672.75. The bids ranged from \$9.7 million to \$11.5 million.

Mayor Aldrich stated as a reminder that the citizens voted in favor of the bond and the lowest bidder does not have to be selected.

There was discussion about the difference in the bids costs that were submitted and the bond funds available.

Council Member Martin moved to postpone the Ackerman Road Phase II bid award to the next meeting; seconded by Council Member Walczyk. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Mayor Aldrich)

- c. Discussion And Possible Action On Ordinance No. O-2022-917 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. This Is The First Reading.

Council Member Martin moved to accept Ordinance No. O-2022-917 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; seconded by Council Member Walczyk. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- d. Discussion And Possible Action On An Agreement With Speed 21 For Use Of Friendship Park For Sports Camps And Related Events.

City Manager Vernon identified the various terms of the agreement.

After discussing the lease agreement, the following changes would be included:

Item 10. Annual Report and Financial Statement. Due by July 15 instead of September 30.

Council asked Mr. Devan Hemphill to submit the current financials next week and provide non-profit information.

Item k. Will be deleted in its entirety.

Council Member Walczyk moved to accept the two-year agreement with Speed 21 for use of Friendship Park for Sports Camps and related events with the changes; seconded by Council Member Street. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- e. Discussion And Possible Action To Accept The Resignation of John Houlton From Crime Control And Prevention District Board

Council Member Street moved to accept the resignation of John Houlton from Crime Control and Prevention District Board; seconded by Council Member Walczyk. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Mayor Aldrich)

- f. Discussion And Possible Action On Economic Development Budget Allocation For Fiscal Year 2022-2023

Mayor Aldrich explained this item is back on the agenda to discuss allocating funds for the Economic Development Committee they need to advance their productivity with economic development.

Council Member Garza said he wanted to hear what Ms. Silvas will provide and suggested postponing this item until she can do a presentation.

Council Member Martin stressed that the Economic Development Committee needs help to move the City forward.

Council Member Street moved to allow Ms. Silvas to speak about her proposal; seconded by Council Member Walczyk. The motion carried with a 6-0 vote.

Ms. Silvas provided information on her background and what she can do for the City of Kirby Economic Development Committee.

Council continued their discussion on allocating funds for the Economic Development Committee for Fiscal Year 2022-2023 Budget.

Council Member Walczyk moved to allow Ms. Silvas another opportunity to speak; seconded by Council Member Street. The motion carried with a 6-0 vote.

Ms. Silvas offered her views for making the decision on allocating the funds for the Economic Development Committee.

Council Member Walczyk moved to allocate \$18,000 to the Economic Development Committee for upcoming projects and some instruction on how to do those projects. Council Member Walczyk withdrew her motion.

Council Member Walczyk moved to allocate \$18,000 to Economic Development Committee for upcoming projects and current projects and if need be somewhere down the line if we need more money we will find it; seconded by Council Member Martin. The motion failed with a 0-6 vote.

AYES: 0

NAYES: 6 (Mayor Aldrich; Mayor Pro-Tem Grider, Council Members Walczyk, Garza, Martin, and Street)

Mayor Pro-Tem Grider requested clarification that if one of the companies is accepted that Council will locate additional funds to accept the proposal. Council concurred.

Council Member Street moved to have a fifteen minute recess; seconded by Council Member Walczyk. The motion carried with a 4-2 vote.

Ayes: 4

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

Mayor Aldrich called for a 15 minute recess at 9:10 P.M.

Mayor Aldrich reconvened at 9:25 P.M.

Council Member Walczyk apologized to the audience and those viewing on-line for her comments earlier.

Council Member Walczyk moved to leave \$5,000 in the Economic Development Committee line item plus an additional \$18,000 to the Economic Development Committee line item; seconded by Council Member Martin. The motion carried with a 4-2 vote.

AYES: 4

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

Council Member Martin move to go to item "k"; seconded by Mayor Pro-Tem Grider. The motion carried with a 6-0 vote.

g. Discussion And Direction On Following Robert's Rules OF Order In City Council Meetings

Council Member Street requested this item and provided written information for Council Members addressing Robert's Rules and Parliamentary procedures.

Council shared their thoughts about the Robert's Rules and Parliamentary procedures.

Council Member Street moved to set a date for a workshop for following Robert's Rules for our Council meetings; seconded by Council member Walczyk. The motion carried 4-2.

AYES: 4

NAYES: 2 (Council Member Martin, Mayor Aldrich)

- h. 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 Second Reading.

Council Member Walczyk 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; seconded by Council Member Martin. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- i. 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 Second Reading.

Council Member Street 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; seconded by Council Member Garza. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- j. Discussion And Possible Action To Appoint A Member To The Planning And Zoning Commission For A Term That Expires August 2024.

There have not been any applications submitted.

- k. Discussion And Possible Action On A Request For The City To Allow Use Of Friendship Park For The Juventud Que Adora Texas on October 31, 2022

Mr. Robert Gonzalez provided information on the Juventud Que Adora Texas' use of the pavilion in Friendship Park.

Council Member Walczyk moved to allow Juventud Que Adora Texas use of Friendship Park on October 31, 2022; seconded by Mayor Pro-Tem Grider. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

9. City Manager Announcements

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

City Manager Vernon stated that residential curbside brush and bulk started September 5th. National Night Out is October 4, 6 P.M. - 8 P.M. at Friendship Park. Beautification & Recycle Committee with VFW will have a rummage sale on Saturday, October 15, 8 A.M. – 3 P.M. Saturday, October 29 noon – 2 P.M. trunk or treat in the cul-de-sac at Public Works.

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 said the Senior Center is accepting donations of candy for their Halloween event. She thanked all City employees for doing a good job.

Council Member Garza said he has a distaste for not being given information. City Council needs to be provided information more in advance in order to make decisions. He thanked everyone for attending the meeting and thanked everyone who works for the City.

Mayor Pro-Tem Grider said the Beautification and Recycle Committee will have a street clean up on October 8, 8 A.M. -10 A.M. any youth needing community service hours are invited. Clean up will start at Kirby VFW on Ackerman Road toward the Police Department. Also, Beautification and Recycle Committee along with VFW will have a Rummage Sale on Saturday, October 15, 8 A.M. – 3:00 P.M. \$25 per stall. A flyer will be available next week with further information. Kirby Youth Outreach Events: SA Youth Rugby Free Clinic at Friendship Park 9-11 AM September 24, October 15 and November 19. Kirby Fitness Free Zumba Classes 6:30 P.M. – 7:30 P.M., September 15 & 20, October 6 & 20, November 3 & 17 and December 1 & 15 at Friendship Park Pavilion. Mayor Pro-Tem Grider addressed accountability. For a future agenda update on the Senior Center. Discussion and possible action removing Council Member Street as a Kirby Senior Center Board Liaison and switching with another Committee.

Council Member Walczyk said she attended Northeast Partnership today and shared some of the discussions about grants. She asked for an agenda item to discuss the Kirby Senior Center. ACCD has an intern program that Kirby can utilize for employee staffing. She stated she proud we have Zipper machine. There are several other cities providing monthly statements open to the public and Council. She asked if Council could receive quarterly statements. She agreed Council should be provided information earlier. An item for an agenda to conduct a workshop for Robert's Rules of Order either in September or November. She asked why there is a meet and greet with Mayor-Pro-Tem Grider and City Manager Vernon only. She introduced a new program she and Council Member Martin developed with the County to paint senior homes. She will provide an application for City Manager Vernon to review.

Council Member Martin thanked all City staff. He inquired about an update on the bridges. City Manager Vernon said Public Works is following up on the bridges. He spoke about his term on the Kirby Senior Center Board and how he tried to speak to the person who could help him with his concern. When he directed his concern to the Board President he was removed from the Board.

Mayor Aldrich said September is Suicide Awareness Month. Speak up, reach out to someone for help. She thanked staff.

11. Adjournment

The meeting adjourned at 10:19 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
SPECIAL MEETING/PUBLIC HEARING
THURSDAY, SEPTEMBER 15, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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1. Call Meeting to Order

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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 (participated via ZOOM)
Mayor Pro-Tem Grider
Council Member Martin
Council Member Street
Council Member Walczyk

5. Citizen Participation

There were not any citizens signed up to participate.

6. Consideration Of And Action On Minutes

a. Special/Public Hearing Minutes – September 1, 2022

Council Member Martin moved to approve the minutes of September 1, 2022; seconded by Council Member Apodaca. The motion carried with a 6-0-1 vote.

AYES: 6 NAYES: 0 ABSTAIN: 1 (Mayor Pro-Tem Grider)

7. Public Hearing

a. Public Hearing On Proposed Budgets For The 2022-2023 Fiscal Year

Mayor Aldrich opened the Public Hearing On Proposed Budgets For The 2022-2023 Fiscal Year at 7:06 P.M.

There were not any citizens who wished to speak. Mayor Aldrich closed the Public Hearing On Proposed Budgets For The 2022-2023 Fiscal Year at 7:07 P.M.

8. Discussion And Possible Action

a. Discussion And Possible Action On Fiscal Year 2022-2023 Budgets

Council Member Street moved to address item 8.b. before discussing item 8.a.; seconded by Council Member Garza. The motion carried with a 7-0 vote.

City Manager Vernon provided an overview of the Fiscal Year 2022-2023 Budgets. The date and time for the Fiscal Year 2022-2023 Budgets is September 22, 2022.

Council discussed the Fiscal Year 2022-2023 Budgets.

Council Member Martin moved to place approval of the Fiscal Year 2022-2023 Budgets on the September 22, 2022 agenda, seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

b. Discussion And Possible Action On Asphalt Zipper Machine Financing

Council discussed the financing for the asphalt zipper machine.

Council Member Street moved to accept financing the asphalt zipper machine; seconded by Council Member Martin.

Council Member Street amended her motion.

Council Member Street moved that the City of Kirby borrow an amount not to exceed \$201,090.00 plus interest from Texas Heritage Bank (or another lender acceptable to City Manager Monique Vernon) for the purchase of the Asphalt Zipper Machine on such terms as are acceptable to City Manager Monique Vernon so long as terms of the loan documents include a provision stating that the obligation of the City of Kirby under the loan documents is conditioned on a best effort attempt by the City Council of the City of Kirby to obtain and appropriate funds for payment of the obligation evidenced by the loan documents; seconded by Council Member Martin. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

9. Adjournment

The meeting adjourned at 7:20 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
REGULAR MEETING/PUBLIC HEARING
THURSDAY, SEPTEMBER 22, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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3. Mission Statement

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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. Roger Romens – He said he will speak on an item on the agenda.
2. Stephanie Faulkner – She spoke regarding the Code of Conduct that will be discussed tonight. She was informed the document will be distributed tonight and that did not offer her enough time to review the document to speak on this item. The Boards, Committees, and Commissions should be able to look at the document in advance. At the last meeting there was a statement about City staff not providing information in a timely manner.
3. Jacqueline Wynn – She inquired about the \$75.00 credit for water customers. Where she lives each home has individual meters. They receive an invoice from the mobile home office. She asked if she was going to be included in the credit.
4. R. Corpus – His concern was the curbside brush pick up. His was not picked up because there was too much brush. He was told there was a limit and he wanted to know who decides the limits with the pick up?

6. Consideration Of And Action On Minutes

a. Regular Minutes – September 8, 2022

Council Member Walczyk moved to approve the minutes of September 8, 2022; seconded by Council Member Garza. The motion carried with a 6-0-1 vote.

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

7. Presentation

a. Fire Prevention Week Proclamation

Mayor Aldrich presented Fire Chief William Hilburn and firefighters with a proclamation recognizing Fire Prevention Week.

b. Economic Development Proposal – Kate Silvas, The Silvas Group

Ms. Kate Silvas, The Silvas Group, presented her proposal.

8. Public Hearing

a. Public Hearing On Proposed 2022 Property Tax Rate

Mayor Aldrich opened the Public Hearing on proposed 2022 Property Tax Rate at 7:32 P.M.

There were not any citizens present to speak. Mayor Aldrich closed the Public Hearing at 7:34.

9. Discussion And Possible Action

a. Update, Discussion And Possible Action On Alan Shepard Road Reconstruction And Sewer Replacement Project

City Manager Vernon provided the history on this project. At the last meeting the contract was awarded to RL Jones.

There was discussion on whether or not to scale back and use the saved funds toward the zipper.

Mr. Carl Bain, City Engineer, said the project will take between 6 – 8 months for completion.

Council Member Street moved to keep the bid as is, without changes; seconded by Council Member Martin. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

b. Discussion And Possible Action To Award A Bid For The Ackerman Road Phase II Project

Mayor Aldrich thanked Council Member Street for her hard work reviewing the project and providing the spreadsheet.

Council Member Street had created a spreadsheet comparing the top 2 bids: Texas Sterling and Austin Bridge. She offered a comparison of the two bids.

Council Member Walczyk moved to award the bid to Austin Bridge and Road for the Ackerman Road Project, also using funds from our water fund for the sewer; seconded by Council Member Street.

City Manager Vernon said note that is a higher dollar amount coming out of the water fund for that portion, that section for SAWS items is more expensive. We advertised a particular grading system and the recommendation was made from the committee based on that grade system. You have the right to award this bid as you see fit but you may get a protest related to this vote. She wanted to make sure everyone understood that you are going against the recommendation from the grading system that we advertised. This bid was not strictly based on price, it was based on grading criteria.

The motion carried with 7-0 vote for Austin Bridge and Road.

AYES: 7

NAYES: 0

- c. Discussion And Possible Action On Ordinance No. O-2022-918 Making Appropriations For The Support Of The City Of Kirby For The Fiscal Year Beginning October 1, 2022 And Ending September 30, 2023 Appropriating Money To A Sinking Fund To Pay Interest And Principal Due On The City's Indebtedness; And Adopting The Annual Enterprise And General Fund Budgets Of The City Of Kirby For 2022-2023 Fiscal Year. This Is The First Reading.

Council Members addressed the difference in the numbers in the budget from the last meeting.

Council Member Garza moved to move items c, d, e, and f to the end of Discussion and Possible action to allow City Manager Vernon time to enter the changes being requested; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

City Manager Vernon distributed the revised budget and identified the changes. She answered questions from Council.

Council Member Street moved to accept Ordinance No. O-2022-918 making appropriations for the support of the City of Kirby for the Fiscal Year Beginning October 1, 2022 and ending September 30, 2023 appropriating money to a sinking fund to pay interest and principal due on the City's indebtedness; and adopting the Annual Enterprise and General Fund Budgets of the City of Kirby for 2022-2023 Fiscal Year; seconded by Council Member Walczyk. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- d. Discussion And Possible Action To Dispense With The Second Reading Of Ordinance No. O-2022-918 So That Ordinance No. O-2022-918 Becomes Effective Immediately.

Council Member Street moved to dispense with the second reading of Ordinance No. O-2022-918 so that Ordinance No. O-2022-918 becomes effective immediately; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- e. Discussion And Possible Action On Ordinance No. O-2022-919 Levying Ad Valorem Taxes For Use And Operation Of The Municipal Government Of The City Of Kirby, Texas For The 2022 Tax Fiscal Year; Providing For Apportioning Each Levy For Specific Purposes; And, Providing When Taxes Shall Become Due And When Same Shall Become Delinquent If Not Paid. This Is The First Reading.

Council Member Street moved that the property tax rate be increased by the adoption of a tax rate of .614126, which is effectively 1.34 percent increase in the tax rate per ordinance No. O-2022-919; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- f. Discussion And Possible Action To Dispense With The Second Reading Of Ordinance No. O-2022-919 So That Ordinance No. O-2022-919 Becomes Effective Immediately.

Council Member Garza moved to dispense with the second reading of Ordinance No. O-2022-919 so that Ordinance No. O-2022-919 becomes effective immediately; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- g. Discussion And Possible Action On Ordinance No. O-2022-917 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. This Is The Second Reading.

Council Member Street moved to accept Ordinance No. O-2022-917 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; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

h. Update And Discussion On Kirby Senior Center Corporation Board Membership, Staffing, Operation Status And Future Plans

Roger Romens provided information on the Kirby Senior Center Corporation Board Membership, Staffing, operation status and future plans.

Kirby Senior Center Board President Mr. Barboza addressed the miscommunication that has been circulating

i. Discussion And Possible Action To Schedule A Workshop On Robert's Rules Of Order

Council discussed whether or not to schedule a workshop on Robert's Rules of Order. There were parliamentary procedures in the ordinances and everyone should read them, learn them and apply them. If a workshop is needed, then discuss scheduling one.

j. Discussion And Possible Action To Appoint Members To The Planning And Zoning Commission.

Mayor Aldrich said one application came in from Joe Salazar. City Secretary informed Mayor Aldrich that Mr. Salazar was unable to attend the meeting and said he is interested in being appointed to the Planning and Zoning Commission.

Council Member Apodaca moved to appoint Joe Salazar; seconded by Mayor Pro-Tem Grider. The vote failed with 3-3-1 vote.

AYES: 3

NAYES: 3 (Council Members Garza, Martin, Street)

ABSTAIN: 1 (Council Member Walczyk)

k. Discussion and Possible Action To Appoint And Re-appoint Members To The Crime Control And Prevention District Board.

City Manager Vernon informed Council at their last meeting the Crime Control and Prevention District Board asked to wait on appointing a member until after their meeting in October because they currently have one vacancy and they are going to address attendance which could open up a second vacancy and there are two applications.

Council Member Martin moved to postpone appoint and re-appoint of members to the Crime Control and Prevention District Board to the next meeting; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

I. Presentation, Discussion And Possible Action On City Attorney Services

Mayor Aldrich announced the names of the two services that submitted an RFQ. Law offices of Davidson Troilo Ream & Garza and the other is Denton Navarro Rocha Bernal and Zech.

Jessie Lopez with Davidson Troilo Ream & Garza introduced his associates who were present and provided information on their firm. Austin Beck provided the different responsibilities of staff and their role with their client.

Kelly Albin with Denton Navarro Rocha Bernal & Zech, P.C., introduced the associates who were present and provided information on their firm. She identified the services they provide to their clients.

Council Member Martin moved accept Denton Navarro Rocha Bernal & Zech, P.C. for city attorney services; seconded by Council Member Street. The motion carried with a 5-2 vote.

AYES: 5

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

Council Member Walczyk requested a 15-minute break; seconded by Council member Street. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Mayor Aldrich)

Mayor Aldrich called for a recess at 9:00 P.M.

Mayor Aldrich reconvened the meeting at 9:42 P.M.

m. Texas Municipal League Conference Session Assignments By Mayor Aldrich

Mayor Aldrich explained it would be beneficial if Council Members attended different sessions to share their experience with Council during a Council meeting. She asked that there be a maximum of two council members per session.

n. Discussion And Possible Action On Code Of Conduct For Board, Commission And Committee Members

Council Member Walczyk read the Code of Conduct.

Council discussed the Code of Conduct presented to them.

Mayor Pro-Tem Grider moved to allow Stephanie Faulkner to speak; seconded by Council Member Apodaca. With all voting, "aye" the motion carried.

Stephanie Faulkner expressed her views on the Code of Conduct and nepotism.

City Council continued their discussion on the Code of Conduct.

Council Member Apodaca moved to allow Mr. Faulkner to speak; seconded by Mayor Pro-Tem Grider. With all voting, "aye" the motion carried.

Mr. Faulkner provided the history on the Code of Conduct.

Council Member Walczyk moved to allow Mrs. Faulkner to speak; seconded by Council Member Garza. With all voting, "aye" the motion carried.

Mrs. Faulkner provided more history on the Code of Conduct.

City Council continued their discussion.

Council Member Apodaca moved to allow Mr. Faulkner to speak; seconded by Council Member Garza. With all voting, "aye" the motion carried.

Mr. Faulkner read the definition of nepotism and asked how it applies to Board members.

City Manager Vernon asked Council what they are trying to achieve? How are we going to enforce? Your replies will be forwarded to our new legal counsel. Ms. Vernon stated she received the Code of Conduct today and has not had an opportunity to thoroughly review the content.

Council Member Walczyk moved to provide to legal team and also change this so City Council signs, too; seconded by Council Member Martin. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

10. City Manager Announcements

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

City Manager Vernon reminded everyone about National Night Out on October 4, 6 P.M. – 8 P.M. in Friendship Park. Kirby Fire Department is partnering with Dominos Pizza 6604 FM 78 National Fire Protection Association to promote Fire Safety. If you order a pizza from Dominos October 11, 13, and 14, between the hours of 5 P.M. – 8 P.M. you might be selected to have your pizza delivered by Kirby Fire Department. Fire Department personnel will conduct an inspection of your fire alarms and will install a new alarm if needed. Fire wont wait, so plan your escape.

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 announced Kirby Senior Center is accepting candy for Halloween. She asked City Manager Vernon if she would continue advertising committee, commission, board vacancies on a weekly basis on Facebook. An item for the next agenda – Santa Parade. She thanked City employees and wished everyone a great weekend.

Council Member Garza addressed something said at the last meeting. An item for an agenda – Discussion on creation of a committee to award road contracts and the grading system that we currently use.

Mayor Pro-Tem Grider addressed the comments made by Council Member Garza. She also addressed negativity. Beautification & Recycle Committee and VFW Post 2059 are conducting a Rummage Sale, \$25 per stall October 15, 2022 8 A.M. – 3 P.M. This weekend Kirby Youth Outreach Event San Antonio Youth Rugby Free Clinic at Friendship Park September 24 9 A.M.-11 A.M.; also, Kirby Fitness Zumba Class October 6 & 20 November 3 and 17 December 1 & 15 Free classes.

Council Member Walczyk said Schertz Police Department, Selma Police Department, Cibolo Police Department are conducting community car seat check Saturday, September 24, 9 A.M. – 2 P.M.

Council Member Apodaca addressed the atmosphere between Council Members. She thanked staff and everyone who stayed during the meeting.

Council Member Martin thanked staff for doing an outstanding job.

Mayor Aldrich said National Night Out – October 4 and she hopes to see all of the Council Members at National Night Out. She asked City Manager Vernon to inform Chief Cardona there is an excess of big trucks and 18 wheelers on Binz Engleman. She addressed the attitude of Council Members. She thanked everyone for staying through the meeting.

12. Adjournment

The meeting adjourned at 11:25 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, OCTOBER 13, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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.

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. Roger Romens – He spoke in regards to the minutes of the last meeting in reference to agenda item 9. h. He said the minutes were censorship by city staff.

2. Maria Lozano – She provided information on the Beautification and Recycle Committee street clean up on October 15, 2022. With the help of volunteers, the event was a success. She asked Council to use the opportunity of the various events in the City as a way to build relationships with the public. She thanked La Luz Del Mundo church for helping with the clean up, Public Works Department, Fire Department and Police Department for their assistance.

3. Ms. Willie Mae Clay – She thanked Council for working closely with VIA Metropolitan Transit and making it possible for the construction of the bus platform located on Charles Conrad and Old Seguin Road.

4. Chief Hilburn – He spoke on behalf of the family of Mr. Casey Hawkins. He said Mr. Hawkins started out as a Junior Volunteer, when he received his EMT he began working with the City of Kirby Fire Department. Mr. Hawkins left the City of Kirby and returned last year to serve as the President of the Volunteer Fire Department. The Hawkins family would like to have a memorial service at Friendship Park Friday, October 21 starting at noon. They are requesting permission to use the Park on Thursday 20th for preparation of bar-b-q and other food items which will require overnight stay in the Park. The family is asking if the fees for the event could be waived. The family assured him there would not be any alcohol during this event.

5. Lily Martinez – Mayor Aldrich read an email Ms. Martinez sent to the city secretary to be read during the Council meeting. Ms. Martinez wrote about specific occurrences during the last few council meetings. She wrote that the council meetings are a farce, people getting their feelings hurt and ending up in squabbles and infighting.

6. Consideration Of And Action On Minutes

a. Special Minutes – September 15, 2022

Council Member Walczyk moved to accept the Special Minutes of September 15, 2022; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

b. Regular Minutes – September 22, 2022

Mayor Aldrich asked that this item be moved to our next meeting because the minutes are being revised.

Council Member Street moved to move the approval of the minutes to the next Council meeting because they are being revised; seconded by Council Member Walczyk. The motion carried with a 7-0 vote.

7. Presentation

a. Employee of the Quarter

Mayor Aldrich recognized Tracy Miller, Programs Supervisor, as Employee of the Quarter.

b. Yard of the Quarter – Beautification And Recycle Committee

Maria Lozano, Beautification and Recycle Committee Chairperson and Pat Baber recognized Jacqueline Winn as Yard of the Quarter recipient.

Council Member Walczyk moved to discuss item 8.b. before item 7.c.; seconded by Council member Street. The motion carried with a 7-0 vote.

c. City of Kirby Animal Services Calendar Fundraiser

City Manager Vernon provided the history of the first City of Kirby Animal Services Calendar Fundraiser. She said the proceeds will go to support Animal Services. Photos will be scheduled later this month and there will be a theme.

d. Trunk Or Treat – October 29, 2022

City Manager Vernon said the flyers are posted and available in City Hall lobby. The last trunk or treat was in 2015 and bringing it back this year. Saturday October 29, noon – 2:00 P.M. in Duffek Circle by Animal Services Department building. Local business and organization are invited to participate. Also extended invitation to our neighboring cities and businesses.

e. Annual Santa Parade – December 18, 2022

Chief Hilburn provided a presentation on the Annual Santa Parade. This will be the 47th Annual Santa Parade on December 18th starting at 5:00 P.M. He confirmed that Santa will be available to attend.

f. Judson Independent School District Bond – Dr. Mary Duhart-Toppen

Dr. Mary Dehart-Toppen provided information on the upcoming Judson Independent School District Bond.

8. Discussion And Possible Action

a. Discussion And Possible Action On Resolution No. R-2022-747 A Resolution To Ratify The Property Tax Increase Reflected In The In The 2022-2023 City Budgets.

City Manager Vernon explained this item is to ratify the property tax increase reflected in the 2022-2023 City Budgets.

Council Member Street moved to approve Resolution No. R-2022-747 a Resolution to ratify the property tax increase reflected in the 2022-2023 City budgets; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

b. Discussion And Possible Action On A SCADA System For The City Of Kirby Well Sites And Lift Station

Jeremy Martens, Micro-Comm, Inc., Senior Project Manager participated via ZOOM. He was available to answer questions.

Council Member Garza moved to accept the SCADA System for the City of Kirby Well Sites and lift station; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

c. Discussion And Possible Action On Code Of Conduct For Board, Commission And Committee Members

Mayor Aldrich recognized Roger Romens who signed up to speak on this item.

Mr. Romens said nepotism was a heated topic at the last meeting. He provided information about himself and his son at Kirby Senior Center. He asked Mayor Aldrich to share her stance on her change of feeling about nepotism.

Mayor Aldrich recognized Maria Lozano who signed up to speak on this item.

Ms. Lozano said Council is expecting committees to sign this form. We are struggling to sign up volunteers and asked to remove nepotism from the form.

Council continued their discussion on Code of conduct for board, commission and committee members. Topics that were brought up were nepotism, sales tax, be clear if members do not sign, include definition of nepotism in the document, what is the plan of action and should all council members sign.

Council Member Apodaca moved to allow Mr. David Faulkner to speak; seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

Mr. David Faulkner said in the original Code of Conduct the first three words are "During the meeting." Most of us on boards, committees, commissions know how to act while representing the City and others do not. I care while I'm on the Board and I do the best that I can and act the best that I can. That's all you can ask of people. Outside of that you can't control volunteers. Its not your job. You have to look at how you are affecting the 1st amendment rights of others.

Council Member Walczyk moved to postpone action on Code Of Conduct For Board, Commission And Committee Members to the next meeting; seconded by Council Member Martin. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Council Member Garza)

d. Discussion And Possible Action On Infrastructure Projects Contract Proposal Criteria

City Manager Vernon provide an overview on the evaluation criteria. She provided the following responses to questions that were asked. The city engineer writes the criteria. The committee membership was created when the first bid was advertised and has remained the same. The members of the committee are people with expertise: one Council Member, one engineer, Public Works Director and City Manager.

e. Discussion And Possible Action To Appoint Members To The Planning And Zoning Commission

There were not any applications.

f. Discussion And Possible Action To Appoint Members To A City Festival Planning Committee

City Manager Vernon said there are two applicants. Juan Cantu and Shawntina Harris.

Council Member Martin moved to appoint Juan Cantu and Shawntina Harris to the City Festival Planning Committee; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

g. Discussion And Possible Action To Appoint Members To An Ordinance Review Committee

City Manager Vernon said Lindsey McCoy is an applicant.

Council Member Walczyk moved to appoint Lindsey McCoy to the Ordinance Review Committee; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

h. Discussion And Possible Action To Appoint Members To A Charter Review Commission

City Manager Vernon said the City Charter can be renewed every six years. The earliest is two years after renewed, which will be May 2023. The Commission will consist of seven residents and at this time we do not have any applicants. There was no action on this item.

i. Discussion and Possible Action To Appoint And Re-Appoint Members To The Crime Control And Prevention District Board

Mayor Aldrich said Council cannot vote on new applications because Crime Control hasn't voted on the applications, Council can vote on the reappointments tonight.

Mayor Aldrich called on Maria Lozano who signed up to speak on this item.

Mrs. Lozano spoke about the numerous vacancies on multiple committees and applicants with experience that would be an asset. There is an applicant who has knowledge and experience that would be an asset to the Crime Control and Prevention District Board.

Council Member Martin said he spoke with Mr. Thuleen, a current Commissioner, and he wants to be reappointed along with Mr. Shaw and Ms. Mann.

Council Member Martin moved to reappoint Mr. Kenneth Thuleen, Mr. Harold Shaw and Ms. Patricia Mann to the Crime Control and Prevention District Board; seconded by Mayor Pro-Tem Grider. The motion carried with 7-0 vote.

AYES: 7

NAYES: 0

j. Discussion And Possible Action To Re-Appoint Members To The Beautification And Recycle Committee

Council Member Garza moved to reappoint Katherine McGarity, Maria Lozano and Pat Baber to the Beautification and Recycle Committee with the term ending October 1, 2024; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

k. Discussion And Possible Action To Re-Appoint Members To The Building And Standards Commission

City Manager Vernon said the alternate member, Richard Bundick, can be appointed to fill the vacancy as a regular member.

Council Member Garza moved to appoint Richard Bundick to the Building & Standards Commission for a term expiring October 1 2024; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Council Member Garza moved to reappoint Kristina Aldrup to a term expiring October 1, 2024; seconded by Council Member Walczyk. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Council Member Street moved to take a ten minute break; seconded by Council Member Garza. The motion carried 6-1 vote.

AYES: 6

NAYES: 1 (Mayor Aldrich)

Mayor Aldrich called for a ten minute break at 8:59 P.M.

Mayor Aldrich reconvened the meeting at 9:15 P.M.

l. Discussion And Possible Action On Kirby Kids Business Program

Council Member Walczyk presented "Kirby Kids Business Program." She said Bexar County Commissioner Tommy Calvert supports this program. The program is for kids ages 6 to 18 years old to operate their own business. There is not a fee for the permit. The program provides an opportunity for our youth to learn entrepreneurship. Encourages involvement with the City and learn proper procedures in City government. If someone does not want a permit, we will promote obtaining one.

Council Member Walczyk moved that Council support the Kirby Kids Business Program to obtain a permit, but not required; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

m. Discussion And Possible Action On A Senior Citizens House Painting Program

Council Member Walczyk read the rules for the Senior Citizens House painting Program. County Commissioner Calvert offered to supply the paint. She was available to answer questions.

Mayor Pro-Tem Grider suggested reaching out to Beautification and Recycle Committee because they drive through the City looking at Yards for the Month and reach out to the cycle group for help.

Ms. Clarissa Rodriguez, Partner with DNRBZ, said a release needs to be signed along with the application.

Council Member Walczyk moved to accept the Senior Citizen House Painting Program; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- n. Discussion And Possible Action To Accept Donation Of Fire Hose From Bexar County ESD 11

Council Member Walczyk moved to accept the donation of fire hoses from Bexar County ESD 11; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- o. Reports By Council Liaisons

1. Animal Advisory Committee – Council Member Walczyk
 2. Beautification And Recycle Committee – Mayor Pro-Tem Grider
 3. Building And Standards Commission – Council Member Martin
 4. Crime Control And Prevention District – Council Member Garza
 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 – Council Member Walczyk

Council member Walczyk provided a report.

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

Mayor Pro-Tem Grider provided a report.

3. Building And Standards Commission – Council Member Martin

Council Member Martin said the Commission didn't meet.

4. Crime Control And Prevention District – Council Member Garza

Council Member Garza provided a report.

5. Economic Development Committee Council Member Apodaca

Council Member Apodaca provided a report.

6. Planning And Zoning Commission – Mayor Aldrich

Mayor Aldrich said the Commission didn't meet.

7. Senior Center Corporation Board – Council Member Street

Mayor Aldrich recognized Roger Romens who signed up to speak on this item.

Mr. Romens said the Board met on Tuesday and he asked the Liaison to include in her update the status of the current budget.

Council Member Street provided a report.

p. Overview And Discussion On 2022 Texas Municipal League Conference By Mayor And Council Members

Mayor Aldrich and Council Members Garza, Street, Martin, and Street shared their knowledge from sessions they attended at the 2022 Texas Municipal League Conference.

9. Executive Session

- a. The City Council Will Convene In Closed Session Pursuant To Texas Government Code Section 551.071, To Consult With Its Attorney To Seek Legal Advice On A Matter In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary rules Of Professional Conduct Of The State Bar Of Texas Clearly conflicts With The Texas Open Meetings Act; To Wit: Legal Issues And Statutory Interpretation Related To The 2018 Street Bond Ackerman Road Bid Award.

Mayor Aldrich closed the regular meeting at 10:10 P.M. to convene in closed session pursuant to Texas Government Code Section 551.071, to consult with its attorney to seek legal advice on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules Of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act; to wit: legal issues and statutory interpretation related to the 2018 Street Bond Ackerman Road bid award.

10. Convene Into Open Session

- a. City Council Will Convene In Open Session To Undertake Any Action Necessary Regarding The Items Discussed In Closed Session

Mayor Aldrich reconvened the regular meeting at 10:34 P.M. She entertained a motion for City Manager Vernon to issue a notice to proceed with the Ackerman Road Project with Austin Bridge and Road.

Council Member Martin moved to authorize City Manager Vernon to issue a notice to proceed with the Ackerman Road Project with Austin Bridge and Road; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

11. City Manager Announcements

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

City Manager Vernon thanked all of the participants at National Night Out. It was a successful event. A reminder Trunk or Treat is noon – 2:00 P.M. in Duffek Circle.

Braylon Nelson Walk event has been canceled.

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 thanked City employees, and asked everyone to have a safe week.

Council Member Garza asked to place on an agenda an opportunity to discuss our social media. He addressed Crime Control and National Night Out. He thanked Beautification & Recycle Committee and La Luz Del Mundo church for the clean up on Ackerman. He attended a Judson ISD meeting to better understand the bond. He apologized to Ms. Lozano for not attending the clean up. He extended prayers the Casey Hawkins family. He thanked ESD 11 for their generous donation of the hoses.

Mayor Pro-Tem Grider reminded everyone Kirby Fitness free Zumba Class October 27, November 10 & 17 December 1, 8 & 15. Zumba 6:30 P.M. – 7:30 P.M., Friendship Park Pavilion. Starting in January once a week free Zumba Class. SA Rugby Academy free youth rugby clinic October 15 all ages at 9 A.M. -11 A.M., at Friendship Park. An item for a future agenda is to address the cat population in the City. She thanked everyone who reached out to her during her absence. She urged everyone to take care of their health.

Council Member Walczyk thanked Chief Hilburn for the shirts. She inquired about AACOG grants and getting a copy of motions from the attorney. She apologized to Ms. Lozano and informed her why she was not able to attend the clean up. She suggested putting something

together for our constituents to give us their feedback. If somebody would like to work on that with her, she would be happy to help with that.

Council Member Apodaca thanked Dr. Duhart for the information provided regarding the Judson ISD Bond. She thanked the department heads for being present and for all they do.

Council Member Martin thanked City staff for the excellent job they do. He offered his condolences to Casey Hawkins' and David Barboza's families for their losses. He asked City Manager Vernon to place on an agenda the process to start street repairs.

Mayor Aldrich said National Night Out was a success and thanked everyone for coming out. She thanked Council Member Garza who had his own booth. All the department heads were present. Crime Control is preparing for Trunk or Treat, she thanked ESD 11 for the hose donation, she thanked Chief Hilburn for the shirts Council received. She encouraged all residents to visit the Judson ISD website and look at the bond. Our children are the future. VOTE. For the next agenda to review council liaisons. Condolence to the family of Casey Hawkins.

13. Adjournment

Meeting adjourned at 10:52 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, OCTOBER 27, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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.

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. Patricia Mann – She thanked everyone who attended National Night Out. She thanked Council Member Garza for his table for the children and the Police Department and Fire Department. She asked that everyone continue reiterating that we have our own police department. She asked Council to consider the nominee recommended by Crime Control. He participates in Crime Control events and is the former liaison.

2. Stephanie Faulkner – She said she will speak on agenda item 8. i.

3. Veronica Herrera – City Secretary read email Ms. Herrera submitted. She wrote about Lt. Casey Hawkins. The City hosted a “last ride” for him. A few Council Members didn’t attend. She wrote that the Kirby Community page should be banned because Christopher Garza only posts what benefits him. If you are going to represent Kirby, then you should do it 1,000 % not 2% of the time.

6. Consideration Of And Action On Minutes

a. Regular Minutes – September 22, 2022

Council Member Apodaca moved to accept the minutes of September 22, 2022; seconded by Council Member Martin. The motion carried with a 6-1 vote. (Council Member Walczyk)

b. Regular Minutes – October 13, 2022

Council Member Apodaca moved to accept the minutes of October 13, 2022, seconded by Council Member Martin. The motion carried with a 7-0 vote.

7. Presentation

a. Breast Cancer Awareness Month

City Manager Vernon shared facts recognizing Breast Cancer Awareness. Every year the Fire Department designs shirts to bring awareness to breast cancer. She recognized those who were survivors of breast cancer.

8. Discussion And Possible Action

a. Discussion And Possible Action On November City Council Meeting Dates

City Manager Vernon said staff recommends canceling the November 3, 2022 Council Meeting date due to Early Voting taking place in the Council Chamber until 8:00 P.M. Staff recommends one meeting on November 16.

Council Member Walczyk moved to have one meeting on November 16 due to Early Voting and City holidays; seconded by Council Member Martin. The motion carried with a 5-2 vote.

AYES: 5

NAYES: 2 (Council Members Garza and Street)

Mayor Aldrich had stated the next meeting is November 17, 2022 and amended her statement by saying the next meeting is November 16, 2022.

b. Discussion And Possible Action On Code Of Conduct For Board, Commission And Committee Members

Council Member Walczyk said videotaping in executive sessions was removed. Also took out the word Clarissa asked them to take out. She spoke to City Attorney Dan Santee about a conversation they had. Boards, commissions, and committees don't necessarily adhere to nepotism laws because they do not get paid as they are volunteers, we are allowed at discretion in our Code of Ethics to keep in nepotism.

Dan Santee, City Attorney, said you are correct the State nepotism law only applies to paid positions. Regarding volunteers nepotism is not a factor to consider with regard to that. Since you make the appointments, it is entirely up to the Council and your discretion who you appoint to boards, commission, committees. If the Council doesn't want to appoint related people to boards, commissions, or committees you have the ultimate authority not to do so. He wanted to make clear to everyone is that you mentioned the open meetings act within there. I don't know all of your boards and commissions yet but not all of them don't have to necessarily comply by the open meetings act unless you want to require them to. He said by that I mean some boards and commissions are purely advisory nature, the open meetings act doesn't inherently apply to them unless you require that of them and you certainly can. One of the other things he noticed was that you require each one to sign. That is certainly normal as well. You can make it part of the application process if you want to. If I want to serve on a board or commission, you are setting the standard as Council. You are the ones who appoint the boards and commissions. It's a standard, you as, public officials have to adhere to as soon as you swear that oath. And you are just asking the same from your boards and commissions. If they don't want to do that or if it makes them uncomfortable there's plenty of other ways to volunteer in the community then on boards and commission if they chose not to sign those.

Council Member Walczyk moved that as of October 28, 2022 any appointments or reappointments to any board, commission or committee must sign the Ethics Code of Conduct accompanied with application on/or before date of reappointment; seconded by Council Member Street. The motion carried with a 4-3 vote.

AYES: 4 NAYES: 3 (Council Member Apodaca, Mayor Pro-Tem
Grider and Mayor Aldrich)

c. Discussion And Possible Action On City Of Kirby Social Media Sites

Council Member Garza asked City Manager Vernon how Council gets things posted to the City's Facebook page. City Manager Vernon said the information would be sent to her. He also inquired about church information getting posted.

Council Member Garza shared his ideas of how to utilize Facebook as an information outlet. He suggested use Facebook to showcase the City.

There was discussion about other events that could be posted on Facebook.

d. Discussion And Possible Action On Agreement With Speed 21 For Use Of Friendship Park

City Manager Vernon provided the history of Speed 21. Mr. Hemphill, Speed 21, came in to sign the agreement but wanted to change the name of the organization on the agreement. He was informed that Council agreed with Speed 21 and if he wanted to change the name it would have to go before Council. Also, he needed to submit his non-profit status and payment. He has not contacted staff about his decision. Staff has received word that they are using the Park.

Mr. Santee suggested Council rescind the agreement and use a license agreement for permission to use the Park.

Council Member Walczyk moved to rescind the lease agreement offered to Speed 21 for use of Friendship Park and use a license agreement; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7 NAYES: 0

e. Discussion And Possible Action To Appoint Member(s) To The Planning And Zoning Commission

There were not any applicants.

f. Discussion And Possible Action To Appoint Member(s) To A City Festival Planning Committee

There were not any applicants. Council Members Walczyk and Garza volunteered to be a part of the City Festival Planning Committee.

- g. Discussion And Possible Action To Appoint Member(s) To An Ordinance Review Committee

There were not any applicants.

- h. Discussion And Possible Action To Appoint Member(s) To The Beautification And Recycle Committee

There is one vacancy and no applicants.

- i. Discussion and Possible Action To Appoint Member(s) To The Crime Control And Prevention District Board

Mayor Aldrich recognized Stephanie Faulkner who signed up to speak on this item.

Mrs. Faulkner spoke as the Crime Control President and stated the Crime Control and Prevention District Board voted on October 18, 2022 to appoint Joe Salazar as their next member. She explained the process used to come to their decision. References for Mr. Salazar, Ms. Hitt and Mr. Pitmon were contacted and not all responded. Mr. Barboza did not list any. Mr. Salazar has continued supporting the Crime Control and Prevention District Board after no longer serving as their liaison. She asked that Council Members Martin and Garza abstain from voting due to discriminatory remarks made at the last meeting. She explained why she asked that they abstain. If Council votes no for Mr. Salazar, she asked that Council give the reason why voting no so the Board will have a better understanding of why their work, research, time and vote is being dismissed.

Council Member Garza asked Mr. Satee if there is any merit with the statement Ms. Faulkner made regarding Council's vote on appointing a member.

Mr. Satee said the appointments are made by Council and not the Board. The Board serves at the pleasure of the Council.

Council Member Garza moved to allow Stephen Pitmon to speak; seconded by Council Member Street. The motion carried with a 7-0 vote.

Mr. Pitmon wanted to inform Council that he hasn't had any felony. At the Crime Control meeting the applicants were not asked any questions. He wants a fair shot at being appointed.

Council Member Walczyk offered her remarks about Mr. Salazar.

Council Member Street asked if Council could speak with the other applicants.

Mayor Aldrich opened the floor to Mr. Pitmon to answer question on why he wants to be appointed to Crime Control.

Mr. Pitmon went to the podium to respond to their questions.

Mayor Aldrich opened the floor to Mr. Barboza to answer question on why he wants to be appointed to Crime Control.

Mr. Barboza said he is withdrawing his application and provided the reasons.

Council Member Apodaca moved to allow David Faulkner to speak; seconded by Mayor Pro-Tem Grider. The motion carried with 5- 2 vote. (Nayes: Council Members Garza and Street)

Mr. Faulkner asked Council to look at the volunteer work the applicants have participated in. Look at their credentials.

Council Member Walczyk moved to appoint Stephen Pitmon to the Crime Control and Prevent District Board; seconded by Council Member Street. The motion carried with a 4-3 vote. (Nayes: Council Member Apodaca, Mayor Pro-Tem Grider and Mayor Aldrich)

j. Discussion And Possible Action To Appoint Member(s) To The Building And Standards Commission

There were not any applicants.

k. Discussion And Possible Action On City Council Liaison Assignments To Boards, Commissions And Committees

Mayor Aldrich said she is not going to change the liaison assignments. She reminded Council of their responsibilities as liaisons. Liaisons are to report summary of the last meeting, report on activities and not tell members what to do. If liaisons cannot comply with the responsibilities then at that time she will put it back on the agenda to reassign liaisons.

9. City Manager Announcements

a. Announcements On City Events And Items Of Community Interest

City Manager Vernon – She reminded everyone about the Trunk or Treat October 29, noon – 2:00 P.M., Duffek Circle outside of the Animal Shelter. There will be a pet and children costume contest. Kirby Senior Center is having their Halloween event on October 31, 2022, 6:00-8:00 P.M.

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 said Kirby Senior Center is having a Halloween Bash and Haunted House 6:00 P.M. – 8:00 p.m. October 31. Also, from 11 AM – 2 PM is the Seniors Halloween Bash and costume contest. She asked City Manager Vernon if the Festival Committee can be reposted. For the agenda: Road planning and equipment status budget. She asked if a list of grant proposals is available for grant requests sent to AACOG. She would like to request a grant from AACOG for the Animal Shelter for a spay neuter grant. She said the City's website does not have our address or phone number on the first page. She thanked employees and have a nice weekend safe Halloween.

Council Member Garza congratulated Mr. Pitmon. He thanked everyone who helped plant bluebonnets in the Park. He thanked Pat Baber from Beautification & Recycle Committee for her hard work. He would like to see the \$251,000 placed in General Fund placed back in Streets Fund to the zipper. When training to use the zipper, he suggested Kazan and Jaenke because one has a curb and the other does not have a curb. He asked for a timeline of roads to be placed on an agenda. Don't forget to vote. He thanked everyone for attending. He thanked police department, fire department, public works and administration and have a safe and Happy Halloween.

Mayor Pro-Tem Grider she spoke about churches and social media recognition. SA Youth Rugby - Nov 19, 9:00 A.M. -11:00 A.M., boys and girls all ages; Kirby Fitness Free Zumba Class 6:30 P.M. - 7:30 P.M., November 10 and 17, December 1, 8 and 15. She spoke with Silas Washington today and wish her well on surgery. Next year Zumba classes will be every Thursday. We appreciate her doing this for the residents of Kirby. Please vote and be kind to your election workers.

Council Member Walczyk said she wants to discuss ordinance section 12.11 Charter Review Commission to be placed on the next agenda. She thanked Public Works staff for their hard work on Starfire Bridge. She asked City Manager Vernon to schedule an appointment with her next week regarding bank reconciliations, and asked if the tour can be rescheduled of the animal shelter as soon as possible. She will send price listings to her and Chief Cardona and Mike Carrillo. During Trunk or Treat they will be accepting donations for the Animal Shelter. She thanked employees and thanked Chief Hilburn for recognizing breast cancer awareness.

Council Member Apodaca said Early Voting has started and Judson ISD has their bonds on the ballot. Kirby Cleaners is having a coat and blanket drive till the end of January. They will clean the coats if needed.

Council Member Martin thanked the employees. Appreciated the work done on Starfire. He stated he received 21 emails from City Manager Vernon today for bank reconciliations. He

told City Manager Vernon she has a job to take care of besides answering these emails. He told her to respond to requests when she has time.

Mayor Aldrich asked Council Members Street and Walczyk what they are looking for with bank reconciliations? She thanked Mayor Pro-Tem Grider for attending Trunk or Treat at Kirby Middle School and for representing the City at events. She commended City Manager Vernon for the job that she does. She does a great job. To Veronica Herrera, she mentioned Casey Hawkins Memorial and she was not able to attend and sent her condolences to the Hawkins family. She explained the fire hydrants with the tops being different colors. She thanked everyone for attending the meeting and thanked staff.

11. Adjournment

Meeting adjourned at 8:24 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, DECEMBER 15, 2022 – 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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.

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 (ZOOM)

Mayor Pro-Tem Grider
Council Member Martin
Council Member Street
Council Member Walczyk

5. Citizen Participation

1. Roger Romens – He said he will speak on item 9. c.

2. Jack Miller – He explained why he did not stand during the pledge to the flag. He meant no disrespect to our current veterans or our United States or Texas Flag. He said at the last Council meeting Council Member Garza brought up that the Mayor I think made a complaint against him to Child Protective Services maybe or something like that and the Mayor said she's not ever done that. He provided a detailed synopsis of occurrences about his interview with Child Protective Services. He said Mayor Aldrich is listed as a witness. He asked Mayor Aldrich to recant the statement and make an accurate statement that you are listed on there as a witness.

6. Consideration Of And Action On Minutes

a. Regular Minutes – December 1, 2022

Council Member Walczyk moved to accept the minutes with changes that were made; seconded by Council Member Street. The motion carried with a 4-2-1 vote.

AYES: 4 NAYES: 2 (Council Members Garza and Martin) ABSTAIN: 1
(Council Member Apodaca)

7. Presentations

a. Annual Holiday Decorating Contest Winners – Beautification & Recycle Committee

Mayor Pro-Tem Grider presented the winners of the Annual Holiday Decorating Contest.

Best Indoor – Schertz Bank and Trust
Honorable Mention – Ms. Teresa Vogel
Best Recycle Materials – Terry, Cindy & Cody Ueckert
Third Place – Terry, Cindy & Cody Ueckert
Second Place – Mr. Benjamin Mendoza
First Place – Mr. and Mrs. Jose Garcia

b. City of Kirby Blue Santa Program

Code Compliance Officer Wallace provided information for 2022 Blue Santa Program.

c. Cookies With Santa

Code Compliance Officer Wallace provided information for Crime Control and Prevention District Cookies with Santa planned for December 18th from 2:00 P.M. – 4:00 P.M. at the John Sterling building.

d. Annual Santa Parade

Chief Hilburn provided information on the 2022 Annual Santa Parade and the history of the Parade. He answered Council questions and invited members to participate.

Mayor Aldrich recognized Mr. Jack Miller. Mr. Miller voiced his concerns with the decibels of the sirens and possible hearing loss. He advised that Santa not go down his street.

8. Public Hearing

- a. Public Hearing On A Variance To The Building Code, Section 150.16 To Waive The Requirement Of The Installation Of An Automatic Sprinkler System In A 3,056 Square Foot Suite In A Commercial Building; Located At NCB 10596 BLK 1 LOT E 292.67 FT OF 5; Otherwise Known As 4758 Seguin Road City Of Kirby, Bexar County, Texas, 78219.

Mayor Aldrich opened the public hearing at 7:27 P.M.

1. Roger Romens – He asked that Council consider this favorable. He provided brief history on the International Building Code. He said he hoped Council would consider the variance for the property.

2. Patricia Mann – She asked Council, why consider this? She said Chief Hilburn spoke at the last meeting about the Fire Code. She said move forward and keep the regulations in place.

3. Nick Babic – He said he and his wife have owned the business for over ten years and never had a fire. The City said they are not able to reduce the size of the suite. He said they generate \$5,000 per month beverage tax.

4. Jack Miller – He said he has owned numerous houses and never had a fire until he did.

- b. Public Hearing On A Request To Allow The Property Located At CB 5903, LOT 9, Otherwise Known As 3814 Ackerman Road, Kirby, TX 78219, Which Is Zoned Single

Family Dwelling District (R-1) To Be Rezoned As Multiple Family Dwelling District (R-2) Property.

1. Patricia Mann – She did not support the request to rezone the property. She did not want multi-family behind her home.
2. Roger Romens – He said he is not against the zoning. His concern is the former attorney addressed spot zoning. Mr. Romens said he supports the request. It would be great, but his concern was if there are objections in the long term it may actually have validity.

Mayor Aldrich closed the public hearing at 7:36 P.M.

9. Discussion And Possible Action

- a. Discussion And Possible Action On A Variance To The Building Code, Section 150.16 To Waive The Requirement Of The Installation Of An Automatic Sprinkler System In A 3,056 Square Foot Suite In A Commercial Building; Located At NCB 10596 BLK 1 LOT E 292.67 FT OF 5; Otherwise Known As 4758 Seguin Road City Of Kirby, Bexar County, Texas, 78219.

Council Member Street moved to discuss item 9.f. before item 9.a.; seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- b. Discussion And Possible Action On A Request To Allow The Property Located At CB 5903, LOT 9, Otherwise Known As 3814 Ackerman Road, Kirby, TX 78219, Which Is Zoned Single Family Dwelling District (R-1) To Be Rezoned As Multiple Family Dwelling District (R-2) Property.

Mayor Aldrich said due to unforeseen circumstances the applicant is not able to attend the meeting. This item will be discussed at the January 12, 2023 meeting

Council Member Walczyk moved to postpone the request to allow the property located at CB 5903, LOT 9, otherwise known as 3814 Ackerman Road, Kirby, TX 78219, which is zoned Single Family Dwelling District (R-1) to be rezoned as Multiple Family Dwelling District (R-2) property until January 12, 2023; seconded by Council Member Apodaca. The applicant was not able to attend due to unforeseen circumstances. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- c. Discussion And Possible Action On Entering Into An Agreement With Greater Northeast Little League For The Use Of Land Owned By The City Of Kirby For Little League Baseball Athletic Functions

City Council discussed the License Agreement with Greater Northeast Little League President Doug Wolfe. The results of the discussion was offer a one year license agreement to determine the usage for water and electricity to consider for the renewal rate. Currently estimating \$100 fee use electricity monthly with five month season.

Council Member Martin moved to enter into Into An Agreement With Greater Northeast Little League For The Use Of Land Owned By The City Of Kirby For Little League Baseball Athletic Functions with a one year contract for \$750 per year plus \$500 for electricity with a total due \$1,250 and include concession building; seconded by Council Member Street. The motion carried with a 5-2 vote.

AYES: 5

NAYES: 2 (Council Members Garza and Walczyk)

d. Update, Discussion And Possible Action On Alan Shepard Sewer Replacement And Road Reconstruction Project

Mr. Carl Bain was present to answer questions.

Council Members asked Mr. Bain questions about the proposed fee.

Mr. Bain stated that this proposed fee is for testing and inspection services on Alan Shepard. This is for geotechnical services. Burge Engineering will provide testing and inspection services for street reconstruction of Alan Shepard.

Council Member Street moved to accept the proposal for testing and inspection services in the amount of \$9,500 on the Alan Shepard Sewer Replacement and Road Reconstruction Project; seconded by Council Member Martin. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Council Member Walczyk)

e. Presentation, Discussion And Possible Action On City Of Kirby Code Compliance

Chief Cardona presented the goals and protocols for Code Compliance. Chief Cardona and Officer Wallace were available to answer questions.

Council Member Street moved to have a ten-minute recess; seconded by Council Member Walczyk. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Mayor Aldrich)

Mayor Aldrich called for a ten-minute recess at 9:35 P.M.

Mayor Aldrich reconvened the meeting at 9:47 P.M. At this time Council discussed item

g.

- f. Discussion And Possible Action On Ordinance No. O-2022-920 Of The City Council Of The City Of Kirby Texas Amending Chapter 150, Building Regulations, Article II Building Construction Code, Section 15.016 Local Amendments Of The Code Of Ordinances, By Adopting Amendments To The Minimum Square Footage That Requires A Sprinkler System For Certain Occupancies Repealing All Prior Ordinances In Conflict Herewith; Providing For Severability; And Providing For An Effective Date. This Is The First Reading.

Council Member Walczyk moved to accept Ordinance No. O-2022-920 of the City Council of the City of Kirby Texas amending Chapter 150, Building Regulations, Article II Building Construction Code, Section 15.016 Local Amendments of the Code of Ordinances, by adopting amendments to the minimum square footage that requires a sprinkler system for certain occupancies repealing all prior ordinances in conflict herewith; providing for severability; and providing for an effective date.

Council Member Street said a page was missing from the Ordinance.

Council Member Walczyk withdrew her motion to allow time to print the missing page.

Council Member Walczyk moved to postpone this item until the information is provided by City Manager Vernon; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

City Council returned to this item after the page was distributed.

Council Member Street moved to accept Ordinance No. O-2022-920 of the City Council of the City of Kirby Texas amending Chapter 150, Building Regulations, Article II Building Construction Code, Section 15.016 Local Amendments of the Code of Ordinances, by adopting amendments to the minimum square footage that requires a sprinkler system for certain occupancies repealing all prior ordinances in conflict herewith; providing for severability; and providing for an effective date; seconded by Council Member Walczyk. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Mayor Aldrich)

- g. Discussion And Possible Action To Schedule A City Council Retreat

Council discussed whether or not to have a retreat.

Mayor Aldrich recognized Mr. Jack Miller.

Mr. Miller said a retreat is team building, an opportunity to entertain ideas. Professionals that might help you have a better relationship with one another. More positive relationship with each other and positive for the community.

- h. Discussion And Possible Action To Appoint Member(s) To The Economic Development Committee

There were not any applications.

- i. Discussion And Possible Action To Appoint Member(s) To The Beautification And Recycle Committee

There were not any applications.

- j. Discussion And Possible Action To Appoint Member(s) To The Planning And Zoning Commission

There were not any applications.

- k. Discussion And Possible Action To Appoint Member(s) To The Festival Planning Committee

There were not any applications.

- l. Discussion And Possible Action To Appoint Member(s) To The Ordinance Review Committee

There were not any applications.

- m. Update, Discussion And Possible Action On City Cell Phones For Council Members

Council discussed the fees and models of cell phones for Council members.

The consensus was to move forward with cell phones.

- n. Reports By Council Liaisons

1. Animal Advisory Committee – Council Member Walczyk
2. Beautification And Recycle Committee – Mayor Pro-Tem Grider
3. Building And Standards Commission – Council Member Martin
4. Crime Control And Prevention District – Council Member Garza
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 – Council Member Walczyk

Council Member Walczyk provided an update.

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

Mayor Pro-Tem Grider provided an update.

3. Building And Standards Commission – Council Member Martin

Council Member Martin provided an update.

4. Crime Control And Prevention District – Council Member Garza

Council Member Garza was not able to attend the meeting.

5. Economic Development Committee Council Member Apodaca

Council Member Apodaca no 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. Executive Session

The City Council Will Convene In Closed Session Pursuant To Government Code Section 551.071 To Seek The Advice Of Legal Counsel On The Following Matters:

- a. Legal Criteria And Protocol For City Council Member Requests For Information
- b. Legal Criteria And Protocol For City Council Member Requests For Legal Assistance From The City Attorney

Mayor Aldrich convened into executive session at 10:11 P.M.

11. Reconvene To Open Session

Mayor Aldrich reconvened into open session at 10:51 P.M.

Following Deliberation In Closed Session And Consultation With Legal Counsel The City Council Will Reconvene In Open Session To Take Any Final Action Required On The Matters Discussed In Closed Session.

Mayor Aldrich said there was no action taken.

12. City Manager Announcements

a. Announcements On City Events And Items Of Community Interest

City Manager Vernon announced the Animal Services Calendars are in and the cost is \$20 each. The proceeds will go back to the Animal Shelter. On December 21 there will be a low-cost adoption event at the Animal Shelter for \$25. City Hall will be closed on December 23 and 26. Cookies with Santa on December 18 at John Sterling and immediately following, the Santa Parade begins at 5:00 P.M. on December 18.

13. 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 offered her condolences to the families of John Pierce and Thomas Hernandez. She had the opportunity to observe Public Works staff training with the Zipper staff. She thanked Barry and Brad for their time training our staff on use of the Zipper. There will be a public meeting on December 20 at 5:30 P.M. the Ackerman Road project. She asked for a joint workshop meeting with Planning and Zoning Commission to discuss drainage. She inquired about installing a left turn light on FM 78 and Gibbs Sprawl. Cold temperatures are here so check on your neighbors. Have a safe and Merry Christmas.

Council Member Garza offered his condolences to the passing Councilmembers. He asked that the \$251,000 be moved back to roads for the Zipper machine. He thanked everyone for attending the meeting and watching. He wished everyone a Merry Christmas, enjoy the upcoming festivities.

Mayor Pro-Tem Grider offered her condolences to the Pierce and Hernandez families. Kirby Fitness December 22, January 5 6:30 P.M. – 7:30 P.M. at the Fire Station free Zumba. She congratulated the Beautification and Recycle Committee for the Holiday decorating contest. There are big plans in the works and they are working hard. She thanked HEB, Yvonne Rodriguez for their donations. For a future agenda lighting up John Sterling for the holidays. Planning for tree decorating. She said Sylvias Restaurant is open.

Council Member Walczyk requested Chief Hilburn provide an end of year audit for Council. She invited everyone to the Animal Shelter tour. She inquired about job announcements. City Manager Vernon said vacancies are posted. She said she is saddened Lisa Pierce loss of John, and the loss of Tom Hernandez. Crime Control changed their meeting and heard they are changing their by-laws. City Manager Vernon said they already approved their revised by-laws. She inquired about the Request For Proposal for garbage service. City Manager Vernon said the Request For Proposal will be published in the San Antonio Express News. She requested an executive session on the next agenda to review city manager's contract. This is in compliance with the current contract for the 90 days before renewal.

Council Member Apodaca said she has seen a lot of stray animals. Be sure you lock your gates and maintain your fences. Kirby Cleaners is having a coat/blanket drive. Merry Christmas and be safe.

Council Member Martin said Crime Control changed the date of their meeting. He asked that they stay on their regular days. The Planning And Zoning Commission met a voted 2-1 vote. The item failed. He thanked, Police Department, Fire Department. Merry Christmas.

Mayor Aldrich offered her condolences to the Pierce family. Requested an agenda item is the create an ordinance naming the Kirby Senior Center "Jerry Lehman Kirby Senior Center." It's cold, check on neighbors and kids. Be nice and kind to one another. Merry Christmas and Happy New Year.

14. Adjournment

The meeting adjourned at 11:10 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC

REDUCE STORM WATER POLLUTION



For more information on stormwater or to report any pollution in our streets or storm drains, please call the Stormwater Hotline:

(210)342-3991 EXT. 225

This tip is based on information from the U.S. Environmental Protection Agency and was adapted by



515 Busby Drive, San Antonio, TX 78209

CAR MAINTENANCE

Maintaining your car properly can prevent common pollutants like automotive fluids from leaking onto the ground. Common automobile maintenance pollutants include oil, antifreeze, and other hazardous pollutants. Rain washes these pollutants from your driveway or street into the nearest storm drain which is eventually carried into our local waterways. Adopt these habits and remember to share with your neighbors.

TIPS FOR DEALING WITH CAR MAINTAENANCE

- *Always use a drip pan. Recycle used oil and antifreeze by taking them to a recycling center.*
- *Immediately clean up and contain any spills. Dispose of all waste and contaminated absorbent materials properly.*
- *Wash your car on the grass where water will soak into the ground.*
- *Take used or damaged car batteries to designated drop-off locations for safe disposal. The batteries contain toxic amounts of lead and acid, and should not be thrown out with your regular trash.*
- *Return used car tires to retailers or wholesalers that recycle or retread them. A landfill may accept your tires directly, but will usually charge a fee. Illegally dumped tires become breeding grounds for mosquitoes and other pests.*
- *Not properly disposing of used oil is illegal and can lead to fines.*

REDUCE STORM WATER POLLUTION



HOUSEHOLD HAZARDOUS WASTE (HHW)

The EPA considers leftover household products labeled as flammable, toxic, corrosive as household hazardous waste. Products, such as paints, cleaners, oils, batteries, and pesticides can contain hazardous ingredients and require special care when you dispose of them.

To avoid the potential risks associated with household hazardous wastes, it is important that people always monitor the use, storage, and disposal of products with potentially hazardous substances in their homes. Improper disposal of HHW can include pouring them down the drain, on the ground, into storm sewers, or in some cases putting them out with the regular trash.

The dangers of such disposal methods might not be immediately obvious, but improper disposal of these wastes can pollute the environment and pose a threat to human health. Certain types of HHW have the potential to cause physical injury to sanitation workers, contaminate septic tanks or wastewater treatment systems if poured down drains or toilets

*For more information on stormwater
or to report any pollution in our
streets or storm drains, please call
the Stormwater Hotline:*

(210)342-3991 EXT. 225

This tip is based on information from the U.S.
Environmental Protection Agency and was adapted by



515 Busby Drive, San Antonio, TX 78209

TIPS FOR STORING AND MANAGING HHW IN YOUR OWN HOME:

- *A Buy only what you need to do the job. Buying chemicals in bulk may not be saving you money if you do not use all of them.*
- *Keep products in their original container and make sure labels are readable. This ensures you know which products you have and so do the workers who accept and sort your HHW.*
- *Consider shopping for environmentally friendly, natural products or search online for simple recipes you can use to create your own household products that do not contain hazardous materials.*

BMP 1.4: Household Hazardous Waste

No items were collected from the City of Kirby during Permit Year 4.

Kirby

Storm Drain Markings – 2022

Location: AKMN-I-01(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: AKMN-I-02(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: AKMN-I-03(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: AKMN-I-04(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: AKMN-I-05(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: AKMN-I-06(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: AKMN-I-07(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: AUTLN-I-01(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: AUTLN-I-02(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: BINZ-I-01(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: CLN-I-01(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: CLN-I-02(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: GIB-I-01(M)
Date: 04/05/2022
Stencil Condition: N/A



Location: GIB-I-02(M)
Date: 04/05/2022
Stencil Condition: N/A



Location: GIB-I-03(M)
Date: 04/05/2022
Stencil Condition: N/A



Location: GIB-I-04(M)
Date: 04/05/2022
Stencil Condition: N/A



Location: GIB-I-05(M)
Date: 04/05/2022
Stencil Condition: N/A



Location: GIB-I-06(M)
Date: 04/05/2022
Stencil Condition: N/A



Location: KIRDR-I-01(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: KIRDR-I-02(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: KIRDR-I-03(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: OSEG-I-1(M)
Date: 04/05/2022
Stencil Condition: N/A



Location: OSEG-I-2(M)
Date: 04/05/2022
Stencil Condition: N/A



Location: OSEG-I-3(M)
Date: 04/05/2022
Stencil Condition: N/A



Location: OSEG-I-4(M)
Date: 04/05/2022
Stencil Condition: N/A



Location: FM78-I-1(M)
Date: 04/05/2022
Stencil Condition: N/A



Location: FM78-I-2(M)
Date: 04/05/2022
Stencil Condition: N/A



Location: FM78-I-3(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: FM78-I-4(M)
Date: 06/24/2022
Stencil Condition: N/A



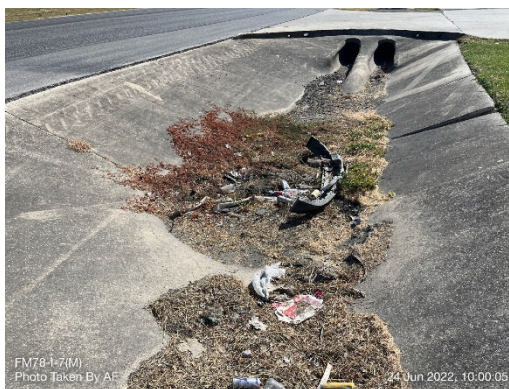
Location: FM78-I-5(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: FM78-I-6(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: FM78-I-7(M)
Date: 06/24/2022
Stencil Condition: N/A



Location: STR-I-01(M)
Date: 06/24/2022
Stencil Condition: N/A



Exhibit B

Supporting Documents for MCM 2

- 2.1 Storm Sewer Map
- 2.2 Illicit Discharge Detection Inspections
- 2.3 Illicit Discharge and Dumping Hotline
- 2.4 Illicit Discharge Ordinance Update

LEGEND

- CHANNEL
- STORM DRAIN PIPE OR CULVERT
- CITY LIMITS
- MUNICIPAL OWNED FACILITIES
- MS4 INLETS
- INSPECTION ZONE



0 .125 .25 .375 .5
SCALE: 1" = 0.25 mi

STORM DRAIN INVENTORY CODE

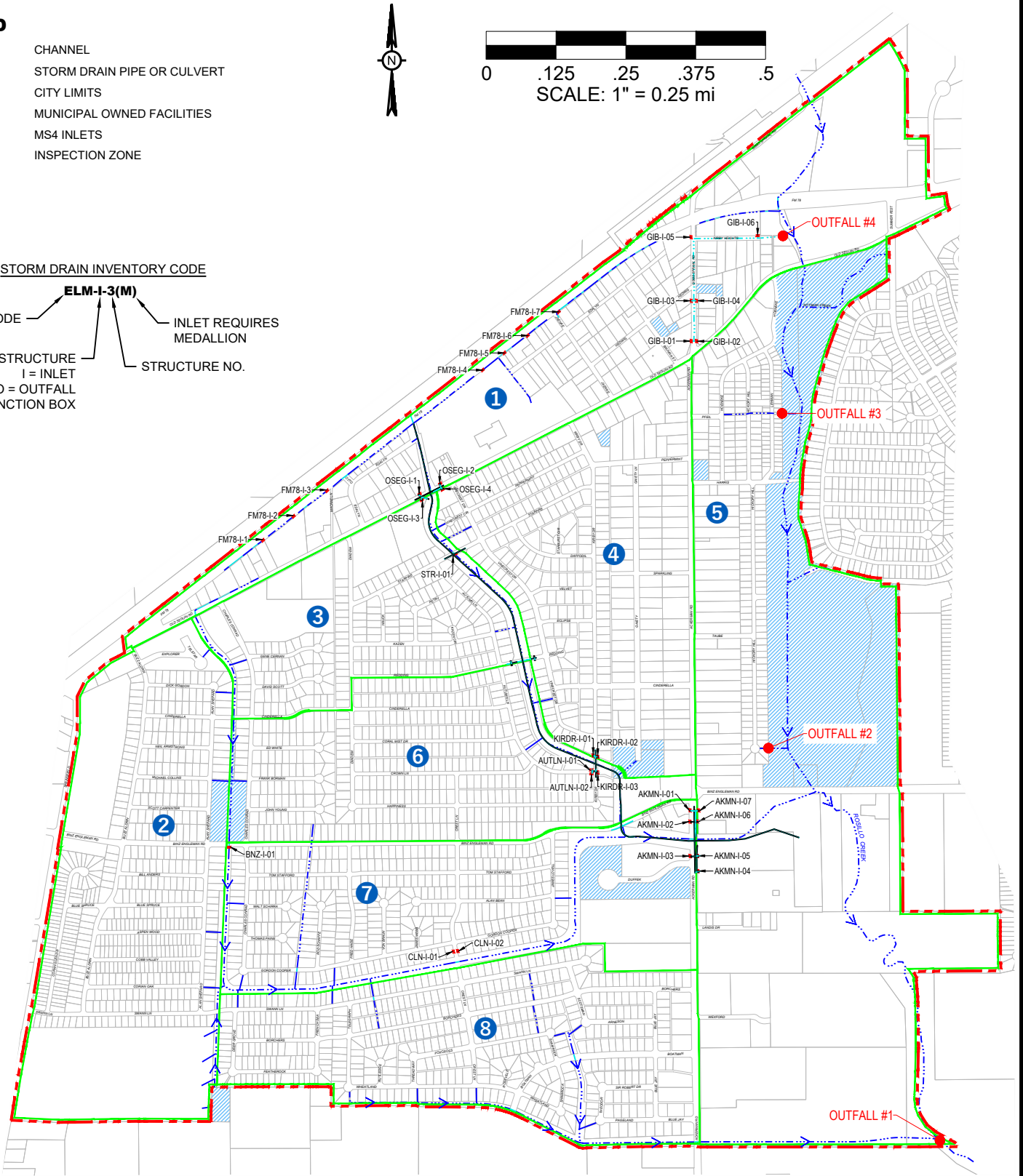
ELM-I-3(M)

STREET CODE →

TYPE OF STRUCTURE
I = INLET
O = OUTFALL
J = JUNCTION BOX

INLET REQUIRES MEDALLION

STRUCTURE NO.



2	12/08/2021
1	01/04/2018
REVISION	DATE



TX Registration #F-002573
515 Busby Drive
San Antonio, Texas 78209
Phone: (210) 342-3991

CLIENT:	CITY OF KIRBY 112 BAUMAN
PROJECT NAME:	PHASE II MS4 STORM WATER
PHASE:	MUNICIPAL
PROJECT LOCATION:	CITY OF KIRBY MS4
PROJECT NUMBER:	KIRBY-001

DESIGNED BY:	AG	CHECKED BY:	LDG	DRAWN BY:	AG/RS
DATE:	12/08/2021				
SHEET TITLE:	STORM SEWER MAP				
SHEET NUMBER:	01 OF 01				

KIRBY STORM WATER MANAGEMENT PROGRAM - 2022

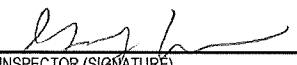
ILLICIT DISCHARGE DETECTION AND ELIMINATION INSPECTION FORM

ZONE 1

Jan

STREET	START	END	DESIGNATION	POTENTIAL ILLICIT DISCHARGE OBSERVED? (IF "YES," FILL OUT DISCHARGE TRACKING SHEET)	COMMENTS
SEGUIN RD. (FM 78)	WEST CITY LIMIT	MACRAE LN.	SEG-I-1	YES / <input checked="" type="radio"/> NO	
			SEG-I-2	YES / <input checked="" type="radio"/> NO	
			SEG-I-3	YES / <input checked="" type="radio"/> NO	
	MACRAE LN.	OTTO	SEG-I-4	YES / <input checked="" type="radio"/> NO	
			SEG-I-5	YES / <input checked="" type="radio"/> NO	
	OTTO	JAENKE ST.		YES / <input checked="" type="radio"/> NO	
	JAENKE ST.	GIBBS SPRAWL RD.		YES / <input checked="" type="radio"/> NO	
	GIBBS SPRAWL RD.	HALL AVE.		YES / <input checked="" type="radio"/> NO	
	HALL AVE.	EAST CITY LIMIT		YES / <input checked="" type="radio"/> NO	
OLD SEGUIN RD.	SEGUIN RD. (FM 78)	MACRAE LN.		YES / <input checked="" type="radio"/> NO	
	MACRAE LN.	DIADEM LN.		YES / <input checked="" type="radio"/> NO	
	DIADEM LN.	EDALYN ST.	OSEG-I-1	YES / <input checked="" type="radio"/> NO	
			OSEG-I-3	YES / <input checked="" type="radio"/> NO	
			OSEG-I-2	YES / <input checked="" type="radio"/> NO	
			OSEG-I-4	YES / <input checked="" type="radio"/> NO	
	EDALYN ST.	VINECREST DRN		YES / <input checked="" type="radio"/> NO	
	VINECREST DRN	KIRBY DR.		YES / <input checked="" type="radio"/> NO	
	KIRBY DR.	JAENKE ST.		YES / <input checked="" type="radio"/> NO	
	JAENKE ST.	BAUMAN ST.		YES / <input checked="" type="radio"/> NO	
	BAUMAN ST.	ACKERMAN LN.		YES / <input checked="" type="radio"/> NO	
	ACKERMAN LN.	GIBBS SPRAWL RD.		YES / <input checked="" type="radio"/> NO	
	GIBBS SPRAWL RD.	HOENEKE DR.		YES / <input checked="" type="radio"/> NO	
	HOENEKE DR.	EAST CITY LIMIT		YES / <input checked="" type="radio"/> NO	
MACRAE LN.	SEGUIN RD. (FM 78)	OLD SEGUIN RD.		YES / <input checked="" type="radio"/> NO	
OTTO	SEGUIN RD. (FM 78)	EDALYN ST.		YES / <input checked="" type="radio"/> NO	
EDALYN ST.	OLD SEGUIN RD.	OTTO		YES / <input checked="" type="radio"/> NO	

	OTTO	STREET END (100 BLK)		YES / <input checked="" type="radio"/> NO	
	STREET END (400 BLK)	JAENKE ST.		YES / <input checked="" type="radio"/> NO	
	JAENKE ST.	BAUMAN ST.		YES / <input checked="" type="radio"/> NO	
	BAUMAN ST.	STREET END (600 BLK)		YES / <input checked="" type="radio"/> NO	
JAENKE ST.	SEGUIN RD. (FM 78)	EDALYN ST.		YES / <input checked="" type="radio"/> NO	
	EDALYN ST.	HEDWIG ST		YES / <input checked="" type="radio"/> NO	
	HEDWIG ST	OLD SEGUIN RD.		YES / <input checked="" type="radio"/> NO	
BAUMAN ST	EDALYN ST.	HEDWIG ST		YES / <input checked="" type="radio"/> NO	
	HEDWIG ST	OLD SEGUIN RD.		YES / <input checked="" type="radio"/> NO	
HEDWIG ST.	JAENKE ST.	BAUMAN ST.		YES / <input checked="" type="radio"/> NO	
	BAUMAN ST.	GIBBS SPRAWL RD.		YES / <input checked="" type="radio"/> NO	
GIBBS SPRAWL RD.	EAST CITY LIMIT	SEGUIN RD. (FM 78)		YES / <input checked="" type="radio"/> NO	
	SEGUIN RD. (FM 78)	KIRBY HEIGHTS ST.	GIB-I-05	YES / <input checked="" type="radio"/> NO	
	KIRBY HEIGHTS ST.	OLD SEGUIN RD.	GIB-I-04	YES / <input checked="" type="radio"/> NO	
			GIB-I-03	YES / <input checked="" type="radio"/> NO	
			GIB-I-02	YES / <input checked="" type="radio"/> NO	
			GIB-I-01	YES / <input checked="" type="radio"/> NO	
KIRBY HEIGHTS ST.	GIBBS SPRAWL RD.	STREET END	GIB-I-06	<input checked="" type="radio"/> YES / <input type="radio"/> NO	Dirt pile
HALL AVE.	STREET END	SEGUIN RD. (FM 78)		YES / <input checked="" type="radio"/> NO	
FM 78	SEGUIN RD. (FM 78)	OLD SEGUIN RD.	FM78-O-01	YES / <input checked="" type="radio"/> NO	


INSPECTOR (SIGNATURE)

4/5/2022
DATE INSPECTED

Greg Wasson
INSPECTOR (PRINTED)

FEB

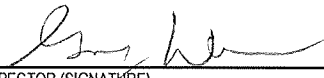
KIRBY STORM WATER MANAGEMENT PROGRAM - 2022

ILLICIT DISCHARGE DETECTION AND ELIMINATION INSPECTION FORM

ZONE 2

STREET	START	END	DESIGNATION	POTENTIAL ILICIT DISCHARGE OBSERVED? (IF "YES," FILL OUT DISCHARGE TRACKING SHEET)	COMMENTS
BUZZ ALDRIN DR.	SEGUIN RD. (FM 78)	EXPLORER ST.		YES / <u>NO</u>	
	EXPLORER ST.	DICK GORDON DR		YES / <u>NO</u>	
	DICK GORDON DR	CINDERELLA ST.		YES / <u>NO</u>	
	CINDERELLA ST.	NEILL ARMSTRONG DR.		YES / <u>NO</u>	
	NEILL ARMSTRONG DR.	MICHAEL COLLINS DR.		YES / <u>NO</u>	
	MICHAEL COLLINS DR.	SCOTT CARPENTER DR.		YES / <u>NO</u>	
	SCOTT CARPENTER DR.	BINZ ENGLEMAN RD.		YES / <u>NO</u>	
	BINZ ENGLEMAN RD.	BILL ANDERS ST.		YES / <u>NO</u>	
	BILL ANDERS ST.	BLUE SPRUCE DR.		YES / <u>NO</u>	
	BLUE SPRUCE DR.	ASPEN WOOD DR.		YES / <u>NO</u>	
	ASPEN WOOD DR.	COBB VALLEY DR.		YES / <u>NO</u>	
	COBB VALLEY DR.	CORIAN OAK DR.		YES / <u>NO</u>	
	CORIAN OAK DR.	SWANN LN.		YES / <u>NO</u>	
EXPLORER DR.	BUZZ ALDRIN DR.	TELSTAR DR.		YES / <u>NO</u>	
TELSTAR DR.	STREET END	CUL DE SAC		YES / <u>NO</u>	
DICK GORDON	BUZZ ALDRIN DR.	ALAN SHEPARD DR.		YES / <u>NO</u>	
CINDERELLA ST.	BUZZ ALDRIN DR.	ALAN SHEPARD DR.		YES / <u>NO</u>	
	ALAN SHEPARD DR.	EAST ZONE BOUNDARY		YES / <u>NO</u>	
NEILL ARMSTRONG DR.	BUZZ ALDRIN DR.	ALAN SHEPARD DR.		YES / <u>NO</u>	
MICHAEL COLLINS DR.	BUZZ ALDRIN DR.	ALAN SHEPARD DR.		YES / <u>NO</u>	
SCOTT CARPENTER DR.	BUZZ ALDRIN DR.	ALAN SHEPARD DR.		YES / <u>NO</u>	
BINZ ENGLEMAN RD.	WEST CITY LIMIT	BUZZ ALDRIN DR.		YES / <u>NO</u>	
	BUZZ ALDRIN DR.	ALAN SHEPARD DR.		YES / <u>NO</u>	

	ALAN SHEPARD DR.	EAST ZONE BOUNDARY		YES / NO	
BILL ANDERS ST.	BUZZ ALDRIN DR.	ALAN SHEPARD DR.		YES / NO	
BLUE SPRUCE DR.	CORAN GLEN DR.	BUZZ ALDRIN DR.		YES / NO	
	BUZZ ALDRIN DR.	ALAN SHEPARD DR.		YES / NO	
ASPEN WOOD DR.	BUZZ ALDRIN DR.	ALAN SHEPARD DR.		YES / NO	
COBB VALLEY DR.	BUZZ ALDRIN DR.	ALAN SHEPARD DR.		YES / NO	
CORIAN OAK DR.	BUZZ ALDRIN DR.	ALAN SHEPARD DR.		YES / NO	
SWANN LANE	BUZZ ALDRIN DR.	ALAN SHEPARD DR.		YES / NO	
	ALAN SHEPARD DR.	EAST ZONE BOUNDARY		YES / NO	
ALAN SHEPARD DR.	DICK GORDON DR.	CINDERELLA ST.		YES / NO	
	CINDERELLA ST.	NEILL ARMSTRONG DR.		YES / NO	
	NEILL ARMSTRONG DR.	MICHAEL COLLINS DR.		YES / NO	
	MICHAEL COLLINS DR.	SCOTT CARPENTER DR.		YES / NO	
	SCOTT CARPENTER DR.	BINZ ENGLEMAN RD.		YES / NO	
	BINZ ENGLEMAN RD.	BILL ANDERS ST.		YES / NO	
	BILL ANDERS ST.	BLUE SPRUCE DR.		YES / NO	
	BLUE SPRUCE DR.	ASPEN WOOD DR.		YES / NO	
	ASPEN WOOD DR.	COBB VALLEY DR.		YES / NO	
	COBB VALLEY DR.	CORIAN OAK DR.		YES / NO	
CORAN GLEN DR.	CORIAN OAK DR.	SWANN LN.		YES / NO	
	SWANN LN.	BLUE SPRUCE DR.		YES / NO	
	BLUE SPRUCE DR.	STREET END		YES / NO	


INSPECTOR (SIGNATURE)

4/5/2022
DATE INSPECTED

Greg Wasson
INSPECTOR (PRINTED)

N/A

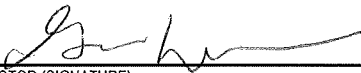
KIRBY STORM WATER MANAGEMENT PROGRAM - 2022

ILLICIT DISCHARGE DETECTION AND ELIMINATION INSPECTION FORM

ZONE 3

STREET	START	END	DESIGNATION	POTENTIAL ILICIT DISCHARGE OBSERVED? (IF "YES," FILL OUT DISCHARGE TRACKING SHEET)	COMMENTS
CHARLES CONRAD DR.	OLD SEGUIN RD	GENE CERNAN DR.		YES / <input checked="" type="radio"/> NO	
	GENE CERNAN DR.	DAVID SCOTT DR.		YES / <input checked="" type="radio"/> NO	
	DAVID SCOTT DR.	CINDERELLA ST.		YES / <input checked="" type="radio"/> NO	
GENE CERNAN DR.	CHARLES CONRAD DR.	CUL DE SAC		YES / <input checked="" type="radio"/> NO	
DAVID SCOTT DR.	CHARLES CONRAD DR.	CUL DE SAC		YES / <input checked="" type="radio"/> NO	
CINDERELLA ST.	WEST ZONE BOUNDARY	CHARLES CONRAD DR.		YES / <input checked="" type="radio"/> NO	
	CHARLES CONRAD DR.	DIADEM LN.		YES / <input checked="" type="radio"/> NO	
DIADEM LN.	OLD SEGUIN RD.	STARFIRE LN.		YES / <input checked="" type="radio"/> NO	
	STARFIRE LN.	KAZEN DR.		YES / <input checked="" type="radio"/> NO	
	KAZEN DR.	REDDING DR.		YES / <input checked="" type="radio"/> NO	
	REDDING DR.	CINDERELLA ST.		YES / <input checked="" type="radio"/> NO	
STARFIRE LN	DIADEM LN.	HAUCK DR.		YES / <input checked="" type="radio"/> NO	
	HAUCK DR.	AUTUMN LN.		YES / <input checked="" type="radio"/> NO	
	AUTUMN LN.	EAST ZONE BOUNDARY		YES / <input checked="" type="radio"/> NO	
HAUCK DR.	STARFIRE LN.	KAZEN DR.		YES / <input checked="" type="radio"/> NO	
KAZEN DR.	DIADEM LN.	HAUCK DR.		YES / <input checked="" type="radio"/> NO	
	HAUCK DR.	PETRY DR.		YES / <input checked="" type="radio"/> NO	
	PETRY DR.	KAZEN CIRCLE		YES / <input checked="" type="radio"/> NO	
	KAZEN CIRCLE	AUTUMN LN.		YES / <input checked="" type="radio"/> NO	
REDDING DR.	DIADEM LN.	AUTUMN LN.		YES / <input checked="" type="radio"/> NO	
	AUTUMN LN.	EAST ZONE BOUNDARY		YES / <input checked="" type="radio"/> NO	
PETRY DR.	AUTUMN LN.	CUL DE SAC		YES / <input checked="" type="radio"/> NO	
	CUL DE SAC	KAZEN DR.		YES / <input checked="" type="radio"/> NO	
AUTUMN LN.	STARFIRE LN.	PETRY DR.		YES / <input checked="" type="radio"/> NO	
	PETRY DR.	KAZEN DR.		YES / <input checked="" type="radio"/> NO	

	KAZEN DR.	REDDING DR.		YES / NO
--	-----------	-------------	--	----------


INSPECTOR (SIGNATURE)

4/5/2022
DATE INSPECTED

Grey Wasson
INSPECTOR (PRINTED)

APR

KIRBY STORM WATER MANAGEMENT PROGRAM - 2022

ILLCIT DISCHARGE DETECTION AND ELIMINATION INSPECTION FORM

ZONE 4

STREET	START	END	DESIGNATION	POTENTIAL ILLICIT DISCHARGE OBSERVED? (IF "YES," FILL OUT DISCHARGE TRACKING SHEET)	COMMENTS
VINECREST DR.	OLD SEGUIN RD.	PEPPERMINT LN.		YES / NO <u>NO</u>	
	PEPPERMINT LN.	STARFIRE LN.		YES / NO <u>NO</u>	
	STARFIRE LN.	VELVET LN.		YES / NO <u>NO</u>	
	VELVET LN.	ECLIPSE LN.		YES / NO <u>NO</u>	
	ECLIPSE LN.	REDDING DR.		YES / NO <u>NO</u>	
	REDDING DR.	CINDERELLA ST.		YES / NO <u>NO</u>	
	CINDERELLA ST.	KIRBY DR.		YES / NO <u>NO</u>	
VINECREST CIRCLE	VINECREST DR.	CUL DE SAC		YES / NO <u>NO</u>	
PEPPERMINT LN.	VINECREST DR.	KIRBY DR.		YES / NO <u>NO</u>	
	KIRBY DR.	GAITY LN.		YES / NO <u>NO</u>	
	GAITY LN.	ACKERMAN RD.		YES / NO <u>NO</u>	
STARFIRE LN.	WEST ZONE BOUNDARY	VINECREST DR.		YES / NO <u>NO</u>	
	VINECREST DR.	DAFFODIL LN.		YES / NO <u>NO</u>	
	DAFFODIL LN.	KIRBY DR.		YES / NO <u>NO</u>	
DAFFODIL LN.	STARFIRE LN.	STARBURST CIR.		YES / NO <u>NO</u>	
	STARBURST CIR.	KIRBY DR.		YES / NO <u>NO</u>	
STARBURST CIRCLE	DAFFODIL LN.	CUL DE SAC		YES / NO <u>NO</u>	
VELVET LN.	VINECREST DR.	KIRBY DR.		YES / NO <u>NO</u>	
ECLIPSE LN.	VINECREST DR.	KIRBY DR.		YES / NO <u>NO</u>	
REDDING DR.	WEST ZONE BOUNDARY	CUL DE SAC		YES / NO <u>NO</u>	
CINDERELLA ST.	VINECREST DR.	KIRBY DR.		YES / NO <u>NO</u>	
	KIRBY DR.	GAITY LN.		YES / NO <u>NO</u>	
	GAITY LN.	ACKERMAN LN.		YES / NO <u>NO</u>	

KIRBY DR.	OLD SEGUIN RD.	PEPPERMINT LN. (WEST)		YES / <input checked="" type="radio"/> NO	
	PEPPERMINT LN. (WEST)	PEPPERMINT LN. (EAST)		YES / <input checked="" type="radio"/> NO	
	PEPPERMINT LN. (EAST)	STARFIRE LN.		YES / <input checked="" type="radio"/> NO	
	STARFIRE LN.	DAFFODIL LN.		YES / <input checked="" type="radio"/> NO	
	DAFFODIL LN.	VELVET LN.		YES / <input checked="" type="radio"/> NO	
	VELVET LN.	ECLIPSE LN.		YES / <input checked="" type="radio"/> NO	
	ECLIPSE LN.	CINDERELLA ST.		YES / <input checked="" type="radio"/> NO	
	CINDERELLA ST.	VINECREST DR.		YES / <input checked="" type="radio"/> NO	
	VINECREST DR.	SOUTH ZONE BOUNDARY		YES / <input checked="" type="radio"/> NO	
GAIETY LN.	PEPPERMINT LN.	SPARKLING LN.		YES / <input checked="" type="radio"/> NO	
	SPARKLING LN.	CINDERELLA ST.		YES / <input checked="" type="radio"/> NO	
	CINDERELLA ST.	STREET END		YES / <input checked="" type="radio"/> NO	
SPARKLING LN.	STREET END	GAIETY LN.		YES / <input checked="" type="radio"/> NO	
	GAIETY LN.	ACKERMAN RD.		YES / <input checked="" type="radio"/> NO	
ACKERMAN RD.	OLD SEGUIN RD.	PFEIL ST.		YES / <input checked="" type="radio"/> NO	
	PFEIL ST.	PEPPERMINT LN.		YES / <input checked="" type="radio"/> NO	
	PEPPERMINT LN.	HARRIS RD.		YES / <input checked="" type="radio"/> NO	
	HARRIS RD.	SPARKLING LN.		YES / <input checked="" type="radio"/> NO	
	SPARKLING LN.	TAUBE RD.		YES / <input checked="" type="radio"/> NO	
	TAUBE RD.	CINDERELLA ST.		YES / <input checked="" type="radio"/> NO	
	CINDERELLA ST.	WEST ZONE BOUNDARY		YES / <input checked="" type="radio"/> NO	


INSPECTOR (SIGNATURE)

7/6/22
DATE INSPECTED

ABRAHAM GALINDO
INSPECTOR (PRINTED)

July

KIRBY STORM WATER MANAGEMENT PROGRAM - 2022

ILLCIT DISCHARGE DETECTION AND ELIMINATION INSPECTION FORM

ZONE 5

STREET	START	END	DESIGNATION	POTENTIAL ILLICIT DISCHARGE OBSERVED? (IF "YES," FILL OUT DISCHARGE TRACKING SHEET)	COMMENTS
HOENEKE DR.	OLD SEGUIN RD.	LEHMAN DR.		YES / <u>NO</u>	
	LEHMAN DR.	HICKORY HILL DR.		YES / <u>NO</u>	
	HICKORY HILL DR.	PFEIL ST.		YES / <u>NO</u>	
	PFEIL ST.	HARRIS RD.		YES / <u>NO</u>	
PFEIL ST.	ACKERMAN RD.	HOENEKE DR.		YES / <u>NO</u>	
HICKORY HILL DR.	HOENEKE DR.	HARRIS RD.		YES / <u>NO</u>	
	HARRIS RD.	TAUBE RD.		YES / <u>NO</u>	
	TAUBE RD.	CUL DE SAC		YES / <u>NO</u>	
LEHMAN DR.	HOENEKE DR.	HARRIS RD.		YES / <u>NO</u>	
HARRIS RD.	ACKERMAN RD.	HOENEKE DR.		YES / <u>NO</u>	
	HOENEKE DR.	HICKORY HILL DR.		YES / <u>NO</u>	
	HICKORY HILL DR.	LEHMAN DR.		YES / <u>NO</u>	
BINZ ENGLEMAN RD.	ACKERMAN RD.	EAST CITY LIMIT		YES / <u>NO</u>	
LANDIS DR.	ACKERMAN RD.	STREET END		YES / <u>NO</u>	
IDA BELL DR.	ACKERMAN RD.	STREET END		YES / <u>NO</u>	
WEXFORD DR.	ACKERMAN RD.	STREET END		YES / <u>NO</u>	
ACKERMAN RD.	3223 ACKERMAN	BINZ ENGLEMAN RD.		YES / <u>NO</u>	
	BINZ ENGLEMAN RD.	DUFFEK	AKMN-I-01	YES / <u>NO</u>	
			AKMN-I-07		
			AKMN-I-02		
			AKMN-I-06		
			AKMN-I-03		

			AKMN-I-05	
	DUFFEK	IDA BELL DR.	AKMN-I-04	YES / <input checked="" type="radio"/> NO
	IDA BELL DR.	BORCHERS DR.		YES / <input checked="" type="radio"/> NO
	BORCHERS DR.	WEXFORD DR.		YES / <input checked="" type="radio"/> NO
	WEXFORD DR.	BOATMAN RD.		YES / <input checked="" type="radio"/> NO
	BOATMAN RD.	PAGELAND DR.		YES / <input checked="" type="radio"/> NO
	PAGELAND DR.	SOUTH CITY LIMIT		YES / <input checked="" type="radio"/> NO
TAUBE	ACKERMAN RD.	HICKORY HILL DR.		YES / <input checked="" type="radio"/> NO

Abraham Galindo
INSPECTOR (SIGNATURE)

7/6/22
DATE INSPECTED

ABRAHAM GALINDO
INSPECTOR (PRINTED)

AMS.

KIRBY STORM WATER MANAGEMENT PROGRAM - 2022

ILLICIT DISCHARGE DETECTION AND ELIMINATION INSPECTION FORM

ZONE 6

STREET	START	END	DESIGNATION	POTENTIAL ILLICIT DISCHARGE OBSERVED? (IF "YES," FILL OUT DISCHARGE TRACKING SHEET)	COMMENTS
CHARLES CONRAD DR.	CINDERELLA ST.	ED WHITE DR.		YES / NO	
	ED WHITE DR.	FRANK BORMAN DR.		YES / NO	
	FRANK BORMAN DR.	JOHN YOUNG DR.		YES / NO	
	JOHN YOUNG DR.	BINZ ENGLEMAN RD.		YES / NO	
ED WHITE DR.	CHARLES CONRAD DR.	CUL DE SAC		YES / NO	
FRANK BORMAN DR.	CHARLES CONRAD DR.	CUL DE SAC		YES / NO	
JOHN YOUNG DR.	CHARLES CONRAD DR.	CUL DE SAC		YES / NO	
BINZ ENGLEMAN RD.	WEST ZONE BOUNDARY	CHARLES CONRAD DR.	CLN-I-01	YES / NO	
	CHARLES CONRAD DR.	FRED HAISE DR.		YES / NO	
	FRED HAISE DR.	CREST LN.		YES / NO	
	CREST LN.	JAMES LOVELL DR.		YES / NO	
	JAMES LOVELL DR.	ACKERMAN RD.		YES / NO	
DIADEM LN.	CINDERELLA ST.	CORAL MIST DR.		YES / NO	
	CORAL MIST DR.	CROWN LN.		YES / NO	
	CROWN LN.	HAPPINESS LN.		YES / NO	
CINDERELLA ST.	DIADEM LN.	AUTUMN LN.		YES / NO	
CORAL MIST DR.	DIADEM LN.	AUTUMN LN.		YES / NO	
CROWN LN.	DIADEM LN.	CREST LN.		YES / NO	
	CREST LN.	AUTUMN LN.		YES / NO	
HAPPINESS LN.	DIADEM LN.	CREST LN.		YES / NO	
	CREST LN.	KIRBY DR.		YES / NO	
KIRBY DR.	NORTH ZONE BOUNDARY	HAPPINESS LN.	KIRDR-I-03	YES / NO	

CREST LN.	CROWN LN.	HAPPINESS LN.		YES / NO	
	HAPPINESS LN.	BINZ ENGLEMAN RD.		YES / NO	
AUTUMN LN.	REDDING DR.	CINDERELLA ST.		YES / NO	
	CINDERELLA ST.	CORAL MIST DR.		YES / NO	
	CORAL MIST DR.	CROWN LN.		YES / NO	
	CROWN LN.	KIRBY DR.	AUTLN-I-01	YES / NO	
			AUTLN-I-02	YES / NO	

Abraham Galindo
INSPECTOR (SIGNATURE)

8/25/22
DATE INSPECTED

ABRAHAM GALINDO
INSPECTOR (PRINTED)

Nov

KIRBY STORM WATER MANAGEMENT PROGRAM - 2022

ILLCIT DISCHARGE DETECTION AND ELIMINATION INSPECTION FORM

ZONE 7

STREET	START	END	DESIGNATION	POTENTIAL ILLICIT DISCHARGE OBSERVED (IF "YES," FILL OUT DISCHARGE TRACKING SHEET)	COMMENTS
CHARLES CONRAD DR.	BINZ ENGLEMAN RD.	TOM STAFFORD DR.		YES / NO	
	TOM STAFFORD DR.	WALT SCHIRRA DR.		YES / NO	
	WALT SCHIRRA DR.	THOMAS PAINE DR.		YES / NO	
	THOMAS PAINE DR.	GORDON COOPER DR.		YES / NO	
TOM STAFFORD DR.	CHARLES CONRAD DR.	FRED HAISE DR.		YES / NO	
	FRED HAISE DR.	CREST LN.		YES / NO	
	CREST LN.	JAMES LOVELL DR.		YES / NO	
WALT SCHIRRA DR.	CHARLES CONRAD DR.	CUL DE SAC		YES / NO	
THOMAS PAINE DR.	CHARLES CONRAD DR.	CUL DE SAC		YES / NO	
GORDON COOPER DR.	CHARLES CONRAD DR.	ROD SCHAFFE DR.		YES / NO	
	ROD SCHAFFE DR.	FRED HAISE DR.		YES / NO	
	FRED HAISE DR.	VON BRAUN DR.		YES / NO	
	VON BRAUN DR.	JAMES WEBB DR.		YES / NO	
	JAMES WEBB DR.	CREST LN.		YES / NO	
	CREST LN.	JAMES LOVELL DR.		YES / NO	
ROD SCHAFFE DR.	GORDON COOPER DR.	CUL DE SAC		YES / NO	
FRED HAISE DR.	BINZ ENGLEMAN RD.	TOM STAFFORD DR.		YES / NO	
	TOM STAFFORD DR.	GORDON COOPER DR.		YES / NO	
VON BRAUN DR.	GORDON COOPER DR.	CUL DE SAC		YES / NO	
JAMES WEBB DR.	GORDON COOPER DR.	CUL DE SAC		YES / NO	

ALAN BEAN DR.	JAMES LOVELL DR.	CREST LN.		YES / <u>NO</u>	
	CREST LN.	CUL DE SAC		YES / <u>NO</u>	
CREST LN.	BINZ ENGLEMAN RD.	TOM STAFFORD DR.		YES / <u>NO</u>	
	TOM STAFFORD DR.	ALAN BEAN DR.		YES / <u>NO</u>	
	ALAN BEAN DR.	GORDON COOPER DR.		YES / <u>NO</u>	
	GORDON COOPER DR.	SOUTH ZONE BOUNDARY	CLN-I-01	YES / <u>NO</u>	
			CLN-I-02	YES / <u>NO</u>	
JAMES LOVELL DR.	BINZ ENGLEMAN RD.	TOM STAFFORD DR.		YES / <u>NO</u>	
	TOM STAFFORD DR.	ALAN BEAN DR.		YES / <u>NO</u>	
	ALAN BEAN DR.	GORDON COOPER DR.		YES / <u>NO</u>	
DUFFEK DR.	ACKERMAN RD.	CUL DE SAC		YES / <u>NO</u>	

Abraham Galindo
INSPECTOR (SIGNATURE)

10/21/22
DATE INSPECTED

ABRAHAM GALINDO
INSPECTOR (PRINTED)

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KIRBY STORM WATER MANAGEMENT PROGRAM - 2022

ILLCIT DISCHARGE DETECTION AND ELIMINATION INSPECTION FORM

ZONE 8

STREET	START	END	DESIGNATION	POTENTIAL ILLICIT DISCHARGE OBSERVED? (IF "YES," FILL OUT DISCHARGE TRACKING SHEET)	COMMENTS
SWANN LN.	WEST ZONE BOUNDARY	DEER GROVE DR.		YES / NO	
	DEER GROVE DR.	FRENCH SEA DR.		YES / NO	
	FRENCH SEA DR.	TELEGRAPH ST.		YES / NO	
	TELEGRAPH ST.	CREST LN.		YES / NO	
	CREST LN.	SCOTSMAN DR.		YES / NO	
	SCOTSMAN DR.	CUL DE SAC		YES / NO	
DEER GROVE DR.	SWANN LN.	BORCHERS DR.		YES / NO	
	BORCHERS DR.	FEATHEROCK DR.		YES / NO	
FEATHEROCK DR.	DEER GROVE DR.	FRENCH SEA DR.		YES / NO	
FRENCH SEA DR.	FEATHEROCK DR.	BORCHERS DR.		YES / NO	
	BORCHERS DR.	SWANN LN.		YES / NO	
BORCHERS DR.	DEER GROVE DR.	FRENCH SEA DR.		YES / NO	
	FRENCH SEA DR.	TELEGRAPH ST.		YES / NO	
	TELEGRAPH ST.	CREST LN.		YES / NO	
	CREST LN.	SCOTSMAN DR.		YES / NO	
	SCOTSMAN DR.	BLUE JAY DR.		YES / NO	
	BLUE JAY DR.	ACKERMAN RD.		YES / NO	
TELEGRAPH ST.	SWANN LN.	BORCHERS DR.		YES / NO	
	BORCHERS DR.	WHEATLAND DR.		YES / NO	
WHEATLAND DR.	TELEGRAPH ST.	RUTLEDGE ST.		YES / NO	
	RUTLEDGE ST.	THREADWAY DR.		YES / NO	
	THREADWAY DR.	CREST LN.		YES / NO	
	CREST LN.	ROSEVILLE ST.		YES / NO	
	ROSEVILLE ST.	BOATMAN RD.		YES / NO	
	BOATMAN RD.	SHAMROCK DR.		YES / NO	
SHAMROCK DR.	FOXCROSS DR.	BOATMAN RD.		YES / NO	
	BOATMAN RD.	WHEATLAND DR.		YES / NO	
FOXCROSS DR.	SHAMROCK DR.	CREST LN.		YES / NO	

	CREST LN.	THREADWAY DR.		YES / NO	
THREADWAY DR.	WHEATLAND DR.	FOXCROSS DR.		YES / NO	
RUTLEDGE ST.	WHEATLAND DR.	CUL DE SAC		YES / NO	
CREST LN.	NORTH ZONE BOUNDARY	SWANN LN.		YES / NO	
	SWANN LN.	BORCHERS DR.		YES / NO	
	BORCHERS DR.	FOXCROSS DR.		YES / NO	
	FOXCROSS DR.	WHEATLAND DR.		YES / NO	
ROSEVILLE ST.	WHEATLAND DR.	CUL DE SAC		YES / NO	
BOATMAN RD.	STREET END	WHEATLAND DR.		YES / NO	
	WHEATLAND DR.	SHAMROCK DR.		YES / NO	
	SHAMROCK DR.	BLUE JAY DR.		YES / NO	
	BLUE JAY DR.	ACKERMAN RD.		YES / NO	
SCOTSMAN DR.	SWANN LN.	BORCHERS DR.		YES / NO	
	BORCHERS DR.	ARNESON DR.		YES / NO	
ARNESON DR.	SCOTSMAN DR.	BLUE JAY DR.		YES / NO	
SIR ROBERT DR.	THEODOR DR.	BLUE JAY DR.		YES / NO	
THEODOR DR.	SIR ROBERT DR.	PAGELAND DR.		YES / NO	
PAGELAND DR.	THEODOR DR.	BLUE JAY DR.		YES / NO	
	BLUE JAY DR.	ACKERMAN RD.		YES / NO	
BLUE JAY DR.	BORCHERS DR.	ARNESON DR.		YES / NO	
	ARNESON DR.	BOATMAN RD.		YES / NO	
	BOATMAN RD.	SIR ROBERT DR.		YES / NO	
	SIR ROBERT DR.	PAGELAND DR.		YES / NO	

INSPECTOR (SIGNATURE)

DATE INSPECTED

INSPECTOR (PRINTED)



ILLICIT DISCHARGE REPORTING FORM

KIRBY

RESPONDER INFORMATION		
Report Date: 1/18/2023	Report Time: 10:20 A.M.	Rainfall (inches) in past 48 hours: 0
Name: Greg Wassom		Department: GEI
Phone: (210) 342-3991	Email: wassom@givlerengineering.com	
REPORTER INFORMATION (OPTIONAL)		
Name: Officer Megan Thompson		Phone: (210) 547-3560 ext. 203
Street Address: 4130 Ackerman Road, Kirby, Texas 78219		
Additional Notes: Ms. Thompson noted kitty litter with feces and urine present in the alleyway behind the 5407 Happiness Lane.		
INCIDENT INFORMATION		
Incident date: N/A		Incident time: N/A
Incident Address/Intersection: 5407 Happiness Lane		
Nearest Location/Landmark: Easement behind subject property		
Direct Connection to: <input type="checkbox"/> Inlet/Storm Drain <input type="checkbox"/> Wetland <input type="checkbox"/> Stream/Water Body <input type="checkbox"/> Street <input checked="" type="checkbox"/> Other: <u>Easement</u>		
Type of Discharge: <input checked="" type="checkbox"/> Dumping <input type="checkbox"/> Sewage <input type="checkbox"/> Washwater, suds, etc. <input type="checkbox"/> Oil/solvents/chemicals <input type="checkbox"/> Other: _____		
Describe Oder: <input type="checkbox"/> None <input type="checkbox"/> Sewage <input type="checkbox"/> Rotten Eggs <input type="checkbox"/> Rancid/Sour Milk <input checked="" type="checkbox"/> Other: <u>Ammonia</u>		
Describe Appearance: <input type="checkbox"/> Normal <input type="checkbox"/> Cloudy <input type="checkbox"/> Oil Sheen <input type="checkbox"/> Suds <input checked="" type="checkbox"/> Other: <u>Grey clay litter along back fence of subject property.</u>		
Describe Floatables: <input type="checkbox"/> None <input type="checkbox"/> Sewage <input type="checkbox"/> Algae <input type="checkbox"/> Garbage <input checked="" type="checkbox"/> Other: <u>N/A</u>		
Additional Information (Problem Indicators, Suspected Violator): Suspected violator is owner of subject property.		
INVESTIGATION INFORMATION		
Inspection Date: 1/18/2023	Inspection Time: 2:30 P.M.	Investigation made: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Inspector(s) Name: Greg Wassom		
Comments or Immediate Environmental Concerns:		
Summarize Resolution: Police issued cease and desist order to homeowner to remove and dispose of litter.		
Date Investigation Closed: 1/20/2023		

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KIRBY, TEXAS, AMENDING CHAPTER 54 OF THE CODE OF ORDINANCES IN REGARD TO ILLICIT DISCHARGE RESTRICTIONS PURSUANT TO U.S. ENVIRONMENTAL PROTECTION AGENCY GUIDELINES AND ADOPTED TEXAS COMMISSION ON ENVIRONMENTAL QUALITY STANDARDS, AND PROVIDING A PENALTY UPON CONVICTION OF A VIOLATION OF THIS CHAPTER IN AN AMOUNT NOT TO EXCEED \$500.00 PER VIOLATION PER DAY UNLESS THE VIOLATOR RECEIVES ACTUAL NOTICE OF THE PROVISIONS OF THIS ORDINANCE IN WHICH CASE THE PENALTY UPON CONVICTION IS NOT TO EXCEED \$1,000 PER VIOLATION PER DAY OR NOT TO EXCEED \$5,000 PER VIOLATION PER DAY FOR CERTAIN VIOLATIONS RELATIVE TO POINT SOURCE EFFLUENT LIMITATIONS OR THE DISCHARGE OF A POLLUTANT (OTHER THAN FROM A NON-POINT SOURCE) INTO A SEWER SYSTEM, INCLUDING A SANITARY OR STORM WATER SEWER SYSTEM, OWNED OR CONTROLLED BY THE CITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Environmental Protection Agency of the United States (the "E.P.A.") mandated the regulation of stormwater discharge under the Clean Water Act (the "Act," 40 CFR 122.34), and,

WHEREAS, the E.P.A. authorizes the Texas Commission on Environmental Quality ("T.C.E.Q.") to adopt rules to carry out its powers and duties under the Act (Tex. Admin. Code, Title 30, Chapt. 281.25(b)(5), and,

WHEREAS, the Act, at the discretion of the T.C.E.Q., further requires cities and towns in the State of Texas to implement and enforce water management practices to ensure that stormwater pollution is minimized to the extent required by Federal Law through, inter alia, the Act, and,

WHEREAS, the consulting engineer engaged by the City of Kirby, Texas has recommended amendments to Chapter 54 of the Code of Ordinances of the City of Kirby to update restrictions and rules as to non-stormwater discharges in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRBY, TEXAS that:

Section 1. Chapter 54 of the Code of Ordinances is hereby amended to read as follows:

§ 54.01 - GENERAL PROVISIONS.

- (A) *Purpose and intent.* The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the City of Kirby, Texas, as well as comply with the regulations mandated by both the United States Environmental Protection Agency ("E.P.A.") and the Texas Commission on Environmental Quality ("T.C.E.Q."), through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system ("MS4") in order to comply with requirements of the National Pollutant Discharge Elimination System ("NPDES") permit process. The objectives of this chapter are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user.
 - (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
 - (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter.
- (B) *Abbreviations* . The following abbreviations, when used in this chapter, shall have the designated meanings:

- BMP - Best Management Practices
- BTEX - Benzene, Toluene, Ethyl benzene, and Xylene
- HHW - Hazardous Household Waste
- Mg/l - Milligrams per liter
- MS4 - Municipal Separate Storm Sewer System
- NPDES - National Pollutant Discharge Elimination System
- ppb - Parts per billion
- PST - Petroleum Storage Tank SWPPP - Storm Water Pollution Prevention Plan
- TPH - Total Petroleum Hydrocarbon

- (C) *Definitions* . Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

AGRICULTURAL STORM WATER RUNOFF. Any storm water runoff from orchards, cultivated crops, pastures, range lands, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR Section 122.24.

BENCHMARKS. A benchmark pollutant value is a guidance level indicator that helps determine the effectiveness of chosen best management practices (BMPs). This type of monitoring differs from “compliance monitoring” in that exceedances of the indicator or benchmark level are not permit violations, but rather indicators that can help identify problems at the MS4 with exposed or unidentified pollutant sources; or control measures that are either not working correctly, whose effectiveness need to be re-considered, or that need to be supplemented with additional BMP(s).

BEST MANAGEMENT PRACTICES (BMP). Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants . BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

CITY. The City of Kirby, Texas.

COMMERCIAL. Pertaining to any business, trade, industry, or other activity engaged in for profit.

CITY MANAGER. The person appointed to the position of City Manager by the City Council, and authorized to act on behalf of the City and/or City Council or his/her designees such as the Building Official or City Engineer.

CLASSIFIED SEGMENT. A water body that is listed and described in Appendix A or Appendix C of the Texas Surface Water Quality Standards, at 30 Texas Administrative Code (TAC) § 307.10.**DISCHARGE.** Means the drainage, release, or disposal of pollutants in storm water and other surface certain non-stormwater runoff from locations areas of where soil-disturbing activities (e.g., clearing, grading, excavating, stockpiling of fill material, and demolishing), construction materials, or equipment storage or maintenance operations (e.g., fill piles, borrow areas, concrete truck wash out, and fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

DISCHARGER. Any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.

DOMESTIC SEWAGE. Human excrement, gray water, other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings, apartments, businesses, office buildings, factories, and institutions, that is free from industrial waste.

EXTREMELY HAZARDOUS SUBSTANCE. Any substance listed in the Appendices to 40 CFR Part 355, Emergency Planning and Notification.

FACILITY. Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

FIRE DEPARTMENT. The Fire Department of the City of Kirby, Texas or any duly authorized representative thereof.

GARBAGE. Putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

GRAY WATER. Liquid from home clothes washing, bathing, showers, dishwashing, or food preparation.

GROUNDWATER INFILTRATION. For the purposes of this chapter, groundwater that enters a municipal separate storm sewer system (including sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

HAZARDOUS HOUSEHOLD WASTE (HHW). Any material generated in a household (including, without limitation, single and multiple residences, apartments, picnic grounds, and day use recreational areas) by a consumer which, except for the exclusion provided in 40 CFR § 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261.

HAZARDOUS SUBSTANCE. Any substance listed in Table 302.4 of 40 CFR Part 302.

HAZARDOUS WASTE. Any substance identified or listed as a hazardous waste by the E.P.A. pursuant to 40 CFR Part 261.

HIGH PRIORITY FACILITIES. High priority facilities are facilities with a high potential to generate stormwater pollutants. These facilities must include, at a minimum, the MS4 operator's maintenance yards, hazardous waste facilities, fuel storage locations, and other facilities where chemicals or other materials have a high potential to be discharged in stormwater. Among the factors that must be considered when giving a facility a high priority ranking are: the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to waterbodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s).

HYPERCHLORINATED WATER. Water resulting from hyperchlorination of waterlines or vessels, with a chlorine concentration greater than 10 milligrams per liter (mg/L).

ILLICIT CONNECTION. Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

ILLCIT DISCHARGE. Any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges pursuant to this general permit or a separate authorization and discharges resulting from emergency fire fighting activities.

INDICATOR POLLUTANT. An easily measured pollutant, that may or may not impact water quality that indicates the presence of other stormwater pollutants.

INDUSTRIAL WASTE. Any liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade, or business. **MAXIMUM EXTENT PRACTICABLE (MEP).** The technology-based discharge standard for municipal separate storm sewer systems (MS4s) to reduce pollutants in stormwater discharges that was established by the CWA § 402(p). A discussion of MEP as it applies to small MS4s is found in 40 CFR § 122.34.

MOTOR VEHICLE FLUIDS. Any vehicle crankcase oil, antifreeze, transmission fluid, brake fluid differential lubricant, gasoline, diesel fuel, gasoline/alcohol blend, or any other fluid used in a motor vehicle.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). The system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage.

NPDES PERMIT. A permit issued by EPA (or by the State, most notably by but not limited to the T.C.E.Q. under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NOTICE OF INTENT (NOI). The Notice of Intent that is required by either the industrial General Permit or the Construction General Permit.

OIL. Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

OUTFALL. A point source at the point where a small MS4 discharges to waters of the U.S. and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the U.S. and are used to convey waters of the U.S. For the purpose of this permit, sheet flow leaving a linear transportation system without channelization is not considered an outfall. Point sources such as curb cuts; traffic or right-of-way barriers with drainage slots that drain into open culverts, open swales or an adjacent property, or otherwise not actually discharging into waters of the U.S. are not considered an outfall.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

PETROLEUM STORAGE TANK (PST). Any 1 or combination of aboveground or underground storage tanks that contain petroleum products and any connecting underground pipes.

POINT SOURCE. (from 40 CFR § 122.22) any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

POLLUTANT. Dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; chemical waste; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; or industrial, municipal, and agricultural waste discharged into water. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated range land, pasture land, and farm land.

POLLUTANT(S) OF CONCERN. For the purpose of this chapter, includes biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids (TSS), turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from an MS4. (Definition from 40 CFR § 122.32(e)(3)).

RUBBISH. Nonputrescible solid waste, excluding ashes, that consist of (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

SANITARY SEWER (OR SEWER). The system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the City sewage treatment plant (and to which storm water, surface water, and groundwater are not intentionally admitted).

SEPTIC TANK WASTE. Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SERVICE STATION. Any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from stationary storage tanks.

SEWAGE (OR SANITARY SEWAGE). The domestic sewage and/or industrial waste that is discharged into the City sanitary sewer system and passes through the sanitary sewer system to the City sewage treatment plant for treatment.

SOLID WASTE. Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including, solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

STATE. The State of Texas.

STORM WATER. Storm water runoff, surface runoff and drainage, and snow and/or ice melt runoff.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A plan required by either the Construction General Permit or the Industrial General Permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in storm water discharge associated with construction or industrial activity.

USED OIL (OR USED MOTOR OIL). Any oil that has been refined from crude oil or synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties but that may be suitable for further use and is recyclable in compliance with State and federal law.

WATER QUALITY STANDARD. The designation of a body or segment of surface water in the State for desirable uses and the narrative and numerical criteria deemed by the State to be necessary to protect those uses, as specified in Chapter 307 of Title 31 of the Texas Administrative Code.

WATERS OF THE UNITED STATES. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR § 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

YARD WASTE. Leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

§ 54.02 - GENERAL PROHIBITION.

- (A) No person shall introduce or cause to be introduced into the municipal separate storm sewer system (MS4) any discharge that is not composed entirely of storm water and other allowable discharges.
- (B) Allowable discharges include:
- (1) A discharge authorized by, and in full compliance with, a TPDES or NPDES permit or that is not required to be permitted;
 - (2) Discharges or flows from emergency fire fighting activities by the Fire Department (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
 - (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances;
 - (4) Agricultural storm water runoff;
 - (5) A discharge or flow from water line flushing, but not including a discharge from water line disinfection by superchlorination or other means unless the total residual chlorine (TRC) has been reduced to less than 1.0 mg/l and it contains no harmful quantity of chlorine or any other chemical used in line disinfection;
 - (6) A discharge or flow from lawn watering, or landscape irrigation, or other irrigation utilizing potable water, groundwater, or surface water sources;
 - (7) A discharge or flow from a diverted stream or natural spring;
 - (8) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
 - (9) Uncontaminated groundwater infiltration (as defined as 40 C.F.R. § 35.2005(20)) to the MS4;
 - (10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, footing drain, or sump pump;
 - (11) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
 - (12) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
 - (13) A discharge or flow from individual residential car washing;
 - (14) A discharge or flow from a riparian habitat or wetland;
 - (15) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;
 - (16) Storm water runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant;
 - (17) Swimming pool water that has been dechlorinated so that total residual chlorine (TRC) is less than 1.0 mg/l and that contains no harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning; and
 - (18) Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.
- (C) No affirmative defense shall be available under Subsection B of this section if the discharge or flow in question has been determined by the City Manager or his/her designee to be a source of a pollutant or pollutants to the waters of the United States or to the MS4, written notice of such determination has been provided to the discharger, and the discharge has occurred more than 15 days beyond such notice.

§ 54.03 - SPECIFIC PROHIBITIONS AND REQUIREMENTS.

- (A) The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibition in section 54.02.
- (B) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the City to violate a water quality standard, the City's TPDES permit, or any state-issued discharge permit for discharges from its MS4.
- (C) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:
 - (1) Any used motor oil, antifreeze, or any other motor vehicle fluid;
 - (2) Any industrial waste;
 - (3) Any hazardous waste, including hazardous household waste;
 - (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
 - (5) Any garbage, rubbish, or yard waste;
 - (6) Any wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity that operates more than 2 such vehicles;
 - (7) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
 - (8) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
 - (9) Any wastewater from commercial floor, rug, or carpet cleaning;
 - (10) Any wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
 - (11) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow down from a boiler;
 - (12) Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydro-mulch material, or material from the cleaning of vehicles or equipment containing, or used in transporting or applying, such material;
 - (13) Any runoff or wash down water from any animal pen, kennel, or fowl or livestock containment area;
 - (14) Any filter backwash from a swimming pool, fountain, or spa;
 - (15) Any swimming pool water containing total residual chlorine (TRC) of 1.0 mg/l or more or containing any harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
 - (16) Any discharge from water line disinfection by superchlorination or other means if the total residual chlorine (TRC) is at 1.0 mg/l or more or if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;

- (17) Any fire protection water containing oil or hazardous substances or materials unless treatment adequate to remove pollutants occurs prior to discharge. (This prohibition does not apply to discharges or flow from fire fighting by the Fire Department.);
 - (18) Any water from a water curtain in a spray room used for painting vehicles or equipment;
 - (19) Any contaminated runoff from a vehicle salvage yard;
 - (20) Any substance or material that will damage, block, or clog the MS4;
 - (21) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge satisfies all of the following criteria:
 - (a) Compliance with all state and federal standards and requirements;
 - (b) No discharge containing a harmful quantity of any pollutant; and
 - (c) No discharge containing more than 50 parts per billion of benzene; 500 parts per billion combined total quantities of benzene, toluene, ethyl benzene, and xylene (BTEX); or 15 mg/l of total petroleum hydrocarbons (TPH).
 - (22) Any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities, or associated with land filling or other placement or disposal of soil, rock, or other earth materials, in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.
 - (23) Any sanitary sewage, domestic or industrial.
 - (24) Any pavement wash water from a service station to be discharged into the MS4 unless such wash water has passed through a properly functioning and maintained, grease, oil, and sand interceptor before discharge into the MS4.
 - (25) No person shall connect a line conveying sanitary sewage, domestic or industrial, to the MS4, or allow such a connection to continue.
- (D) *Used oil regulation.*
- (1) No person shall discharge used oil into the MS4 or a sewer, drainage system, septic tank, surface water, groundwater, or water course; knowingly mix or commingle used oil with solid waste that is to be disposed of in a landfill or knowingly directly dispose of used oil on land or in a landfill; or apply used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil into the environment.

§ 54.04 - COMPLIANCE MONITORING.

- (A) *Right of entry: Inspection and sampling.* The City Manager or his/her designee shall have the right to enter the premises of any person or entity discharging storm water to the municipal separate storm sewer system (MS4) or to waters of the United States to determine if the discharger is complying with all requirements of this chapter. Dischargers shall allow the City Manager or his/her designee ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties. Dischargers shall make available to the City Manager or his/her designee, upon request, any SWPPs, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, Notices of Intent, and any other records, reports, and other documents related to compliance with this chapter and with any state or federal discharge permit.
- (1) Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City Manager or

his/her designee will be permitted to enter without delay for the purposes of performing his/her responsibilities.

- (2) The City Manager or his/her designee shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger's operations.
 - (3) The City Manager or his/her designee may require any discharger to the MS4 or waters of the United States to conduct specified sampling, testing, analysis, and other monitoring of its storm water discharges, and may specify the frequency and parameters of any such required monitoring.
 - (4) The City Manager or his/her designee may require the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
 - (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the City Manager or his/her designee and shall not be replaced. The costs of clearing such access shall be borne by the discharger.
 - (6) Delays in excess of 12 hours in allowing the City Manager or his/her designee access to the discharger's premises shall be a violation of this chapter.
- (B) *Illicit discharge detection plan.* The City will inspect the municipal separate storm sewer system (MS4) for illicit discharges. The inspections shall be based on a plan providing a map and schedule for inspections, listing appropriate techniques for detection, and including forms to be used to document inspection results.
- (C) *Search warrants .* If the City Manager or his/her designee has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City Manager or his/her designee may seek issuance of a search warrant from any court of competent jurisdiction.

§ 54.05 - ENFORCEMENT.

Notice of violation . Whenever the City Manager or his/her designee finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the City Manager or his/her designee may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and/or
- (6) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further

advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

§ 54.06 - ENFORCEMENT MEASURES.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then representatives of the City shall be entitled (but are not obligated) to enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City, the City Manager or his/her designee, the City Engineer and/or any contractor designated by the City, the City Manager or his/her designee and/or the City Engineer to enter upon the premises for the purposes set forth above.

§ 54.07 - COST OF ABATEMENT OF THE VIOLATION.

Within 10 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within a timely manner as determined by the decision of the City Manager or his/her designee, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. The City may file an affidavit asserting said lien in the Real Property or Official Records of Bexar County.

Any person violating any of the provisions of this article shall become liable to the City by reason of such violation. The assessment shall be paid within 60 days of the date of notification unless the party liable makes written arrangements with the City, binding on the party liable, on terms acceptable to the City Manager or his/her designee.

§ 54.08 - INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the City may petition for a temporary restraining order, a temporary injunction, and/or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

§ 54.09 - VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 54.99 - CIVIL PENALTIES.

Any person that has violated or continues to violate this chapter shall be liable to prosecution to the fullest extent of the law, and shall be subject to a civil penalty in an amount not to exceed \$500.00 per violation per day. Each day that a violation occurs shall be a separate violation. The City may recover all attorneys' fees, court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.

If the City proves that the person that has violated or continues to violate this chapter (a) was actually notified of the provisions of this chapter and (b) after receiving notice of the provisions of this chapter committed acts in violation of this chapter or failed to take action necessary for compliance with this chapter, then such person shall be liable to prosecution to the fullest extent of the law and shall be subject to a civil penalty not to exceed \$1,000.00 per day for a violation of this chapter except that a civil penalty may not exceed \$5,000 per day for a violation of this chapter relating to point source effluent limitations or the discharge of a pollutant (other than from a non-point source) into a sewer system, including a sanitary or storm water sewer system, owned or controlled by the City. Each day that a violation occurs shall be a separate offense.

Section 2. This Ordinance shall be in full force and effect upon passage and adoption on second reading. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Passed on first reading on the 23rd day of June, 2022.

Passed and adopted on second reading on the 14th day of July, 2022.

KIMBERLY MCGEHEE ALDRICH, Mayor

ATTEST:

Patty Cox, City Secretary

Exhibit C

Supporting Documents for MCM 3

- 3.5 Construction Stormwater Management Ordinance Update
- 3.6 City Staff Training and Development

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KIRBY, TEXAS, AMENDING CHAPTER 55 OF THE CODE OF ORDINANCES IN REGARD TO POST-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.

WHEREAS, the Environmental Protection Agency of the United States (the "E.P.A.") mandated the regulation of storm water discharge under the Clean Water Act (the "Act," 40 CFR 122.34); and

WHEREAS, the E.P.A. authorizes the Texas Commission on Environmental Quality ("T.C.E.Q.") to adopt rules to carry out its powers and duties under the Act (Tex. Admin. Code, Title 30, Chapt. 281.25(b)(5); and

WHEREAS, the Act, at the discretion of the T.C.E.Q., further requires cities and towns in the State of Texas to implement and enforce water management practices to ensure that storm water pollution is minimized to the extent required by Federal Law through, inter alia, the Act; and

WHEREAS, the consulting engineer engaged by the City of Kirby has recommended amendments to Chapter 55 of the Code of Ordinances of the City of Kirby to update regulations and rules as to post-construction storm water management and related matters.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRBY, TEXAS that:

Section 1. Chapter 55 of the Code of Ordinances of the City of Kirby is hereby amended to read as follows:

§ 55.01 - GENERAL PROVISIONS.

(A) Introduction/purpose/intent.

- (1) During the construction process, soil may become vulnerable to erosion by wind and water. Eroded soil may have chemical and/or biological properties that reduce water quality in streams and lakes, thereby threatening drinking water resources and wildlife habitats. Eroded soil may also cause maintenance problems by settling out (sedimentation) in storm sewers, ditches, creeks, and other parts of the storm system, which then require maintenance and repair. The provisions and requirements

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contained in this chapter shall operate in conjunction with and in addition to the city's previously existing building code, building permitting, and building code enforcement procedures.

- (2) The purpose of this chapter is to safeguard persons, protect property, and prevent damage to the environment in the city. This chapter will also promote the public health, safety and general welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other construction activity that disturbs or breaks the topsoil or results in the movement of earth on land in the city.

(B) The objectives of this chapter are:

- (1) To regulate the construction process to reduce erosion by wind and water during construction.
- (2) To reduce the degradation of water quality and the siltation of aquatic habitats for fish and other desirable species.
- (3) To reduce the necessity for repair of storm sewers and ditches and the dredging of lakes as a result of soil erosion resulting from construction activities.

Sec. 55.02 - DEFINITIONS.

APPLICANT means a property owner or agent of a property owner who has filed a storm water management plan.

ARID AREAS means areas with an average annual rainfall of 0 to 10 inches.

BEST MANAGEMENT PRACTICES (BMP) means ~~all generally accepted methods and techniques to prevent or reduce discharge of pollutants, including~~ schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures and practices to control runoff, spill or leaks, waste disposal, or drainage from raw material storage.

BUFFER means a natural or vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants.

CATCH BASINS means storm drain inlets and curb inlets to the storm drain system. Catch basins typically include a grate or curb inlet that may accumulate sediment, debris, and other pollutants.

CITY means the City of Kirby, Texas or the city council of Kirby, Texas.

CITY MANAGER means the person appointed to the position of City Manager by the City Council, of the City of Kirby, Texas or his/her duly authorized representative and authorized to act on behalf of the City and/or City Council or his/her designees such as the Building Official or City Engineer.

COMMENCEMENT OF CONSTRUCTION means the initial disturbance of soils associated with clearing, demolition, grading, excavating, filling, stockpiling, erection of forms, or any other construction-related activity. The term "commencement of construction" is also referred to as "start of construction."

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COMMON PLAN OF DEVELOPMENT means a construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development (also known as a "common plan of development or sale") is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities. A common plan of development does not necessarily include all construction projects within the jurisdiction of the city. Construction of roads or buildings in different parts of the jurisdiction would be considered separate "common plans," with only the interconnected parts of a project being considered part of a "common plan" (e.g., a building and its associated parking lot and driveways, airport runway and associated taxiways, a building complex, etc.). Where discrete construction projects occur within a larger common plan of development or sale but are located one-quarter of a mile or more apart, and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale, provided that any interconnecting road, pipeline or utility project that is part of the same common plan is not included in the area to be disturbed.

CONSTRUCTION ACTIVITY includes soil disturbance activities, including clearing, grading, excavating, construction-related activity (e.g., stockpiling of fill material, demolition), and construction support activity. This does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

CONSTRUCTION SUPPORT ACTIVITY a construction-related activity that specifically supports construction activity, which can involve earth disturbance or pollutant-generating activities of its own, and can include, but are not limited to, activities associated with concrete or asphalt batch plants, rock crushers, equipment staging or storage areas, chemical storage areas, material storage areas, material borrow areas, and excavated material disposal areas. Construction support activity must only directly support the construction activity authorized under this general permit.

CONTROL MEASURE any BMP or other method used to prevent or reduce the discharge of pollutants to water in the state.

CONVEYANCE means curbs, gutters, manmade channels and ditches, drains, pipes, and other constructed features designed or used for drainage, flood control, or the transport of storm water runoff.

DEVELOPMENT means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; or any change in use, or alteration or extension of the use, of land.

DEWATERING means the act of draining rainwater or groundwater from building foundations, vaults, and trenches.

DISCHARGE means the drainage, release, or disposal of pollutants in storm water and other surface certain non-stormwater runoff from locations areas of where soil-disturbing activities (e.g., clearing, grading, excavating, stockpiling of fill material, and demolishing), construction materials, or equipment storage or maintenance operations (e.g., fill piles, borrow areas, concrete truck wash out, and fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. The term "discharge"

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~~also includes the drainage, release, or disposal of industrial storm water directly related to the construction process.~~

DISTURBANCE means any activity, including, but not limited to, excavation, clearing, and grading, which disturbs the natural or improved vegetative ground cover or topography of the land by any person, entity and applicable city projects. Land disturbing activity does not include any vegetative cutting and mulching. All installations and maintenance of franchise utilities such as telephone, gas, electric, etc., shall be considered land disturbing activities.

DRAINAGE EASEMENT means a legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.

DROUGHT means a period of dry weather, usually lengthy, that is injurious to crops, as determined by city officials in accordance with established standards.

DROUGHT-STRICKEN AREA means an area in which the National Oceanic and Atmospheric Administration's U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) "Drought to persist or intensify", (2) "Drought ongoing, some improvement", (3) "Drought likely to improve, impacts ease", or (4) "Drought development likely". See http://www.cpc.ncep.noaa.gov/products/expert_assessment/seasonal_drought.html.

EFFLUENT LIMITATIONS GUIDELINE (ELG) Defined in 40 Code of Federal Regulations (CFR) § 122.2 as a regulation published by the Administrator under § 304(b) of the Clean Water Act (CWA) to adopt or revise effluent limitations.

ENVIRONMENTALLY SENSITIVE AREAS mean the areas designated by the City Manager that need special protection because of the landscape, wetland, riparian, wildlife, or historical value.

EROSION CONTROL means a structure or measure that limits erosion.

FACILITY or ACTIVITY means a construction site or construction support activity that is regulated under TCEQ TPDES General Permit Number TXR150000 relating to storm water discharges associated with construction activities, including all contiguous land and fixtures (e.g., ponds and materials stockpiles), structures, or appurtenances used at a construction site or industrial site described by this Chapter and/or the TCEQ general construction permit.

FINAL STABILIZATION means:

- (1) The status of a construction site when all soil disturbing activities at the site have been completed and the disturbed soil has been covered with:
 - (a) A uniform (i.e., evenly distributed, without large bare areas) perennial vegetative cover with a density of at least 70 percent of the native background vegetative cover on all unpaved areas;
 - (b) Areas not covered by ~~P~~permanent structures such as buildings; and/or
 - (c) Equivalent ~~P~~permanent stabilization measures such as pavement, riprap, ~~or gabions, or geotextiles have been employed.~~
- (2) For individual lots in a residential construction site, final stabilization may be achieved ~~only~~ by either the homebuilder completing final stabilization as specified in subsection (1) of this definition; or
- (3) The homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization. If temporary stabilization

is not feasible, then the homebuilder may fulfill this requirement by retaining perimeter controls or BMPs, and informing the homeowner of the need for removal of temporary controls and the establishment of final stabilization. Fulfillment of this requirement must be documented in the homebuilder's stormwater pollution prevention plan (SWP3)

~~(4)~~ (3) For construction activities on land used for agricultural purposes (e.g., pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use.

~~(5)~~ (4) For construction activities on land that was not previously used for agricultural activities, such as buffer strips immediately adjacent to surface water and areas that are not being returned to their preconstruction agricultural use, must meet the final stabilization condition—final stabilization can be achieved only by meeting the conditions of subsection (1) of this definition.

~~(6)~~ (5) For the event of drought in arid, semi-arid, and drought-stricken areas only, final stabilization can be achieved only when all soil disturbing activities at the site have been completed and both of the following criteria have been met:

(a) Temporary erosion control measures (e.g., degradable rolled erosion control ~~products-mats~~) are selected, designed, and installed with an appropriate seed base to provide erosion control for at least 3 years without active maintenance by the operator; and

(b) The temporary erosion control measures are selected, designed, and installed to achieve 70 percent of the native vegetative coverage within 3 years.

GENERAL PERMIT means TPDES General Permit No. TXR150000 for the discharge of wastes which provides a means for construction sites and other sources of soil disturbance to lawfully discharge storm water to surface water in the state in compliance with section 402 of the Clean Water Act and chapter 26 of the Texas Water Code. The provisions of the general permit are promulgated and enforced by the TCEQ.

GRADING means shaping, excavating or filling of clay, sand, rock and/or other types of soil material.

HYPERCHLORINATION OF WATERLINES means the treatment of potable water lines or tanks with chlorine for disinfection purposes, typically following repair or partial replacement of the waterline or tank, and subsequently flushing the contents.

IMPAIRED WATER means a surface water body that is identified as impaired on the latest approved CWA §303(d) List or waters with an EPA-approved or established total maximum daily load (TMDL) that are found on the latest EPA approved Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d), which lists the category 4 and 5 water bodies.

IMPERVIOUS COVER means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INFEASIBLE means not technologically possible, or not economically practicable and achievable in light of best industry practices. (40 CFR §450.11(b)).

LARGER COMMON PLAN OF DEVELOPMENT OR SALE means any contiguous area where multiple separate and distinct construction or land disturbing activities will occur under 1 plan. A plan is any announcement or piece of documentation (including, but not limited to, public notice or hearing, drawing, permit application, zoning request, or site design) or physical

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~~demarcation (including, but not limited to, boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.~~

LARGE CONSTRUCTION ACTIVITY means construction activities including clearing, grading, and excavating that result in land disturbance measuring 5 acres of land or more. The term "large construction activity" also includes the disturbance of less than 5 acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb areas measuring 5 acres of land or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing rights-of-way, and similar maintenance activities).

~~LINEAR PROJECT includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.~~

~~MINIMIZE means to reduce or eliminate to the extent achievable using stormwater controls that are technologically available and economically practicable and achievable in light of best industry practices.~~

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) means a separate storm sewer system owned or operated by the United States, a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, storm water, and/or other wastes, including special districts under state law such as a sewer district, flood control or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, that discharges to surface water in the state.

NEW DEVELOPMENT means any development that converts any land from an unimproved to an improved state.

NON-POINT SOURCE (NPS) POLLUTION means forms of pollution caused by sediment, nutrients, organic and toxic substances originating from land use activities and carried to lakes and streams by surface runoff.

NON-STRUCTURAL BMP means preventative actions that involve management and source controls such as: policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; policies or ordinances that encourage infill development in higher density urban areas, and areas with existing infrastructure; education programs for developers and the public about project designs that minimize water quality impacts; and measures such as minimization of percent impervious area after development and minimization of directly connected impervious areas.

NOTICE OF CHANGE (NOC) means written notification to the executive director of the TCEQ which is also to be copied to the city manager, city building official, or city engineer from a discharger authorized under TPDES general permit TXR150000, providing changes to information that was previously provided to the agency in a notice of intent form.

NOTICE OF INTENT (NOI) means a written submission to the executive director of the TCEQ which is also to be copied to the city manager, city building official, city engineer, or his designee from an applicant requesting coverage under TPDES general permit TXR150000.

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NOTICE OF TERMINATION (NOT) means a written submission to the executive director of the TCEQ which is also to be copied to the city manager, city building official, city engineer, or his designee from a discharger authorized under a TPDES general permit TXR150000 requesting termination of coverage.

OPERATOR means the person or persons associated with a large or small construction activity that is either a primary or secondary operator as defined below:

- (1) *Primary operator* means the person or persons associated with a large or small construction activity that meets either of the following 2 criteria:
 - (a) The person or persons have on-site operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
 - (b) The person or persons have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a storm water pollution prevention plan (SWP3) for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).
- (2) *Secondary operator*. The person or entity, often the property owner—whose operational control is limited to:

(a) —the employment of other operators, such as a general contractor, to perform or supervise construction activities; or

(b) or to the ability to approve or disapprove changes to plans and specifications—but who does not have day-to-day on-site operational control over construction activities at the site.

Secondary operators must either prepare their own SWP3 or participate in a shared SWP3 that covers the areas of the construction site where they have control over the plans and specifications.

If there is not a primary operator at the construction site, then the secondary operator is defined as the primary operator and must comply with the requirements for primary operators. A secondary operator is also defined as a primary operator and must comply with the permit requirements for primary operators if there are no other operators at the construction site.

OUTFALL means a point source where storm water runoff associated with construction activity discharges to surface water in the state and does not include open conveyances connecting 2 municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other water of the United States and are used to convey waters of the United States.

OWNER means the legal or beneficial owner of land, including, but not limited to, a fee owner, mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. A secured lender not in possession of the property does not constitute and owner, unless the secured lender is included within the meaning of "owner" under another description in this definition.

PERIMETER CONTROL means a barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

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PERMIT means a site development permit issued by the City of Kirby, Texas for construction or the alteration of ground.

PERMITTEE means an operator authorized under this Code to commence construction that involves disturbing the soil. The authorization may be gained by applying for a building permit and submitting a NOI.

PERSON(S) means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or the legal representatives, agents, or assigns thereof.

PHASING means clearing a parcel of land in separate, distinct steps, with the stabilization of each phase completed before the clearing of the next.

POINT SOURCE (from 40 CFR § 122.2) means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, vessel or other floating craft from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

POLLUTANT means sediment, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into any surface water in the state. The term "pollutant" does not include tail water, irrigation runoff, or rainwater runoff from cultivated or uncultivated rangeland, pastureland, and farmland.

POLLUTION (from V.T.C.A., Water Code § 26.001(14)) means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any surface water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

PCSWQ means Post-Construction Storm Water Quality.

RAINFALL EROSION FACTOR (R factor) the total annual erosive potential that is due to climatic effects, and is part of the Revised Universal Soil Loss Equation (RUSLE).

RECEIVING WATER A "Water of the United States" as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

REDEVELOPMENT means alterations of a property that changed the "footprint" of a site or building in such a way that there is a disturbance of equal to or greater than one (1) acre of land. This term does not include such activities as exterior remodeling, routine maintenance activities, and linear utility installation. any construction, alteration or improvement where existing land is altered of previously developed land.

RESPONSIBLE PARTY means any person or legal entity, individual or corporate, including an owner, operator, contractor, or subcontractor, any or all of whom may be engaged in, consent to, or actually perform a construction project or construction activity.

REVIEW FEE means the cost charged to the applicant for the review of an application submittal, including a proposed SWP3. This fee will initially be \$200.00 plus \$100.00 per acre or portion of an acre of proposed disturbed area (e.g., the review fee for the proposed disturbance of 1 acre or less would be: \$200.00+\$100.00=\$300.00; for a 2-acre disturbance: \$200.00+\$200.00=\$400.00; for a 2½-acre disturbance: \$200.00+\$300.00=\$500.00; etc.). This fee may be increased or decreased by amendment to this chapter.

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SEDIMENT CONTROL means a structure or measure that prevents eroded sediment from leaving the site.

SEPARATE STORM SEWER SYSTEM (S4) means a conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains), designed or used for collecting or conveying storm water; that is not a combined sewer, and that is not part of a publicly owned treatment works (POTW).

SITE means a parcel of land or a contiguous combination thereof, where construction and/or grading work is performed as a single unified operation.

SITE DEVELOPMENT means any construction project that involves the disturbing of soil.

SMALL CONSTRUCTION ACTIVITY means construction activities, including clearing, grading, and excavating, that result in land disturbance measuring 1 acre or more and less than 5 acres. The term "small construction activity" also includes the disturbance of less than 1 acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb areas of land measuring 1 acre or more and less than 5 acres. The term "small construction activity" does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing rights-of-way, and similar maintenance activities).

STABILIZATION means practices and measures that prevent exposed soil from eroding.

START OF CONSTRUCTION. See COMMENCEMENT OF CONSTRUCTION.

STATE means the State of Texas.

STEEP SLOPES are where a state, Tribe, local government, or industry technical manual (e.g. stormwater BMP manual) has defined what is to be considered a "steep slope", this chapter automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 15 percent or greater in grade.

STORM WATER, STORM WATER RUNOFF, OR RUNOFF means rainfall runoff, snow melt runoff, and surface runoff and drainage.

STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY means storm water runoff from a construction site where soil disturbance is of a size large enough to be regulated by this Chapter.

STORM WATER CONTROL GUIDELINES FOR CONSTRUCTION SITES means a manual containing all approved methods and design criteria for drainage and storm water control.

STORM WATER MANAGEMENT means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

STORM WATER POLLUTION PREVENTION PLAN (SWP3 or SW3P) means a set of plans prepared by or under the direction of a licensed professional engineer proposing specific best management practices, including erosion controls, sediment controls, and sequencing schedules for limiting the amount of sediment that is discharged to drainage easements, public rights-of-way, the storm drain system, waterways, and watercourses. Separate plans may be required to address conditions during and after construction.

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STRUCTURAL BMP means any storage practices such as wet ponds and extended-detention outlet structures; filtration practices such as grassed swales, sand filters and filter strips; and infiltration practices such as infiltration basins and infiltration trenches.

STRUCTURAL CONTROL OR PRACTICE means a pollution prevention practice that requires the construction of a device, or the use of a device, to capture or to limit pollution in storm water runoff. Structural controls and practices may include, but are not limited to silt fences, earthen dikes, drainage swales, sediment traps, check dams, subsurface drains, storm drain inlet protection, outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

SURFACE WATER IN THE STATE means lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high-water mark (MHW) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

TCEQ means the Texas Commission on Environmental Quality.

TEMPORARY STABILIZATION means a condition where exposed soils or disturbed areas are provided a protective cover or other structural control to prevent the migration of pollutants. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until permanent stabilization can be achieved or until further construction activities take place.

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM means a program to issue authorizations to discharge pollutants into waters of the state if certain conditions are met.

TOTAL MAXIMUM DAILY LOAD (TMDL) means the total amount of a pollutant that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

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TURBIDITY means a condition of water quality characterized by the presence of suspended solids and/or organic material.

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WATERCOURSE means any body of water, including, but not limited to, lakes, ponds, rivers, streams, and bodies of water delineated by the city on its storm water map.

WATERS OF THE UNITED STATES (from 40 CFR, Part 122, § 2). Waters of the United States or waters of the U.S. means:

- (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (2) All interstate waters, including interstate wetlands;
- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (a) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

- (b) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
- (c) Which are used or could be used for industrial purposes by industries in interstate commerce;
- (4) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (5) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (6) ~~(7)~~ the territorial sea; and
- (7) ~~(6)~~ Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland.

Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the Environmental Protection Agency.

WATERWAY means a channel that directs surface runoff to a watercourse or to the public storm drain.

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§ 55.03 - PERMITS; APPLICABILITY AND COVERAGE.

Discharges eligible for authorization.

- (A) Storm water associated with construction activity discharges of storm water runoff from small and large construction activities may be authorized under this chapter.
- (B) *Discharges of storm water associated with construction support activities.* Examples of construction support activities include, but are not limited to, rock crushers, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas. Discharges of storm water runoff from construction support activities may be authorized under this general chapter, provided that the following conditions are met:
 - (1) The activities are located within the same city, located within 1 mile from the boundary of the permitted construction site, and directly support the construction activity;
 - (2) A Storm Water Pollution Prevention Plan is developed according to the provisions of this chapter which includes appropriate controls and measures to reduce erosion and discharge of pollutants in storm water runoff from the construction support activities;
 - (3) The activities are not a commercial operation, nor serve other unrelated construction projects; and

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(4) ~~(3)~~ The construction support activities either do not operate beyond the completion date of the construction activity or are authorized under separate authorization. Separate authorization may include the TPDES Multi Sector General Permit, TXR050000 (related to storm water discharges associated with industrial activity), separate authorization under this chapter if applicable, coverage under an alternative chapter if available, or authorization under an individual water quality permit issued by the state.

(C) *Non-storm water discharges.* The following non-storm water discharges are not prohibited under this chapter:

- (1) Discharges from fire fighting activities (fire fighting activities do not include washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities);
- (2) Uncontaminated fire hydrant flushings (excluding discharges of hyper chlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or ground water that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);
- (3) Water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local, state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;
- (4) Uncontaminated water used to control dust;
- (5) Potable water sources including waterline flushings (excluding discharges of hyper chlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- (6) Uncontaminated air conditioning condensate;
- (7) Uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents; and
- (8) Lawn watering and similar irrigation drainage.

(D) *Other permitted discharges* . Any discharge authorized under a separate permit may be combined with discharges authorized by this chapter, provided those discharges comply with the associated permit.

§ 55.04 - PERMIT REQUIREMENTS.

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(A) No person shall be granted a site development permit for a project disturbing 1 acre of land or more without the approval of a Storm Water Pollution Prevention Plan (as described more fully in this chapter) by the City Engineer or the City Building Official or his or her or their duly authorized representative(s).

(B) No site development permit is required for the following activities:

- (1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
- (2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- (3) Gardening that is associated with the maintenance and landscaping of existing facilities and that is unrelated to new construction.

(C) Each NOI shall bear the name(s) ~~and addresses~~, and telephone numbers of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.

(D) Each NOI shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with an approved Storm Water Pollution Prevention Plan.

(E) Each NOI shall include the TPDES CGP authorization number for existing authorizations under the construction general permit (CGP), where the operator submits an NOI to renew coverage within 90 days of the effective date of this general permit;

(F) the name (or other identifier), address, county, and latitude/longitude of the construction project or site;

(G) ~~(E)~~ For large construction activities, the applicant will be required to file with the city or its duly authorized representative a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by the City Manager or City Engineer or his or her or their duly authorized representative to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the city, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

§ 55.05 - STORM WATER POLLUTION PREVENTION PLAN (SWP3).

(A) General requirements.

- (1) Storm Water Pollution Prevention Plans must be prepared prior to submittal of an NOI, for the purpose of limiting pollutants in discharges from small and large construction activities that will reach MS4s and privately-owned Separate Storm Sewer Systems. The SWP3 must also identify ~~and address any~~ potential sources of pollution (including off-site material storage areas, overburden and stockpiles of dirt, borrow areas, equipment staging areas, vehicle repair areas, fueling areas, and ~~the like etc.~~) that have been determined to cause, have a reasonable potential to cause, or contribute to a violation of water quality standards or have been found to cause or contribute to the loss of a designated use of surface water in the state from discharges of stormwater from construction activities and construction support activities. Where potential sources of these pollutants are present at a construction site, the SWP3 must also contain a description of the management practices that will be used to prevent these pollutants from being discharged into surface water in the state or Waters of the U.S. are reasonably expected to affect the quality of construction site discharges.

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The SWP3 must describe the implementation of practices that will be used to minimize, to the extent practicable, the discharge of construction related pollutants in storm water and certain non-storm water discharges. At a minimum, such measures must be designed, installed, implemented, and maintained to:

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(a) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

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(b) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater;

(c) Minimize the exposure of waste materials by closing waste container lids at the end of the work day. For waste containers that do not have lids, where the container itself is not sufficiently secure enough to prevent the discharge of pollutants absent a cover and could leak, the permittee must provide either a cover (e.g., a tarp, plastic sheeting, temporary roof) to minimize exposure of wastes to precipitation, or a similarly effective means designed to minimize the discharge of pollutants (e.g., secondary containment); and

(d) Minimize the discharge of pollutants from spills and leaks, and implement chemical spill and leak prevention and response procedures.

(2) SWP3s must utilize temporary and permanent BMPs, measures, and controls complying with the city's Technical Guidance Manual.

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(3) SWP3s require maps and/or drawings. The scale of the maps and drawings must be large enough to provide a clear understanding of the site and the project. Sheet sizes must not exceed 24 inches by 36 inches. Where the amount of information required to be included on the map would result in a single map being difficult to read and interpret, the operator shall develop a series of maps that collectively include the required information.

(4) SWP3s must list MS4s receiving discharges from the subject construction activity. The same MS4s must receive copies of the SWP3 and application submittal.

(5) *Shared SWP3 development.*

(a) For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site is encouraged. Operators of small and large construction activities must independently obtain authorization, but may work together to prepare and implement a single, comprehensive SWP3 for the entire construction site.

(b) The SWP3 must clearly list the name, and for large construction activities, the permit authorization numbers, for each operator that participates in the shared SWP3. (or the date that the NOI was submitted to TCEQ by each operator that has not received an authorization number for coverage under the CGP). Until the city responds to receipt of the NOI with a permit authorization number, the SWP3 must specify the date that the NOI was submitted to the city by each operator. Each operator participating in the shared plan must also sign the SWP3.

(c) The SWP3 must clearly indicate which operator is responsible for satisfying each shared requirement of the SWP3. If the responsibility for satisfying a requirement

is not described in the plan, then each permittee is entirely responsible for meeting the requirement within the boundaries of the construction site where it performs construction activities. The SWP3 must clearly describe responsibilities for meeting each requirement in shared or common areas.

- (d) Individual operators may develop separate SWP3s that apply only to their portion of the project, provided reference is made to the other operators working on the site. Where there is more than 1 SWP3 for a site, permittees must coordinate to ensure that BMPs and controls are consistent and do not negate or impair the effectiveness of other controls. Regardless of whether a single comprehensive SWP3 is developed or separate SWP3s are developed for each operator, it is the responsibility of each operator to ensure compliance with the terms and conditions of this chapter in the areas of the construction site where that operator has control over construction plans and specifications or day-to-day operations.

(6) Responsibilities of Operators

(a) Secondary Operators and Primary Operators with Control Over Construction Plans and Specifications

All secondary operators and primary operators with control over construction plans and specifications shall:

- 1.) ensure the project specifications allow or provide that adequate BMPs are developed to meet the requirements of Part III of this general permit;
- 2.) ensure that the SWP3 indicates the areas of the project where they have control over project specifications, including the ability to make modifications in specifications;
- 3.) ensure that all other operators affected by modifications in project specifications are notified in a timely manner so that those operators may modify their BMP s as necessary to remain compliant with the conditions of this general permit; and
- 4.) ensure that the SWP3 for portions of the project where they are operators indicates the name and site-specific TPDES authorization number(s) for operators with the day-to-day operational control over those activities necessary to ensure compliance with the SWP3 and other permit conditions. If a primary operator has not been authorized or has abandoned the site, the secondary operator is considered to be the responsible party and must obtain authorization as a primary operator under the permit, until the authority for day-to-day operational control is transferred to another primary operator. The new primary operator must update or develop a new SWP3 that will reflect the transfer of operational control and include any additional updates to the SWP3 to meet requirements of the permit.

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(7) Primary Operators with Day-to-Day Operational Control

Primary operators with day-to-day operational control of those activities at a project that are necessary to ensure compliance with an SWP3 and other permit conditions must ensure that the SWP3 accomplishes the following requirements:

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- (a) meets the requirements of this general permit for those portions of the project where they are operators;
- (b) identifies the parties responsible for implementation of BMPs described in the SWP3;

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(c) indicates areas of the project where they have operational control over day-to-day activities; and

(d) the name and site-specific TPDES authorization number of the parties with control over project specifications, including the ability to make modifications in specifications for areas where they have operational control over day-to-day activities.

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(B) *Small and large construction activities.* For small and large construction activities, the SWP3 must include, at a minimum:

(1) A site or project description, which includes the following information:

- (a) The address and lot description of the site;
- (b) A description of the nature of the construction activity;
- (c) A list of potential pollutants and their sources;
- (d) A description of the best management practices (BMPs) that will be used to minimize pollution in runoff;
- (e) The intended schedule or sequence of activities that will disturb soils for major portions of the site; the schedule of sequence must provide dates for beginning and ending construction activities such as stripping and clearing, rough grading, installing utilities, constructing infrastructure, constructing buildings, final grading, landscaping, and installing erosion and sediment controls, including temporary and permanent measures;
- (f) The total number of acres of the entire project property and the total number of acres where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas that are authorized under the permittee's NOI;
- (g) Data describing the soil or the quality of any discharge from the site;
- (h) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of mineral and fertilizer, kind and quantity of mulching for both temporary and permanent vegetative control measures; and
- (i) A maintenance plan for BMPs.

(2) A general map showing the general location of the site (e.g. a portion of a city or county map);

(3) A detailed topographic site map (or maps) indicating the following:

- (a) North arrow;
- (b) Identifying property lines;
- (c) Easements;
- (d) Designated points on the site where vehicles will exit onto paved roads (for instance, this applies to construction transition from unstable dirt areas to exterior paved roads); Access to the site;
- (e) Existing site conditions;
- (f) The areas and extent of proposed soil disturbance;
- (g) Proposed project conditions;

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- (h) Conveyances and watercourses;
- (i) Drainage patterns and approximate slopes anticipated after major grading activities;
- (j) Locations of all planned or in-place structural controls and buffers;
- (k) Locations of temporary and permanent stabilization measures;
- (l) Locations of construction support activities, including off-site activities, that are authorized under the permittee's NOI, including material, waste, borrow, fill, equipment storage, asphalt plants, and concrete plants;
- (m) Surface waters (including wetlands) either at, adjacent to, or in close proximity to the site;
- (n) Locations where storm water discharges from the site directly to a surface water body or MS4; and
- (o) Vehicle wash areas.

§ 55.06 - MAINTENANCE AND INSPECTION OF CONTROLS.

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(A) *Maintenance of controls.*

- (1) All protective measures identified in the SWP3 must be maintained in effective operating condition. If, through inspections or other means, the permittee determines that BMPs are not operating effectively, then the permittee shall perform maintenance as necessary to maintain the continued effectiveness of storm water controls, and prior to the next rain event if feasible. If maintenance prior to the next anticipated storm event is impracticable, the reason shall be documented in the SWP3 and maintenance must be scheduled and accomplished as soon as practicable. Erosion and sediment controls that have been intentionally disabled, run over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery.
- (2) If periodic inspections or other information indicates a control has been used incorrectly, is performing inadequately, or is damaged, then the operator must replace or modify the control as soon as practicable after making the discovery.
- (3) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%. For perimeter controls such as silt fences, berms, and the like, the trapped sediment must be removed before it reaches 50% of the above-ground height.
- (4) If sediment escapes the site, accumulations must be removed at a frequency that minimizes off-site impacts, and prior to the next rain event, if feasible. If the permittee does not own or operate the off-site conveyance, then the permittee must work with the owner or operator of the property to remove the sediment.

(B) *Inspection of controls.*

- (1) Personnel provided by the permittee must inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Personnel conducting these

inspections must be knowledgeable of this chapter, any permit issued under it, and the TCEQ general construction permit, familiar with the construction activities at the site, and knowledgeable of the SWP3 for the site. Personnel conducting these inspections are not required to have signatory authority for inspection reports under 30 TAC §305.128.

(2) Requirements of Inspections.

- (a) Sediment and erosion control measures identified in the SWP3 must be inspected to ensure that they are operating correctly.
- (b) Identify locations on the construction site where new or modified stormwater controls are necessary.
- (c) Check for signs of visible erosion and sedimentation that can be attributed to the points of discharge where discharges leave the construction site or discharge into any surface water in the state flowing within or adjacent to the construction site.
- (d) Identify any incidents of noncompliance observed during the inspection.
- (e) Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.
- (f) If an inspection is performed when discharges from the construction site are occurring: identify all discharge points at the site, observe and document the visual quality of the discharge (i.e., color, odor, floating, settled, or suspended solids, foam, oil sheen, and other such indicators of pollutants in stormwater).
- (g) Complete any necessary maintenance needed, based on the results of the inspection and in accordance with the requirements listed in this chapter.

(3) Inspection Frequencies.

- (a) Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.
- (b) ~~(2)~~ Where sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or frozen ground exists), inspections must be conducted at least once every month until thawing conditions begin to occur. The SWP3 must also contain a record of the approximate beginning and ending dates of when frozen conditions occurred at the site, which resulted in inspections being conducted monthly, while those conditions persisted, instead of at the interval of once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.
- (c) ~~(3)~~ As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every 7 calendar days. If this alternative schedule is developed, then the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection. The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of 1 time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of "dry" season and beginning of "wet" season).

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- (4) In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.

(5) ~~Inspection Reports.~~

- ~~(5)~~ The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within 7 calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.

- (6) A report summarizing the scope of the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 must be ~~made completed within 24-hours following the inspection~~ and retained as part of the SWP3. The report must also include the date(s) of the inspection and major observations relating to the implementation of the SWP3. Major observations should include: the locations of discharges of sediment or other pollutants from the site; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.

- (7) Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be signed by the person and in the manner required by 30 TAC 305.128 (relating to Signatories to Reports). The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.

- (8) The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-stormwater components of the discharge, as listed in section 55.03 of this chapter.

- (9) The SWP3 must include the information required in section 55.02 of this chapter.

- (10) The SWP3 must include pollution prevention procedures that comply with section 55.02 of this chapter.

§ 55.07 - REVIEW, APPROVAL, OBTAINING AUTHORIZATION TO DISCHARGE.

- (A) *Submissions* . In order to apply for a permit for site development and to obtain an approval for a small or large construction activity, the applicant must complete or develop and submit the following application documents to the city for review:

- (1) Small construction activity (submit at least 15 calendar days prior to the date to commence work):

~~(a) NOI.~~

(a) ~~(b)~~ Copies of any prior related permits.

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(b) (e) SWP3 meeting requirements for a small construction activity.

(c) (d) Small construction site notice.

(d) (e) Review fee.

(2) Large construction activity (submit at least 30 calendar days prior to the date to commence work):

(a) NOI.

(b) Copies of any prior related permits.

(c) SWP3 meeting requirements for a large construction activity.

(d) Large construction site notice.

(e) Review fee.

(B) *Review and approval.* The City Engineer or Building Official will review each submittal for a site development permit to determine its conformance with the provisions of this chapter. After receiving a complete submittal, the City Engineer or Building Official within 15 calendar days for a small construction activity and 30 calendar days for a large construction activity, shall, in writing:

(1) Approve the permit;

(2) Approve the permit subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or

(3) Disapprove the permit, indicating the reason(s) for disapproval and the procedure for submitting a revised application or submission.

(C) *Minor modifications.* Minor modifications to an approved SWP3 shall be documented by the permittee on a form provided by the city and shall be approved or disapproved by the City Engineer or Building Official, with such decision so indicated on the form, within 5 business days of receiving the completed form.

(D) *Major modifications.* Major modifications to an approved SWP3 shall be processed and approved or disapproved in the same manner as for first-time submittals of this chapter, and may be authorized by the City Engineer and/or Building Official by written authorization to the permittee.

(E) *Additional primary operators.* If an additional primary operator is added or changed after the initial NOI is submitted, the new primary operator must submit an NOI at least 10 calendar days prior to assuming operational control.

(F) *Posting NOI.* All primary operators and permittees must post a copy of the signed NOI at the construction site in a location where it is readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction activities, and must maintain the NOI in that location until completion of the construction activity.

Two days prior to commencing construction activities, all primary operators must:

(1) provide a copy of the signed NOI to the operator of any MS4 receiving the discharge and to any secondary construction operator, and

(2) list in the SWP3 the names and addresses of all MS4 operators receiving a copy;

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(G) *Posting site notice.* All operators and permittees must post a site notice. The site notice must be located where it is safely and readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction, and must be maintained in that location until completion of the construction activity.

(H) *Secondary operators.* All secondary operators are regulated under this chapter, but are not required to submit an NOI, provided that ~~another~~ the primary operator(s) at the site has submitted an NOI, or is required to submit an NOI and the secondary operator has provided notification to the primary operator(s) of the need to obtain coverage (with records of notification available upon request). Any secondary operator notified under this provision may alternatively submit an NOI under this chapter as set forth above, may seek coverage under an alternative TPDES individual permit, or may seek coverage under an alternative TPDES general permit if available.

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~~(I)~~ all secondary operators of large construction activities must post a copy of the signed and certified Secondary Operator construction site notice and provide a copy of the signed and certified site notice to the operator of any MS4 receiving the discharge at least two days prior to the commencement of construction activities. Posted site notices may have a redacted signature as long as there is an original signed and certified Secondary Operator construction site notice, with a viewable signature, located on-site and available for review by an applicable regulatory authority.

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~~(J)~~ (4) *Date of coverage.* Operators of construction activities are authorized and their construction activities are permitted after the required submittals are received by the city, reviewed by the city, and written notification, including a stamped SWP3 and city authorization number are issued by the city to the operator/permittee.

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~~(K)~~ (4) *Late NOIs.* Operators are not prohibited from submitting late NOIs or posting late notices to obtain authorization under this chapter. The city reserves the right to take appropriate enforcement actions for any unpermitted activities that may have occurred between the time construction commenced and authorization was obtained.

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~~(L)~~ (K) *Notice of change (NOC).*

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(1) If relevant information provided in the NOI changes, the following items must be submitted:

~~(a) For small construction activities—an NOC at least 10 calendar days prior to the change occurring; and~~

~~(a)~~ (b) For large construction activities—an NOC at least 14.5 calendar days prior to the change occurring.

(2) When the required advance notice is not possible, the operator must submit an NOC within 14.5 days of discovery of the change. If the operator becomes aware that it failed to submit any relevant facts or submitted incorrect information in an NOI, the correct information must be provided to the City Manager, the City Engineer, or Building Official in an NOC within 14.45 days after discovery. The NOC shall be submitted on a form provided by the executive director City Manager, the City Engineer, or Building Official, or by letter if an NOC form is not available. A copy of the NOC must also be provided to the operator of any MS4 receiving the discharge, most notably the city. A list that includes the names and addresses of all MS4 operators receiving a copy of the NOC (or NOC letter) must be included in the SWP3.

(3) Information that may be included in an NOC includes, but is not limited to, the following: the description of the construction project, an increase in the number of

acres disturbed (for increases of 1 or more acres), and the operator name. A transfer of operational control from 1 operator to another, including a transfer of the ownership of a company, must be included in an NOC. Coverage under the CGP is not transferable from one operator to another or one company to another, and may not be included in an NOC. A transfer of ownership of a company includes changes to the structure of a company, such as changing from a partnership to a corporation or changing corporation types, so that the filing number (or charter number) that is on record with the Texas Secretary of State must be changed. An NOC is not required for notifying the city of a decrease in the number of acres disturbed. This information must be included in the storm water pollution prevention plan (SWP3) and retained on site.

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(M) (L) *Signatory requirements.* Signatory requirement for NOI Forms, Notice of Termination (NOT) Forms, NOC Letters, and Construction Site Notices. NOI forms, NOT forms, NOC letters, and Construction Site Notices that require a signature must be signed according to 30 TAC § 305.44 (relating to Signatories for Applications).

§ 55.08 - INSPECTIONS BY CITY.

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- (A) *City inspections.* The City Engineer, the City Building Official, or his or her or their designated agent, shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Storm Water Pollution Prevention Plan as approved. Plans for grading, stripping, excavating, and filling work and an SWP3 bearing the stamp of city approval shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the City Engineer or the Building Official at least 3 working days before the following:
- (1) Start of construction
 - (2) Installation of sediment and erosion measures
 - (3) Completion of site clearing
 - (4) Completion of rough grading
 - (5) Completion of final grading
 - (6) Close of the construction season
 - (7) Completion of final landscaping
- (B) *Permittee inspections.* The permittee or his or her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Storm Water Pollution Prevention Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the Storm Water Pollution Prevention Plan and the need for additional control measures. All inspections shall be documented on forms provided by the city and submitted to the City Engineer or the Building Official at the time interval specified in the approved permit.
- (C) *Entry permitted.* The City Manager, the City Council, the City Engineer, the Building Official, or their designated agents shall be permitted to enter the construction site or disturbed area as deemed necessary to make inspections to ensure the validity of the reports filed by the permittee.

- (D) *Refusal of access.* If the City Manager, City Engineer, Building Official, or his or her or their designee, has been refused access to any part of the premises from which storm water is discharged, and he or she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City Manager may seek issuance of a search warrant from any court of competent jurisdiction.

§ 55.09 - LIMITATIONS ON PERMIT COVERAGE. ▲

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- (A) *Post-construction discharges.* Discharges that occur after construction activities have been completed, and after the construction site and any supporting activity site have undergone final stabilization, are not eligible for coverage under a permit issued in accordance with this chapter. Discharges originating from permitted sites are not authorized under this chapter following the submission of the notice of termination (NOT) for the construction activity.
- (B) *Prohibition of non-storm water discharges.* Except as otherwise provided, only discharges that are composed entirely of storm water associated with construction activity may be authorized under this chapter.
- (C) *Compliance with water quality standards.* Discharges to surface water in the city that would cause or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses are not eligible for coverage under this chapter. The City Manager, Building Official, or City Engineer may require an application for a TPDES individual permit to authorize discharges to surface water in the state from any activity that is determined to cause a violation of water quality standards or is found to cause, or contribute to, the loss of a designated use. The City Manager, the City Engineer, or Building Official may also require an application for a TPDES individual permit considering factors described in this chapter.
- (D) *Discharges to water quality-impaired receiving waters.* New sources or new discharges of the constituents of concern to impaired waters are not authorized by a permit granted under this chapter unless otherwise allowable under 30 TAC Chapter 305 and applicable state law. Impaired waters are those that do not meet applicable water quality standards and are listed on the EPA approved Clean Water Act Section 303(d) list. Constituents of concern are those for which the water body is listed as impaired. Discharges of the constituents of concern to impaired water bodies for which there is a total maximum daily load (TMDL) are not eligible for a permit unless they are consistent with the approved TMDL. Permittees must incorporate the limitations, conditions, and requirements applicable to their discharges, including monitoring frequency and reporting required by Texas Commission on Environmental Quality (TCEQ) rules, into their storm water pollution prevention plan in order to be eligible for coverage under this chapter.
- (E) *Discharges to specific watersheds and water quality areas.* Discharges otherwise eligible for coverage cannot be authorized by this chapter where prohibited by 30 TAC Chapter 311 (relating to Watershed Protection) for water quality areas and watersheds.
- (F) *Protection of streams and watersheds by other governmental entities.* This chapter does not limit the authority or ability of federal, state, or other local governmental entities from

placing additional or more stringent requirements on construction activities or discharges from construction activities.

- (G) *Oil and gas production and transportation.* Storm water runoff from construction activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline, are not under the authority of the city and are not eligible for coverage under this chapter. If discharges of storm water require authorization under federal NPDES regulations, authority for these discharges must be obtained from the EPA.
- (H) *Storm water discharges from agricultural activities.* Storm water discharges from agricultural activities that are not point source discharges of storm water are not subject to the requirements or restrictions of this chapter. Where properly zoned for such uses, these activities may include clearing and cultivating ground for crops, construction of fences to contain livestock, construction of stock ponds, and other similar agricultural activities.
- (I) *Other.* Nothing in this chapter is intended to negate any person's ability to assert the force majeure (act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC § 70.7.

§ 55.10 - CONCRETE BATCH PLANTS PROHIBITED.

Concrete batch plants are prohibited in the city.

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§ 55.11 - CONCRETE TRUCK WASH-OUT REQUIREMENTS.

Wash-out of concrete trucks at construction sites is permitted provided that the following requirements are satisfied.

- (A) Land disposal of concrete truck wash-out water is permitted only from concrete trucks that are associated with off-site production facilities. Disposal of concrete truck wash-out water associated with on-site concrete production facilities is specifically prohibited within the city.
- (B) Direct discharge of concrete truck wash-out water to surface water in the state, including discharge to storm sewers, is prohibited.
- (C) Concrete truck wash-out water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters, or to areas that have a minimal slope that allow infiltration and filtering of wash-out water to prevent direct discharge to surface waters. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.
- (D) Wash-out of concrete trucks during rainfall events shall be minimized. The direct discharge of concrete truck wash-out water is prohibited at all times, and the operator shall insure that its best management practices are sufficient to prevent the discharge of concrete truck washout as the result of rain.
- (E) The discharge of wash-out water shall not cause or contribute to ground water contamination.

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- (F) If a Storm Water Pollution Prevention Plan (SWP3) is required to be implemented, the SWP3 shall include concrete wash-out areas on the associated map.

§ 55.12 - DEADLINES FOR OBTAINING DISCHARGE AUTHORIZATION.

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(A) *Large construction activities.*

- (1) *New construction.* Discharges from sites where the commencement of construction occurs on or after the effective date of this chapter must be authorized, either according to this chapter or a separate permit issued by the city, prior to the commencement of those construction activities.
- (2) *Ongoing construction.* Operators of large construction activities operating prior to the effective date of this chapter, and continuing to operate after the effective date of a permit issued under this chapter, must submit an NOI or NOT to the City Manager, the City Engineer, or Building Official to renew authorization of any permit issued under any previous law, chapter or rule under which construction activity began within 90 days of this chapter. During this interim period, as a requirement of issuance of such permit under this chapter, the operator must continue to meet the conditions and requirements of any previous permit.

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(B) *Small construction activities.*

- (1) *New construction.* Discharges from sites where the commencement of construction occurs on or after the effective date of this chapter must be authorized under this chapter prior to the commencement of those construction activities.
- (2) *Ongoing construction.* Discharges from ongoing small construction activities that commenced prior to the effective date of this chapter, and that would not meet the conditions to qualify for termination of a permit issued under this chapter must meet the requirements to be authorized under this chapter within 90 days of the effective date of this chapter. During this interim period, as a requirement of a permit issued under this chapter, the operator must continue to meet the conditions and requirements of any previous permit issued by the city under which construction activities began.

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§ 55.13 - PERMIT EXPIRATION.

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- (A) *Initial term.* A permit issued under this chapter is issued for a term not to exceed 1 year. Unless otherwise specified in the permit issued, all active discharge authorizations expire 1 year from the date provided in the permit. The city, through the City Council or City Manager, may amend, revoke, or cancel a permit issued under this chapter at any time.
- (B) *Notice of intent to renew.* If the city officially provides, in writing, a notice of the intent to renew or amend a permit before the expiration date, the permit will remain in effect for existing, authorized discharges until the city takes final action on the permit. Upon issuance of a renewed or amended permit, permittees may be required to submit an NOI within 90 days following the effective date of the renewed or amended permit, unless that permit provides for an alternative method for obtaining authorization. A renewal or amended permit may not be for a period in excess of 6 months. The fee for issuance of a renewal or

amended permit shall be equal to one-half of the review fee for the permit being renewed or amended.

- (C) *New permit.* If the city does not propose to renew or amend a permit within 90 days before the expiration date, permittees shall apply for authorization under a new permit if activity requiring a permit will continue after expiration of the initial permit. If the NOI for a new permit is submitted before the expiration date, authorization under the expiring permit remains in effect until the issuance or denial of a new permit. No new NOIs will be accepted nor new authorizations honored under the original permit after the expiration date. If a new permit is requested, the permittee shall submit an application in accordance with § 55.07 and a new review fee must be paid.

§ 55.14 - RETENTION OF RECORDS. ▲

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The permittee must retain the following records for a minimum period of 3 years from the date that an NOI is submitted as required by this chapter. For activities in which an NOI is not required, records shall be retained for a minimum period of 3 years from the date that the operator terminates coverage as provided under this chapter. Records include:

- (A) A copy of the SWP3;
- (B) All reports and actions required by this permit, including a copy of the construction site notice;
- (C) All data used to complete the NOI, if an NOI is required for coverage under this general permit; and
- (D) All records of submittal of forms submitted to the operator of any MS4 receiving the discharge and to the secondary operator of a large construction site, if applicable.

§ 55.15 - STANDARD PERMIT CONDITIONS. ▲

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- (A) *Duty to comply.* The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued, and is grounds for enforcement action, for terminating, revoking and reissuance, or modification, or denying coverage under a permit issued under this chapter, or for requiring a discharger to apply for and obtain an individual permit under this chapter.
- (B) *Permit suspension or revocation.* Authorization under a permit issued under this chapter may be modified, suspended, or ~~or~~ revoked and reissued, terminated or otherwise suspended for cause, based on rules located in TWC §23.086, 30 TAC §305.66 and 40 CFR §122.41(f). Filing a notice of planned changes or anticipated noncompliance by the permittee does not stay any permit condition imposed by this chapter. The permittee must furnish to the City Manager, the City Engineer, or Building Official, upon request and within a reasonable time, any information necessary for the City Manager, the City Engineer, or Building Official to determine whether cause exists for modifying, revoking and reissuing, terminating or, otherwise, ~~or terminating~~ suspending, ~~or terminating~~ authorization under any permit issued in compliance with this chapter. Additionally, the permittee must provide to the City

Manager, the City Engineer, or Building Official, upon request, copies of all records that the permittee is required to maintain as a condition of this chapter.

- (C) *Limit on defense.* It is not a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the permit conditions.
- (D) *Inspection and entry.* Inspection and entry by the city shall be allowed under Tex. Water Code Chapters 26-28, Tex. Health and Safety Code § 361.032-361.033 and 361.037, and 40 CFR § 122.41(i)(4).
- (E) *Water code penalties apply.* The discharger is subject to administrative, civil, and criminal penalties, as applicable, for violations including, but not limited to, the following:
 - (1) Negligently or knowingly violating the federal Clean Water Act (CWA) §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA § 402, or any requirement imposed in a pretreatment program approved under CWA § 402(a)(3) or 402(b)(8);
 - (2) Knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance; and-
 - (3) Knowingly violating CWA §303 and placing another person in imminent danger of death or serious bodily injury.
- (F) *Signing of reports.* All reports and other information requested by the City Manager, the City Engineer, or Building Official must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
- (G) *Authorization does not convey property or waive rights.* Authorization under this chapter does not convey property or water rights of any sort and does not grant any exclusive privilege.
- (H) *Additional provisions.* Nothing in this chapter shall be construed to allow storm water runoff from any construction and/or land-disturbing activity onto any other public or private property except as expressly provided by this chapter. Additionally, any permittee under this chapter is specifically required to complete internal final stabilization of the entirety of a permitted construction and/or land disturbance area prior to the city's acceptance of an NOI, or the issuance by the city of any certificate of occupancy.

§ 55.16 - FEES.

- (A) *Review fee.* A review fee as defined by this chapter must be submitted along with the NOI.
- (B) *When fees are due.* Fees are due upon submission of the application documents, including the NOI. An application will not be declared administratively complete unless the associated fee has been paid in full.
- (C) *Fees of other entities.* Any fee assessed under the terms of the TCEQ general construction permit, or any other permit required by any other federal, state or local governmental entity or agency, is a separate fee, and it is the sole responsibility of the prospective permittee to satisfy any such fee requirement(s).

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§ 55.17 - NOTICE OF VIOLATION. ▲

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- (A) Whenever the City Building Official or his or her designee finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the city may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
- (1) The performance of monitoring, analysis, and reporting;
 - (2) The elimination of construction site storm water runoff;
 - (3) That violating construction practices or operations shall cease and desist;
 - (4) The abatement or remediation of construction storm water runoff and the restoration of any affected property;
 - (5) Payment of a fine to cover administrative and remediation costs; and/or
 - (6) The implementation of construction storm water runoff BMPs.
- (B) If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator.

§ 55.18 - APPEAL OF NOTICE OF VIOLATION. ▲

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Any person receiving a Notice of Violation from the Building Official or his or her designee may appeal the determination to the City Manager by filing a Notice of Appeal with the City Secretary not later than 10 days after the date of the Notice of Violation. The City Manager shall conduct a hearing on the appeal within 30 days of the date of filing of the Notice of Appeal. Notice of the date, time, and place of such hearing will be sent by first class mail to the person submitting the Notice of Appeal not less than 7 days prior to the date of the hearing. The City Building Official and/or his or her designee and the person submitting the Notice of Appeal may present evidence at the hearing. The decision of the City Manager will be rendered at the close of the hearing or within 30 days thereafter. The decision of the City Manager shall be final.

§ 55.19 - ENFORCEMENT MEASURES. ▲

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If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then representatives of the City shall enter upon the subject construction site and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, partnership, corporation, agent or person in possession of any premises to refuse to allow the City Manager, the City Engineer and/or any contractor or employee designated by the City, the City Manager and/or the City Engineer to enter upon the premises for the purposes set forth above.

§ 55.20 - COST OF ABATEMENT OF VIOLATIONS. ▲

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Within 10 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 5 days. If the amount due is not paid within a timely manner as determined by the decision of the City Manager, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this chapter shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments.

§ 55.21 - INJUNCTIVE RELIEF. ▲

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It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the city may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

§ 55.22 - VIOLATIONS DEEMED A PUBLIC NUISANCE. ▲

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In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 55.23 - ENFORCEMENT. ▲

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- (A) *Stop work order; revocation of permit.* In the event that any person holding a site development permit pursuant to this chapter violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City Manager or the City Council may suspend or revoke the site development permit.
- (B) *Violation and penalties.* No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this chapter. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this chapter is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than \$500 for each offense. In addition to any other

penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this chapter shall be required to bear the expense of such restoration. Each day that a violation occurs shall be a separate offense.

§ 55.24 - PROSECUTION.

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Any person that has violated or continues to violate this chapter shall be liable to prosecution to the fullest extent of the law, and shall be subject to a fine or penalty of \$500 per violation per day. Each day that a violation occurs shall be a separate offense. The city may recover all attorneys' fees, court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.

§ 55.99 - PENALTY.

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(A) *Civil penalty.* In an action against the owner of property or the owner's representative with control over the premises or property (including, without limitation, a site), the city may recover a civil penalty of up to \$1,000 per day for a violation of this chapter if the defendant was actually notified of the provisions of this chapter and thereafter committed acts in violation of this chapter or failed to take action necessary for compliance with this chapter. Each day that a violation occurs shall be a separate offense.

(B) *Remedies not exclusive.*

- (1) The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies.
- (2) If any section, subsection, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be stricken from the chapter, and such holding shall not affect the validity of the remaining portions thereof. The balance of the chapter shall be construed as 1 instrument and as if the offending portion had not been included.

Section 2. This Ordinance shall be in full force and effect upon passage and adoption on second reading. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Passed on first reading on the 23rd day of June, 2022.

Passed and adopted on second reading on the 14th day of July, 2022.

KIMBERLY MCGEHEE ALDRICH, Mayor

ATTEST:

Patty Cox, City Secretary

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abraham galindo

IS AWARDED 1.0 PROFESSIONAL DEVELOPMENT HOUR FOR THE
SUCCESSFUL COMPLETION OF:

Designing Stormwater Quality Systems

Wednesday, January 19th, 2022

Presenter:

Ben Lydon
Business Development Manager
Hydro International
blydon@hydro-int.com

1.00 Webinar Hour
1.00 PDH Credits
hydro-int.com

Exhibit D

Supporting Documents for MCM 5

- 5.2 Municipal Employee Training
- 5.7 Inventory of Facilities and Stormwater Controls
- 5.8 Assessment of Operations and Maintenance Activities

ATTENDANCE SHEET

Municipal Employee Stormwater Training



PROJECT: Phase II Stormwater
PROJECT NO: KIRBY-001

INSTRUCTOR: Givler Engineering, Inc.
LOCATION: Kirby Public Works

515 Busby Drive,
San Antonio, Texas 78209

NAME	DATE	DEPARTMENT
1. Frank Salazar	10-25-22	Public Works
2. Armando Marquez	10/25/22	Public Works
3. Michael Cenicer05	10/25/22	Public Works
4. Erasmo Hernandez	10/25/22	Public works
5. David Hernandez JR	10/25/22	public works
6. David Taylor	10/25/22	1 1 1
7. David Hunt	10/25/2022	Public works
8. Tony R. Barela	10/25/22	Public works.
9.		
10.		
11.		
12.		
13.		
14.		



Inventory of Facilities & Stormwater Controls

I. CITY INFORMATION

City Name:	The City of Kirby	Reporting Period Year:	2022
Main Address:	112 Bauman, Kirby, TX 78219		

II. FACILITIES AND CONTROLS

a. Composting Facility

- None

b. Equipment Storage and Maintenance Facilities

- None

c. Fuel Storage Facilities

- None

d. Hazardous Waste Disposal Facilities

- None

e. Hazardous Waste Handling and Transfer Facilities

- None

f. Incinerators

- None

g. Landfills

- None

h. Material Storage Yards

- None

i. Pesticides Storage Facilities

- None

j. Buildings, Including Schools, Libraries, Police Stations, Fire Stations, and Office Buildings

- 1) Kirby Municipal Building, 112 Bauman, Kirby TX 78219
- 2) Kirby Senior Center, 3211 Alan Shepard D., Kirby, TX 78219
- 3) Kirby Police Department, 4130 Ackerman Rd., Kirby, TX 78219
- 4) Kirby Animal Shelter, 5503 Duffek Dr., Kirby, TX 78219
- 5) Kirby Fire Department, 5560 Duffek Dr., Kirby, TX 78219

k. Parking Lots

- 1) Hugo Lentz Park, 5750 Old Seguin Rd, Kirby TX 78219
- 2) Friendship Park, 5745 Binz-Engleman Rd, Kirby TX 78219

l. Golf Courses

- None

m. Swimming Pools

- 1) Kirby City Pool, 3211 Charles Conrad Dr, Kirby, TX 78219

n. Public Works Yards

- 1) Public Works Office & Yard, 5503 Duffek Dr., Kirby, TX 78219
- 2) Water Tower, Peppermint Ln, Kirby TX 78219
- 3) Water Tower, Featherrock, Kirby TX 78219

o. Recycling Facilities

- None

p. Salt Storage Facilities

- *None*

q. Solid Waste Handling and Transfer Facilities

- *None*

r. Street Repair and Maintenance Yards

- 1) *Maintenance Yard, 399 Gaiety Ln., Kirby, TX 78219*

s. Vehicle Storage and Maintenance Yards

- 1) *Police Impound Yard, 5637 Seguin Rd., Kirby, TX 78212*

t. Structural Stormwater Controls

- Refer to BMP 1.2



Municipal Operation & Maintenance Evaluation Log

~~Weatherford Ditch~~

[illegible]