



*Kimberly McGehee Aldrich, Mayor*

Sylvia Apodaca  
Christopher Garza  
Janeshia Grider

Mike Martin  
Susan Street  
Debbie Walczyk

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**CITY COUNCIL MINUTES  
REGULAR MEETING  
THURSDAY, JANUARY 12, 2023 – 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

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This meeting will also be held by videoconference call. The location where a quorum of the governmental body will be physically present is City Hall, City Council Chambers at 112 Bauman Street, Kirby, Texas 78219 and it is the intent to have a quorum present at that location and for the member of the governmental body presiding over the meeting to be physically present at that location. A member of the public may testify from a remote location by videoconference at:

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**1. Call Meeting to Order**

Mayor Aldrich called the meeting to order at 7:00 P.M.

**2. Invocation and Pledge of Allegiance to the Flag**

Mayor Aldrich led the invocation and pledge of allegiance to the flag.

**3. Mission Statement**

“The City of Kirby is dedicated to delivering excellent municipal services to our community in a fiscally responsible manner.”

**4. Roll Call**

PRESENT

ABSENT

Mayor Aldrich  
Council Member Apodaca  
Council Member Garza  
Mayor Pro-Tem Grider  
Council Member Martin  
Council Member Street  
Council Member Walczyk

**5. Citizen Participation**

1. Jack Miller – He said people are not attending the Council meetings because they are afraid because of previous treatment when they were made fun of when they spoke. He stated City Council you have two choices you can make the environment conducive to speak or you can listen to my people who come here and speak on every single agenda item the whole five minutes each time. He said he would caution anybody in the chamber from kicking him out when he was already leaving for saying a word that we dance to in our country dance halls to the Cotton Eye Joe.

2. Dezert Goat – He said he attended the meeting due to a citizen getting harassed and thrown out of a meeting. He said he is well aware of Jack Miller’s work being a Travis County Sherriff, Bexar County, then said never mind and walked out of the Council chamber.

3. Tory Ries – He said if someone makes a comment while he is speaking he expected them to be removed. He said he attended the meeting because he was watching some of the city hall meetings online and said he is a rights activist and he is not in Kirby very often, but he is here for a specific reason because of an email he had. He attended the meeting to talk about public speaking and the public being allowed to speak uninterrupted. He read the email.

4. Maria Lozano – She voiced her concerns about the loose animals in the City. She is followed by dogs when she runs or bike rides and it is scary when they approach her. She encouraged more leash enforcement or keeping dogs fenced in the yard. She said feral cats are an issue. She requested an additional Code Compliance officer to help enforce restrictions on trees and branches.

5. Henry Wortheg – Did not respond to name called.

6. Gustavo Guerra (Gus) - He said Kirby police and Animal Control were notified about a neighbor who had over 50 cats. On October 4, Code Compliance and Animal Control were contacted because the owner started emptying litter boxes in the street. So far Animal Control

has removed 10 cats. Recently, the owner moved the cats outside. The Police Department and Code Compliance are working diligently with him. He said he would appreciate action be swift. Please help.

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

1. Regular Minutes – December 15, 2022

Council Member Apodaca moved to accept the minutes of December 15, 2022; seconded by Council Member Walczyk. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

**7. Presentations**

1. Introduction Of New City Employees

City Manager Vernon introduced Annette Leal, water clerk.

2. Fire Department Employees Oath Of Office

Chief Hilburn introduced Konstance Garner and Martin Lozano-Ibanez. City Secretary officiated the Oath of Office.

3. Recognize 2022 Blue Santa Program Contributors

Officer Lackey recognized and presented certificates the everyone who contributed to the 2022 Blue Santa Program. They received \$3,734 in donations.

**8. Discussion And Possible Action**

- a. 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.

Council discussed this request to determine whether there was adequate ingress and egress for emergency vehicles and appropriate use of the property.

Mr. Bundick was present to answer questions about ingress/egress.

Council Member Garza moved to allow the property located at CB 5039, 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; seconded by Mayor Pro-Tem Grider. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Mayor Aldrich)

- b. 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 Second Reading.

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

Mr. Miller said his understanding of this item is that this will reduce square footage and trigger some businesses to have to get sprinklers now. Mr. Miller thanked Council for the clarification.

Council Member Walczyk moved to approve 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 Garza. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Mayor Aldrich)

- c. Discussion And Possible Action On A Request From The Beautification And Recycle Committee To Beautify Friendship Park Entrance Sign

Mayor Aldrich recognized Maria Lozano who signed up to speak on this item.

Maria Lozano, Chairperson, Beautification and Recycle Committee, provided information about the project and their request for materials needed for the project.

Council discussed funding for projects that the Committee wanted to schedule to beautify the City.

Council Member Garza moved to approve providing Beautification and Recycle Committee funds for materials to beautify Friendship Park entrance sign; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

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

Mr. Miller thanked Council for their vote. He volunteered his time, truck, ladders and said he will match anything that the City has provided if they run short of money, he said that's his pledge to the Committee.

d. Discussion And Possible Action On Amendments To The Kirby Senior Center Articles Of Incorporation

Council Member Street moved to approve the revisions to the Kirby Senior Center Articles of Incorporation.

City Attorney Dan Santee stated that the requested changes to the Articles of Incorporation that has come forward cannot be approved by the City Council because this entity was formed and Incorporated under Chapter 394 of the Local Government Code which is a Housing Finance Corporation chapter. He further stated the Board can make recommendations to the Council for consideration.

Council discussed various ways to resolve this issue regarding the Articles of Incorporation.

Council Member Garza moved to allow David Barboza an opportunity to speak; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Mayor Aldrich recognized Mr. Barboza.

Mr. Barboza said the Senior Center had help from an attorney when they were writing the amendment to the Articles of Incorporation. They will look into hiring counsel.

Council Member Street rescinded her motion.

e. Discussion And Possible Action To Schedule A Joint Workshop With City Council And The Planning And Zoning Commission

Chairperson Clay McBee, Planning and Zoning Commission was present to answer questions.

Council discussed three dates for the workshop; it was decided that February 22, March 2 and March 8 were the dates for the Planning and Zoning Commission to consider. The discussion for the workshop is drainage issues, which streets to fix first and mixed-use zoning.

f. Discussion And Direction On Additional Funding For Street Repairs And Maintenance

Council Member Garza requested this item and asked that the \$251,000 funds for the streets be placed back in the street budget with the next budget amendment. This will provide funding for the needed equipment to operate the zipper.

Council Member Walczyk said direction is to place \$251,000 that was placed in the Reserves and put it back into street maintenance to purchase grater, roller and water trailer.

g. Discussion And Possible Action On Purchasing Holiday Décor For City Parks

Mayor Pro-Tem Grider requested this item. She said there is space available to decorate by the gazebo and light poles by the Senior Center. She suggested an artificial tree and decoration for the light poles. This could be a community event and invite the residents to help.

Mayor Aldrich recognized Maria Lozano who signed up to speak on this item.

Ms. Lozano said other cities have tree lights and decorations. Beautification & Recycle Committee discussed this and would like to have this at the Senior Center.

Council discussed cost effective ways to achieve this, consider liability issues, various locations to decorate, storage of the decorations and funding.

Council Member Martin moved to apply \$10,000 for purchasing holiday decorations for City Parks; seconded by Mayor Pro-Tem Grider. The motion failed with a 3 – 4 vote.

AYES: 3                      NAYES: 4 (Council Members Apodaca, Garza, Street, Walczyk)

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

City Manager Vernon informed Council the City cell phones (Samsung A-13) were available for them to sign out. There is no fee for the equipment, there is unlimited data and there is a monthly fee.

Council Member Street moved to take a ten minute break; seconded by Council Member Garza. The motion carried with a 6-1 vote.

AYES: 6                      NAYES: 1 (Mayor Aldrich)

Mayor Aldrich called for a ten-minute break at 9:16 P.M.

Mayor Aldrich reconvened the meeting at 9:26 P.M.

Council Member Walczyk moved to discuss items 'q' and 'r' before item 'o' on the agenda; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7                      NAYES: 0

- n. Discussion And Possible Action On Resolution No. R-2023-748 Adopting The City Of Kirby Investment Policy And Strategy

Council Member Street asked City Manager Vernon if she purchased the Certificates of Deposit.





City Manager Vernon informed Council there were not any bids submitted. The due date was January 6, 2023. She reminded Council the cost of SA Management was budgeted.

Council discussed this item and talked about an extension, requesting proposals again, consider month to month, draining the pool during off season, hire for pool season only, and use someone else during off season.

Council asked City Manager Vernon to contact pool company and extend the proposal for one month, as written.

q. Discussion And Possible Action On A Proposal From Bain Medina Bain For Foxcross Drive Reconstruction And Sanitary Sewer Replacement

Mr. Carl Bain was present to answer questions.

Council Member Street verified the fees for the sewer replacement.

Council Member Street moved to accept the proposal from Bain Medina Bain for Foxcross Drive Reconstruction and Sanitary Sewer Replacement; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

r. Discussion And Possible Action On A Proposal From Bain Medina Bain For Vinecrest Drive Sewer Replacement

City Manager Vernon provided the history on this item.

It was brought to Mr. Bain's attention that the actual street addresses were not included in the proposal. Mr. Bain said there are six houses. Council Member Street wanted to make sure it is behind the Englands house because they know that they were having issues, and this is going to alleviate the issue.

Council Member Garza moved to approve the proposal from Bain Medina Bain for Vinecrest Drive sewer replacement; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

s. Discussion And Possible Action On The Viability Of Placing The Crime Control And Prevention District On The Ballot

Council Member Garza requested this item. He inquired about the process for placing Crime Control and Prevention on the 2023 ballot.

Mr. Santee provided guidance and answered questions.

Council discussed creating an Economic Development Corporation or having both Crime Control and Economic Development Corporation and split the taxes to 1/8% and 1/8%.

Mr. Santee provided guidance on establishing a board and receiving approval from voters.

t. Discussion And Possible Action On Naming The Kirby Senior Center Building In Honor Of Jerry Lehman

Mayor Aldrich said she placed this on agenda. She said Jerry Lehman has done a lot for the City. He is the longest running Council Member. He gave a lot to the Kirby Senior Center.

Council Member Garza said he was also an advocate for economic development.

Council Member Garza moved to allow David Barboza to speak; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Mayor Aldrich recognized Mr. Barboza.

Mr. Barboza asked Council if they were changing the name of the Corporation or the building.

Mayor Aldrich said only the building.

Mr. Barboza suggested renaming City Hall to Jerry Lehman.

Council Member Garza moved to not name the Kirby Senior Center after Jerry Lehman; seconded by Council Member Street. Motion carried with a 5-2 vote.

AYES: 5

NAYES: 2 (Council Member Apodaca and Mayor Pro-Tem Grider)

**9. Executive Session**

**The City Council Will Convene In Closed Session Pursuant To Government Code Section 551.074 Personnel Matters On The Following Matter:**

1. Review Of And Deliberation On City Manager's Contract

Mayor Aldrich convened into execute session at 10:52 P.M.

10. Reconvene To Open Session

Following Deliberation In Closed Session The City Council Will Reconvene In Open Session To Take Any Final Action Required On The Matter Discussed In Closed Session.

Mayor Aldrich reconvened into executive session at 11:08 P.M.

Council Member Walczyk moved to not renew City Manager Vernon's contract; seconded by Council Member Garza. The motion carried with a 4-3 vote.

AYES: 4

NAYES: 3 (Council Member Apodaca, Mayor Pro-Tem Grider, Mayor Aldrich)

11. Request And Announcements

1. 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 having a Valentine dinner on February 11, tickets are \$15 per person and can be purchased at the Senior Center 9:00 A.M. – 4:00 P.M. or you can contact her for tickets. An item for an agenda is a forum on street repairs. She suggested asking residents to provide top three streets they want repaired. This can be placed on a water bill. Everybody have a good weekend.

Council Member Garza said he had an opportunity to view the area where the zipper machine was used and said it looked amazing. He would like to see a timeline on Facebook identifying the areas the zipper will be used. He thanked Public Works staff and everyone there working on training with the zipper machine.

Mayor Pro-Tem Grider said we won't have a city manager in the next couple of months. She asked for an item on the agenda to look for a new city manager. She addressed City Manager Vernon and said you have dealt with so much here with this mess from most of the people on Council and she apologized. She provided dates for youth events - January 28 at John Sterling Building. Kids Vision Boards/Vision Box. February 11 Valentine's Day crafts. May 20 is the next bike event. For the agenda, she asked that there be discussion about the City Hall building, ARPA funds update and Happiness with 40 cats. A plan is needed to stop this. Include Code Compliance on the agenda to discuss adding another Code Compliance officer.

Council Member Walczyk said she spoke with Mr. Guerrero. She said the Animal Advisory Board is making plans for that house on Happiness. It is a lengthy process. She congratulated new members of the Fire Department.

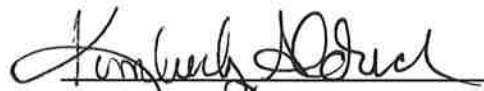
Council Member Apodaca said she is glad to see new faces and welcomed the new hires. She urged residents to keep their pets inside, check your gates and fences. She agreed with Mayor Pro-Tem Grider that this is sickening. City Manager Vernon you are a great asset in this City and it is a sad day in Kirby. She said she posts pictures to help someone see their pet and pick it up.

Council Member Martin said at the last meeting he asked for an item to be placed on an agenda. Boards, Commissions and Committees. He said they need to stay on track. The calendar needs to stay up to date. He said Monique I'm sorry things didn't work out. I wish you the best of luck.

Mayor Aldrich said she agrees with Mayor Pro-Tem Grider and Council Member Apodaca, it's a sad day in Kirby. She said Monique I know you were highly valued within the City and I know that you will have more opportunities dropping at your feet.

**12. Adjournment**

The meeting adjourned at 11:10 P.M.

  
Kimberly Aldrich, Mayor

ATTEST

  
Patty Cox, City Secretary, TRMC