



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL
REGULAR MEETING MINUTES
THURSDAY, MARCH 23, 2023 - 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 (arrived at 8:20 P.M.)
Mayor Pro-Tem Grider
Council Member Martin
Council Member Street
Council Member Walczyk

5. Citizen Participation

1. Lisa Pierce – She spoke on Item 8. a. She said in May 2021 Mr. Garcia was seeking a Specific Use Permit for Lot 4 at 1440 Springfield Road to be used for constructing offices and warehouses and to rent to different trades. She provided the details from that meeting. His request tonight for the same lot is for storage of equipment to include bobcats, excavators, trailers and dumpsters. He said they are a company that will start renting dumpsters which they will deliver to different sites. Also, the equipment mentioned for personal use and rentals. His plan also included the installation of a portable office with water and electricity and lights for security reasons and the indicated office hours are not unreasonable. The specific use completely negates the request the Council unanimously granted on May 20th. She asked Council to carefully consider environmental issues associated with these type of storage due to maintenance and the upkeep of such equipment.

2. Umberto Zambrano – He said he is representing Austin Bridge and Roads and available to answer questions on the Ackerman Road Project.

3. Sharon Shuler – She spoke on item 8. a. The request for a Specific Use Permit for the commercial property located at 1440 Springfield Road to be used for installing a portable office and storage of equipment for lease and personal use. The following are issues that any concerned citizen would ask for any commercial property owner wanting to do business within the Kirby city limits. 1. Noise issues - In and out traffic, as well as, moving equipment around that would create noise that could affect residents who either work from home or stay at home parents that may homeschool their children, or those who work in the evenings and may need to sleep during the day. 2. Code compliance - There have been commercial property owners in this stretch of Springfield Road that were not aware of what they could and could not do on commercial property. The City needs to ensure that there are no code compliance issues, especially in regards to hours of operation, electric, water and sewer lines. 3. Fuel - If fuel will be stored on the property, how will the ground be protected from leakage from fuel containers equipment and machinery? 4. Storing equipment and the placement of a portable building. Council should have an agreement to add stipulations like those that Big Boy Hauling had agreed to. Ms. Schuler identified the stipulations that Big Boy Hauling agreed to. She asked that they be a good neighbor and contribute to the community of Kirby.

4. Maria Lozano – She spoke about loose dogs and cats in the City. She has seen many instances of people posting that there was a dog that came near them and would not let them into their homes because they were running loose. She does a lot of running in our neighborhood and have been approached by loose dogs and had brought this up in the past and she believed City Council had pushed it over to the Crime Control Commission to use their funding for an additional code compliance officer. When she attended the meeting, they could not move forward because they did not have a secretary for the Crime Control Commission or finance director. She is here to ask about alternative options, other ideas or suggestions do you have to eliminate that issue we are having with all the loose dogs.

5. Roger Romens – He said he is here to discuss policies and procedures. He was not at the last meeting but listened to the meeting and heard that an interim city manager has been approved. Looking at the agenda for this evening it said acting city manager. At no time has Council approved an acting city manager. It was a surprise for this first meeting there was someone up there who was not delegated. Council authorization is required to be sitting in as the city manager in her absence. Also, one of the things here we have public hearing discussion possible action for ordinances. This is for Planning and Zoning Commission. He recalled Planning and Zoning authorizing variances, but did not recall them authorizing the rezoning. Have the proper policies and procedures been taken? Has everyone adjacent to these properties been notified, as is required? If not, you know they need to be made aware of this because rezoning is a permanent thing. It is not a variance for a two-year period. If this has not been approved by the Planning and Zoning Commission and you are going to take actions on this, it is telling me that Planning and Zoning really does not matter. I am really hoping you appropriately follow what needs to be done.

6. Jack Miller – He said Acting City Manager generally fills in for you while you are on maternity leave and Interim City Manager is more of a longer position, generally has more power to make decisions. The problem is the interim or acting or whatever you want to call the person that is going to sit there, is that person's job responsibilities defined. The role of Ms. Cardona as Interim City Manager needs to be defined. He said he is not going to let the Mayor cause the City a lawsuit on her way out. It does not matter what you do to violate anybody's right in here. You are not going to cause a lawsuit for the City. For the remaining Council people that are up here, the ones that voted to tell me where I can and cannot sit, I'm warning you. One hundred ten percent guarantee once she is gone that is going to happen again. If the results are the same the City will be sued one hundred ten percent. I am warning you because I don't want to do that. I want you to do the right thing. I want you to respect peoples right. Please, regarding this whole media thing has to be over here, do not do that again. The next point was why is there a City Attorney at every single meeting? He found out through his source from their firm they charge the City between six hundred to a thousand dollars every time they appear here. He said the meeting minutes for the last meeting are inaccurate. It says that the mayor asked me to move. That's not what she did. She ordered me to move, or I was going to get thrown out. I would urge you guys to not approve those meetings until the record of that incident is reflected accurately because that's not what happened.

6. Consideration Of And Action On Minutes

a. Regular Minutes – March 9, 2023

Council Member Apodaca moved to accept the minutes; seconded by Mayor Pro-Tem Grider. The motion failed with a 3-3 vote.

AYES: 3

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

Mayor Aldrich asked that the minutes reflect Mr. Miller was ordered to move his camera equipment.

7. Public Hearings, Discussion and Possible Action

- a. Public Hearing, Discussion And Possible Action On An Ordinance Amending The Official Zoning Map of the City of Kirby, Texas By Zoning Approximately 0.6706 Acres Of Land Situated At CB 5903, BLK LOT E 275.6 FT OF N 40 FT OF 6, S 60 FT OF 6 & N 7 FT OF 7, Property ID: 358356; Otherwise Known As 3918 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 opened the public hearing at 7:18 P.M.

1. Roger Romens – He asked Council to verify that all residents adjacent to these properties that may be affected have been properly contacted.
2. Maria Lozano – She agreed with Mr. Romens. Residents need to be informed and taxes could be affected.
3. Jack Miller – He said if there is a law in place that says you are supposed to notify residents screw that, just make the change.

Mayor Aldrich closed the public hearing at 7:21 P.M.

City Council received notification from Interim City Manager Cardona that the frontage was not in compliance with the Zoning Ordinance.

Council Member Walczyk moved to deny the request for an Ordinance amending the Official Zoning Map of the City of Kirby, Texas by zoning approximately 0.6706 acres of land situated at CB 5903, BLK LOT E 275.6 FT OF N 40 FT of 6, S 60 FT of 6 & N 7 FT of 7, Property ID: 358356; otherwise known as 3918 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 Council Member Martin.

The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Council Member Street)

- b. Public Hearing, Discussion And Possible Action On An Ordinance Amending The Official Zoning Map of the City of Kirby, Texas By Zoning Approximately 0.3400 Acres Of Land Situated at CB 5191B BLK LOT W IRR 59.60 OF N 183.5 OF 1 : Property ID Number 338554, Geo Identification Number: 05191-005-0012, Otherwise Known As **315 Gaiety Lane**, 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 opened the Public Hearing at 7:21 P.M.

1. Lisa Pierce – She said she knows for a fact that the residents were notified. She said she spoke with the resident who lives in front of this property and they are fine with the rezoning.
2. Jack Miller – He said contrary to what the young lady said before him, a family member there at the same place told him she is not for it. He recommended Council look into this.
3. Maria Lozano – She said since there are already apartments there shouldn't the zoning already be multiple family dwelling. Just a thought.
4. Jason Jauregui – He is the owner of the property and when he purchased the property the apartments were already on the property.
5. Roger Romens – He said when the owner of the property purchased it, it was already being utilized inappropriately at that time. We need to enforce the zoning appropriately.

Mayor Aldrich closed the public hearing at 7:35 P.M.

City Council had received notification from Interim City Manager Cardona that the frontage was not in compliance with the Zoning Ordinance. Council concurred the issue with the Zoning Ordinance needs to be placed on a future agenda for discussion.

Council Member Walczyk moved to deny the request for an Ordinance amending the Official Zoning Map of the City of Kirby, Texas by zoning approximately 0.3400 acres of land situated at CB 5191B BLK LOT W IRR 59.60 of N 183.5 of 1 : Property ID Number 338554, Geo

Identification Number: 05191-005-0012, otherwise known as 315 Gaiety Lane, 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 Council Member Apodaca. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Council Member Street)

- c. Public Hearing To Hear A Request To Allow The Property Located At CB 5941 BLK 6 LOT 54, Otherwise Known As 102 Hedwig, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-1) District To Be Used As A Single Family Dwelling (R-1) District.

Mayor Aldrich opened the Public Hearing at 7:48 P.M. and announced this is a public hearing only.

1. Roger Romens – He said it is not clear if this is a variance or rezoning. If considering rezoning this would be spot zoning and that is inappropriate. If a variance that is fine.

2. Jack Miller – He said if there are laws that apply to this situation, there is no need to follow them. He said I encouraged you to follow your leader and identify every single law that you can violate regarding what he just brought out. He wants to follow the law. In the spirit of how things have been done under our current leadership of our mayor, let's violate the law on this.

Mayor Aldrich closed the public hearing at 7:51 P.M.

8. 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), Property ID: 1286024, CB: 4018G, Lot 4, Otherwise Known As 1440 Springfield Road, Kirby, TX 78219, Which Is Zoned Light Industrial (LI) To Be Used For The Following Purpose: Installing A Portable Office And Storage Of Equipment (Bobcats, Excavators, Trailers And Dumpsters For Lease And Personal Use)

City Council discussed this request. They spoke about the previous request Mr. Garcia, owner, submitted for this property that was approved by Council for use of the property in 2022. Now, the owner has a submitted this new request. Council concurred that they want to speak with the owner of the property before making a decision.

Council Member Walczyk moved to postpone the request for a Specific Use Permit for the property located at CB 4018G (SPRINGFIELD INDUSTRIAL PARK), Property ID: 1286024, CB:

4018G, Lot 4, otherwise known as 1440 Springfield Road, Kirby, TX 78219, which is zoned Light Industrial (LI) to be used for the following purpose: installing a portable office and storage of equipment (bobcats, excavators, trailers and dumpsters for lease and personal use), to speak with the owner; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

Mayor Aldrich recognized Mr. Miller.

Mr. Miller - He said he is glad Council took this action.

b. Update And Discussion On Austin Bridge And Road Delay On Ackerman Road Project

Mr. Zambrano, Project Manager for Austin Bridge and Road was present to answer questions. Mr. Carl Bain, City Engineer for Bain Medina Bain, was present to answer questions.

The project had delays due to an existing duct bank that belongs to AT&T. They encountered a problem with splicing that needs to be done. They found there was gas in one of the manholes they were splicing. There is a leak at one of the gas stations on the corner so they cannot start their splicing in that manhole until the gas station fixes their leak. The gas station is working with TCEQ to locate the leak and will be taking care of this hopefully in 30 days. Then, AT&T will be able to start splicing so the time frame with the gas station fixing the leak is 30 days hopefully. Trying to get a clear estimated time. The original estimated time back a month ago or two months ago before they had this issue was that it was going to take six months which is unbelievable. He has been trying to get clarification out of ATT as far as how many lines they have to splice and what their production is and things like that and they haven't been forthright. We asked them to come here, but they didn't want to spend the overtime to spend here at this meeting.

Council was informed that that they are looking at options to move forward.

c. Update And Discussion On Alan Shepard Street Repair

Mr. Bain said the contractors got everything done. All the sewer all the manhole adjustment, base work and the cement treated base and milled the part that needed to be filled. Lacking is the asphalt work that is delayed because of the weather.

d. Discussion And Possible Action On Adding A Budget Line Item To Pay For Council Cell Phones (Mayor)

Council Member Walczyk moved to add a budget line item to pay for Council cell phones; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYE: 0

Mayor Aldrich recognize Jack Miller.

Mr. Miller – He said he is glad Council approved this item. He encouraged council check with African-American officials to make sure they are okay with paying that bill. Also there are a lot of other budget items that need to be done. He said there are other departments that should be reviewed.

- e. Discussion And Possible Action To Appoint Member(s) To The Economic Development Committee

Mayor Aldrich informed Council the applicant, Juan Cantu, withdrew his application.

- f. Discussion And Possible Action To Appoint Member(s) To The Beautification And Recycle Committee

Mayor Aldrich stated Patricia Baber has applied to the Beautification and Recycle Committee.

Council Member Walczyk moved to appoint Patricia Baber to the Beautification and Recycle Committee; seconded by Mayor Pro-Tem Grider. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- g. Update And Discussion On Amazon Thru Traffic And Possible Code Violations

Mayor Aldrich requested the representative who discussed this at a previous meeting be invited to participate in discussion about this. This will be placed on the next agenda. (Patty find out who ZOOMED in to the meeting.

Mayor Aldrich recognized Jack Miller.

Mr. Miller said this has been brought up before. The last time he said he would take his equipment and people and catch them and make YouTube videos with their drivers because you are walking up to their truck, I'm sure they cannot handle that, but he never did but he will now. He figured it died down. We definitely need to get Amazon here to explain.

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 requested items for the agenda addressing loose dogs and another code compliance officer. She wished everyone a happy spring.

Council Member Garza said since he basically missed the meeting he didn't have anything to place on an agenda.

Mayor Pro-Tem said Beautification and Recycle will be revitalizing the sign at Friendship April 1, at 9:00 A.M. and are requesting five – seven volunteers. The Fire Department is hosting the Easter Egg Hunt. Fire Chief Hilburn said on April 2 they will hide the eggs at noon and egg hunt is at 2:00 P.M. The Fire department is accepting eggs and candy.

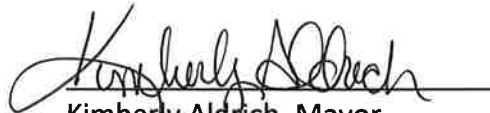
Council Member Apodaca said March is brain injury awareness month. On March 26, 2023, try to wear purple representing awareness.

Council Member Walczyk requested the names and contact information of the Festival Committee. Items for the agenda are line items in the General Fund and each department. Kirby Baptist Church has spruce up clean up on Saturday, on Friday St. Joan fish fry, this Sunday is Palm Sunday and don't forget the Easter Egg Hunt. They are in dire need of eggs and candy. The items for the agenda discuss the attorney fees and Comprehensive Plan.

Council Member Martin said dates will be set up with Planning and Zoning Commission for a workshop. He informed Chief Hilburn he has eggs and candy for the Easter Egg Hunt. An item for the next agenda is to hire a new city manager. He concurred with the problem with loose dogs.

Mayor Aldrich offered condolences to Dan Santee and family.

10. Adjournment


Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC
City Secretary