



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, MARCH 9, 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
Mayor Pro-Tem Grider
Council Member Martin
Council Member Street
Council Member Walczyk

5. Citizen Participation

1. Chief Hilburn – He asked Council to consider waiving the fees for the Fire Department to use Friendship Park to host the Easter Egg Hunt on April 2, 2023. He expressed there is a great need for more plastic Easter Eggs.

2. Sally Hitt – She wanted to introduce herself to the citizens. She said she has been a Kirby resident for over 30 years and announced she is running for City Council.

3. Lisa Pierce – She provided a lot of information about Council's decision on the contract; information she found while researching the applicant; she encouraged them to view the YouTube videos of the City of Kenedy Council meetings.

4. Jack Miller – He said she brought up powerful points. He said he did his own checking on the person and talked to people. He believes they are being honest that he is a hard charger, you rub some people the wrong way, he's not perfect, but for the citizens that are paying attention to this rest assured no matter what official takes a spot up there I'm not going anywhere and those things that we're worried about was a legit concern. Mr. Linn may be listening to this as well. Mr. Miller spoke about an investigation that was closed because the allegations were unfounded. He spoke about the City paying Rampage and a record that was provided to his producer, Mr. White. He had two questions for candidates that are running for office pertaining to the record request.

5. Kirk Harrison – He introduced himself as the representative with Frontier Waste. He empathized with what goes on in City Council meetings. He said he was a council member. He said Frontier Waste is very interested in getting the contract to service the City. They will be in the City five days a week running their routes, but that does not mean they will be going over the same road five times. They are sectioning off the City according to a map he provided in the bid packet. There will be trucks in the area for quick response times if something comes up. They service Dallas, San Marcos, San Antonio, and Davenport Beach.

6. Maria Lozano – She said she also wanted to speak on item #7. n. She asked Council to please retract their appointment of William Linn. She provided many reasons why.

7. Joe Molina – Mr. Molina introduced himself as a candidate running for City Council. He has been a resident for 37 years and wanted to let the residents know who he is.

8. Gus Guerra – Mr. Guerra provided Council an update on the surrender of 50 animals, as of today. He provided the history on the property and the Building and Standards Commission case on the property and owner. The owner has been spotted feeding cats in alley. He hopes this does not become a repetitious event.

9. Pat Baber – City Secretary read an email from Pat Baber. She wrote that City Council is having a difficult time filling the position of City Manager. In her opinion, Mr. Linn is a giant step backward. Like many others, she has viewed council meetings from Kenedy, TX. Family that did live in Karnes County say that most citizens found Mr. Linn very difficult to work with and for. The Valley Mills City Attorney resigned due difficulty working with Mr. Linn. What happened when he applied for city manager with City of Vidor in March 2020? Look at those records. Is it professional of a city manager to tell council to eject him from the council meeting? For the good of Kirby, please do not hire William Linn.

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

a. **Special Minutes – February 23, 2023**

Council Member Apodaca moved to approve the minutes of February 23, 2023; seconded by Council Member Walczyk. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

b. **Regular Minutes – February 23, 2023**

Council Member Martin moved to approve the minutes of February 23, 2023; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Council Member Apodaca moved to discuss item “7. b” then item “7. a;” seconded by Council Member Martin. The motion carried with a 7-0 vote,

AYES: 7

NAYES: 0

7. **Discussion And Possible Action**

a. **Discussion And Possible Action On Revision To Extension Agreement With Republic Services For Solid Waste Services**

Tom Armstrong, Republic Services, provided information on the revised extension agreement for solid waste services. They will honor the contracted rate for the new contract for

the extension. The contract rate is lower than what it would be on the 90-day extension, but since we agreed to we can give the RFP price.

Council Member Garza moved to approve the revision to the extension agreement with Republic Services for solid waste at the contract price; seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

b. Presentation, Discussion And Possible Action On Municipal Solid Waste Services Proposals

Tom Armstrong, Republic Services Representative, provided the history of working with Kirby. The incumbent knows the route, familiar with residents and their needs. For a while the quality of recycle was highly contaminated and could not be processed as recyclables. He approached Council with concerns with recycling. He put together an educational program for recycling. Now, Kirby has one of the lowest contaminated recyclables ratings. They have provided donated services, absorbed overages to the HHW program, contributed to the 4th of July event. They will service once a week for garbage, there will be a nominal fee for out of cycle pick up, extra curbside pick-up will be \$1.30 per month per household (two curbside per year), eliminate drop off at Public Works.

Mayor Aldrich ordered Mr. Jack Miller to move his tripod and recording device under threat of being ejected from the meeting. He was told to move his tripod and recording device to the reserved area of the Council Chamber, by Mayor Aldrich, and he refused to move, asserted his First Amendment right to gather information at the meeting from areas accessible to the public.

Council Member Garza moved to allow Jack Miller to keep his camera to the location where he moved it; seconded by Council Member Street. The motion failed with a 2-5 vote.

AYES: 2

NAYES: 5 (Council Members Martin,
Walczyk, Apodaca and Mayor
Pro-Tem Grider and Mayor
Aldrich)

Mr. Miller offered to modify his manner of gathering information, Council voted to enforce the move, he moved only after the vote, involuntarily. Mr. Miller moved his camera back to the assigned area in the Council Chamber.

Mayor Aldrich recognized Mr. Harrison and asked if he would like to present his proposal.

Mr. Harrison, Frontier Waste Representative, informed Council they offer two brush pick ups, one in the fall and one in the spring and once a week garbage service and every week recycle (4 quadrants for recycle).

Mayor Aldrich recognized Mr. Miller.

Mr. Miller said did I hear do business with me and I will continue to give you money for your sideshows? Do not let that have any type of effect on or influence on your decision to extend the contract.

Council Member Walczyk moved to retain Republic Services and include two brush pick ups for spring and fall; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Council Member Walczyk moved to discuss agenda items "7. n" and "7. o" before item "7. c;" seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

c. Presentation, Discussion And Possible Action On Municipal Swimming Pool Management Services

City Council discussed the contract submitted by San Antonio Pool Management. The agreement shall become effective December 1, 2022 for the 2023 and 2024 year. The period extending from December 1, 2022 through November 30, 2024. The payments are \$50,433.00 for year one and \$55,195.00 for year two, upon the specifications, conditions and terms as set forth in the agreement.

City Council discussed whether there were other options to maintain and staff the pool.

Council Member Walczyk moved to sign the two-year contract with San Antonio Pool Management; seconded by Mayor Pro-Tem Grider. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

d. Update, Discussion And Possible Action On Kirby Senior Center ADA Compliance

City Council discussed the contract for Kirby Senior Center ADA Compliance to remove the drinking fountain (\$3,387.00); urinal tank and flush valve installation, toilet shift 1/2 "to the right as per code requirement (minor chipping), lavatory guard installation, and dispenser relocations for toilet paper and paper towel (\$2,680.00).

Council Member Martin moved to accept the contract submitted by J & T Home Solutions LLC; seconded by Council Member Garza. The motion carried with a 5-2 vote.

AYES: 5

NAYES: 2 (Council Member Apodaca and Mayor Aldrich)

e. Discussion And Possible Action On Citizen Usage Of City Facilities For Events

Council Member Garza requested clarification on city events and citizen events. Who takes on liability/waiver.

Dan Santee, City Attorney, stated the responsibilities are based on the type of facility being rented. The client takes on liability through the contract. If Council rents a facility that serves the public's purpose the at a reduced rate or for free, regardless if they are paying or you are doing that, the City carries insurance for most of that potential. Depending on the event you might want to have people sign waivers. Zumba classes need to sign waivers. City Council decides if it is a City event and whether the City will act as a sponsor.

f. Discussion And Direction On Ordinance Number 242 An Ordinance Making It Unlawful For Any Person To Possess, Possess For Sale, Sell Or Offer For Sale At Retail Or Otherwise, To Use, Shoot, Discharge, Explode, Ignite Or Display Any Fireworks Within The City, Providing For Permits To Be Issued For Public Firework Displays By The City Council And Issued For Public Firework Displays By The City Council And Providing For A Penalty Not To Exceed \$200.00 For Each Offense.

Council Member Walczyk said she requested this item. She said fireworks have gotten out of hand making it difficult for police to catch them in action. She suggested raising the fine as a deterrent and whoever calls in the violation should show photos as evidence.

City Council discussed designating an area to use fireworks, make sure safely away from pets and homes, consider risk assessment in the park, campaign for fireworks safety.

Council Member Walczyk asked Chief Cardona if she could come up with something and bring this back.

g. Discussion And Possible Action On City Council Conduct And Decorum

Council Member Garza asked to postpone this item to the next meeting; seconded by Council Member Street. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Mayor Aldrich)

h. Discussion And Possible Action On Professional Services Proposal From Givler Engineering For The Relining On Well #2

Council discussed the professional services proposal from Givler Engineering for the relining on Well #2. The total engineering fee is \$32,000.

Council Member Street accept the professional services proposal from Givler Engineering for the relining on Well #2; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

i. Discussion And Possible Action On Installation Of A Meter to Monitor Friendship Park Ballfield Lights

Council Member Garza asked if there were any other bids.

Frank Salazar, Public Works Director, said only one was requested.

Council Member Garza moved to look for two more bids to look for quotes to put a meter to monitor the ballpark lights at Friendship Park; seconded by Council Member Street. The motion failed with a 3-3 vote.

AYES: 3

NAYES: 3 (Council Members Martin, Apodaca and Mayor Aldrich)

Mayor Pro-Tem Grider moved to allow Joe Molina to speak; seconded by Council Member Garza. The motion carried with a 6-0 vote. (Council Member Walczyk was no longer present.)

Ayes: 6

NAYES: 0

Mr. Molina suggested Council accept the proposal because the new bid prices could go up.

Mayor Aldrich recognized Maria Lozano who signed up to speak.

Mrs. Lozano said she understands why Council is requesting the meter to monitor GNELL'S electricity usage, but \$7,500 is a lot of money. GNELL'S contract fee was increased and they maintain the fields yearly. They provide a service to the children and the City.

Council Member Street moved to accept the bid from Gerard Election on installation of a meter to monitor Friendship Park Ballfield lights; seconded by Council Member Garza. The motion carried with a 4-2 vote.

AYES: 4

NAYES: 2 (Council Member Martin and
Mayor Aldrich)

- j. Discussion And Direction On Ordinance No. 2022-915 An Ordinance 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 provided background for this item. The discussion addressed the recently removal of 50 cats from a home. She asked City Council to make it illegal to have a cat colony in the City.

City Council discussed cat colonies, cat colony coalition, Trap Neuter Return program, code violations and repercussions of violating the ordinance.

Chief Cardona said the violation is enforced, but the problem needs to be fixed.

- k. Discussion And Possible Action On Establishing An Open Records Request Policy

Council Member Garza said he requested this item to make a determination on a policy for open record requests that go to the City Attorney and Attorney General.

City Secretary receives the open record request, forwards to City Manager then forwarded to City Attorney. If the request is for a traffic incident, it is forwarded to Police Secretary.

Dan Santee, City Attorney, the Public Information Act prohibits selected disclosures. The City establishes how to handle PIA requests. The City will inform the city attorney if they want the request argued with the Attorney General.

- l. Discussion And Possible Action On Zoom For All Council Meetings

Council Member Garza said he requested this item. Recently he was not able to vote due to ZOOM not being identified on the Council agenda. He explained his concern.

Council Member Martin moved to have zoom on all City meetings; seconded by Mayor Pro-Tem Grider. The motion carried with 4-2 vote.

AYES: 4

NAYES: 2 (Council Member Apodaca and
Mayor Aldrich)

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

City Secretary explained applicant not able to attend tonight's meeting and requested placing this item on the March 23, 2023 agenda.

Council Member Garza moved to postpone to March 23, 2023; seconded by Council Member Street. The motion carried with 6-0 vote.

AYES: 6

NAYES: 0

n. Discussion and Possible Action Regarding The Interim City Manager and Contract Changes

Council discussed Mr. William Linn and information that has been brought up during the Council meetings, or their individual research.

Council Member Garza stated that he had not received an email that other Council Members received. Council Member Street said she has not received the email either.

Mayor Aldrich called for a 10-minute break to review the email at 8:25 p.m.

Council Member Garza moved for a 10-minute break to review the email; seconded by Council Member Street. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Mayor Aldrich)

Mayor Aldrich convened the meeting at 8:35 P.M.

Council Member Garza read the email submitted by Mr. Linn. This is information someone will ask.

Mayor Aldrich recognized Lisa Pierce who signed up to speak on this item.

Lisa Pierce – She said she was not able to complete everything she had to say earlier, but any communication between the City Council from February 9 until the last meeting is on the video which Council would find rather eye-opening. It would have been beneficial to make a decision based on seeing that YouTube video of their live stream meeting. She provided more information and said this is his character or the type of his leadership is this has been evidence through the other cities and it a cycle, it is not something that jus happens. Every time every City has let him go or he resigned for reasons that he is unprofessional not just with the residents but with the Council.

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

Mrs. Lozano said his leadership is evidence in the other cities. It is a cycle. Possibility Kirby will be fourth city.

Council Member Martin requested an agenda item to do away with interim and request an RFP for city manager and vet the applications as they arrive.

Council Member Walczyk moved to rescind the contract regarding the interim city manager contract; seconded by Council Member Martin; the motion carried with a 5-2 vote.

AYES: 5

NAYES: 2 (Council Members Garza and Street)

o. Discussion And Possible Action For Compensation Acting City Manager Roxanne Cardona

City Council discussed compensation for acting City Manager Roxanne Cardona. They discussed percentage vs dollar amount.

Dan Santee said the term interim city manager is the proper term in this situation. Without a city manager and rescinding Mr. Linn's contract the proper designation is interim city manager. Industry standards is to pay a percentage and it is at Council's discretion to choose the percentage, but varies because taking on additional work.

Council Member Garza moved to go into executive session. Motion failed due to lack of a second.

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

Mr. Miller said she needs to make more money than former Chief Bois. She is the best Chief we have had. An Executive Session will be appropriate place to do this.

Council Member Martin moved to allow Officer Hilt to speak; seconded by Council Member Garza. Motion carried with 6-1 vote.

AYES: 6

NAYES: 1 (Council Member Garza)

Mr. Hilt said she deserves more. She must manage the Police Department and the City.

Council Member Walczyk moved to increase Chief Cardona's salary 10 percent.

City Council discussed this option.

Council Member Walczyk rescinded her motion.

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

AYES: 6

NAYES: 0

Ms. Bogardus asked Council to consider that this is a big job and no matter what amount of money you give will be stretched. If she is taking this role to move up Alonzo as in our chief while she does that job because you are not going to solely hand over all of you that over the process it just alleviation. However, you should put talking about money on the table.

Chief Cardona requested continuing the conversation in executive session.

Council Member Martin moved to go into executive session to discuss; seconded by Council Member Walczyk. The motion carried with 7-0 vote.

Mayor Aldrich said Council will convene into executive session at 9:09 P.M.

Mayor Aldrich closed the executive session and opened regular session at 9:19 P.M.

There was no action taken during the executive session.

Member Martin moved to appoint Roxanne Cardona as interim City Manager for a salary of \$90,000; seconded by Council Member Apodaca. The motion carried with a 6-1 vote.

AYES: 6

NAYES: 1 (Mayor Aldrich)

8. 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 wished everyone a safe Spring Break. Thank you for being here.

Council Member Garza thanked everyone for staying. He asked for an update on the zipper machine. He asked to place Amazon warehouse and City flags on the next agenda. He thanked employees who are doing a good job.

Mayor Pro-Tem Grider said the first youth program event is March 11 noon -2 P.M. at John Sterling Building. It will be a St. Patrick theme for the vision board event. She thanked staff for stepping up. Residents are aware of a lot of issues. Look into streetlights through CPSEnergy.

Council Member Apodaca said there are vacancies on committees, boards, and commissions. Check your fence and keep your pets in your yard. Happy St. Patrick Day Happy and enjoy a safe spring break. Be sure you check on your kids.

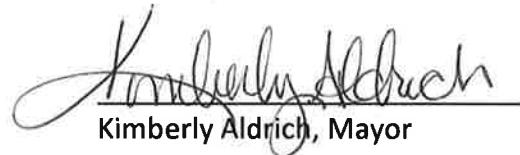
Council Member Martin said put out an RFP tomorrow, vet the applications then send to application interview committee. There are school kids stealing from Dollar General. Thank you for staying.

Council Member Street added that on Saturday Kirby Senior Center is having a Rummage Sale. Kirby Baptist Church is too. Please support the Kirby Senior Center.

Mayor Aldrich said March 11 Household Hazardous Waste at Friendship Park at 8:00 A.M. until full capacity. Items for the agenda are Fire Departments use of Friendship Park April 2 for an Easter Egg Hunt and a line item on the budget for council cell phones. She thanked everyone for staying and have a safe spring break.

9. Adjournment

Mayor Aldrich adjourned the meeting at 10:53 P.M.



Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC