



Janeshia A. Grider, Mayor

Sylvia Apodaca  
Christopher Garza  
Joe Molina

Mike Martin  
Sally Hitt  
Maria Lozano

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**CITY COUNCIL MINUTES  
REGULAR MEETING  
THURSDAY, MAY 25, 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.

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**1. Call Meeting to Order**

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

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

Mayor Grider 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 Grider

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Hitt  
Council Member Lozano  
Council Member Martin  
Council Member Molina

**5. Citizen Participation**

1. John Rush – He inquired about Kazen Road and when will it be paved.
2. Susan Street – She will speak on selected items.
3. Debby Walczyk – She will speak now and on selected items. She expressed her appreciation to those who have been kind to her and proud of Janeshia. She said she is submitting applications for appointment to the Economic Development Committee and Planning and Zoning Commission. She requested moving the agenda items for her as early as possible. She thanked everyone for their kindness and generosity.
4. Lisa Pierce – She voiced her concerns about items 11. j. and 11. m. and offered an explanation.
5. Kathy Gomez – She informed Council that she resigned from Kirby Senior Center Board of Directors and accepted the position of Executive Director of the Kirby Senior Center. She provided her background.
6. Jackie Browning – She introduced Andrew Gomez, owner of Gomez Haulers. Mr. Gomez provided information about his company.
7. Jack Miller – He spoke about reasons why Council should not reduce Citizen Participation from five minutes to three minutes time limit and he addressed gun laws.
8. Patrick White – He said he agrees with Lisa Pierce and spoke about Citizen Participation time limit. The rest of time was a moment of silence for Uvalde.

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

a. Special Minutes – May 3, 2023

Mayor Pro-Tem Apodaca moved to approve the Special Minutes – May 3, 2023; seconded by Council Member Martin. The motion carried with a 7-0 vote.

AYES: - 7

NAYES 0

b. Regular Minutes – May 11, 2023

Mayor Pro-Tem Apodaca moved to approve the Regular Minutes – May 11, 2023; seconded by Council Member Hitt. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

7. Presentation

a. Police Badge Pinning Ceremony

Chief Cardona officiated the Badge Pinning Ceremony of Police Officer Jonathan Ortiz.

8. Executive Session

The City Council Will Meet In Closed Session Pursuant To Texas Government Code Section 551.074 To Interview Applicants For The Position Of City Manager And To Discuss The Terms And Conditions Of A Draft Contract For City Manager

Mayor Grider convened into Executive Session at 7:41 P.M.

a. Conduct Interviews Of Applicant For The Position Of City Manager

b. Possible Discussion, Negotiation And Deliberation Regarding Terms And Conditions Of A Draft Contract For City Manager

9. 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 Matters Discussed In Closed Session.

Mayor Grider reconvened into open session at 9:02 P.M.

a. Discussion And Possible Action For The Position Of City Manager

Mayor Pro-Tem Apodaca moved to offer David Harris the position of City Manager starting June 1, 2023; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

b. Discussion And Possible Action On Contract Negotiations With City Manager

There was no action taken.

**10. Public Hearing, Discussion And Possible Action**

- a. To Hear A Request On A Property Located At Property ID: 361467, CB 5941 BLK 6 Lot 53, 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.

Discussion And Possible Action On A Request On A Property Located At Property ID: 361467, CB 5941 BLK 6 Lot 53, 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.

Council Member Garza moved to discuss item 11. o. "Discussion And Possible Action On A Request On A Property Located At Property ID: 361468 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" in conjunction with item 10. a.; seconded by Mayor Pro-Tem Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Mayor Grider closed the regular meeting at 9:07 P.M. and opened the public hearing.

Susan Street – She said this area was rezoned as commercial a long time ago and business development is essential for Kirby To Build A Better Tax base. Keep the properties commercial.

Debbie Walczyk – She said keep the properties commercial property.

Raul Martinez, Jr. – He said he is present to answer questions and provided background on the property.

Mayor Grider closed the Public Hearing at 9:11 P.M and opened the meeting for discussion for items 10 a. and 11. o.

Council discussed the request whether to allow R-1 use of the two lots.

Mr. Martinez, Jr. explained it has been difficult to get businesses in the area.

At this time Council conducted Discussion and Possible Action on items 10. a. and 11.o. The action is reflected in Item 11. o.

**11. Discussion And Possible Action**

a. Discussion And Possible Action On The Water Fitness Class Held At John Sterling Pool

Mayor Grider recognized Susan Street and Debby Walczyk who signed up to speak on this item.

Mrs. Street spoke about the fees and sponsorship needed for this event.

Mrs. Walczyk reminded Council about the rules and said this event needs City sponsors.

Mayor Grider recognized Stephanie Faulkner who conducts the Water Fitness Classes and asked about the hours for the fitness class.

Mrs. Faulkner was available to answer questions.

There was discussion about the guidelines when fees should be assessed.

Council Member Garza moved to allow Kathy Gomez to speak; seconded by Mayor Pro-tem Apodaca. The motion carried with a 7-0 vote.

Mayor Grider recognized Ms. Gomez.

Ms. Gomez spoke in support of the Water Fitness Classes and offered suggestions regarding the fees.

Council Member Martin moved to allow Kat McGarity to speak; seconded by Council Member Garza. The motion carried with a 7-0 vote.

Mayor Grider recognized Ms. McGarity.

Ms. McGarity spoke about funding the event.

Council Member Martin moved to approve the Kirby Water Fitness class held at the John Sterling Building by Mrs. Stephanie Faulkner at no charge; seconded by Council Member Molina.

There was discussion prior to voting.

Council Member Martin amended his motion to approve the Water Fitness Class held by Mrs. Stephanie Faulkner at no charge for the facilities and she will not accept any donations or any fees and the City will pay for two lifeguards; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Council Member Martin moved to allow Kat McGarity to speak; seconded by Council Member Garza. The motion carried with a 7-0 vote.

Mayor Grider recognized Kat McGarity.

Ms. McGarity offered to pay for one week for the lifeguards.

Mayor Pro-Tem Apodaca moved to allow Vangie Stout to speak; seconded by Council Member Garza. The motion carried with a 7-0 vote.

Ms. Stout inquired if she would have the same opportunity if she rented a facility, if City Council would sponsor her event.

b. Discussion And Update On The Ackerman Road Project

Mayor Grider recognized Susan Street who signed up to speak on this item.

Mrs. Street asked to see an update on Ackerman Road on every agenda.

Carl Bain, Bain Medina Bain and James Stricker, General Forman, Austin Bridge and Road were present to provide an update and answer questions.

c. Discussion And Possible Action On Austin Bridge And Road Closing Down Taube Road, Sparkling Road, And Cinderella For Construction.

Mr. Bain was available to answer questions.

Council Member Garza moved to close Taube Road, Sparkling Road, and Cinderella for construction; seconded by Mayor Pro-tem Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

d. Discussion And Possible Action To Appoint A Council Liaison for the Ackerman Road Project

Council Member Hitt moved to appoint Council Member Joe Molina as liaison for the Ackerman Road Project; seconded by Mayor Pro-Tem Apodaca. The motion carried with a 6-0-1 vote.

AYES: 6

NAYES: 0

ABSTAIN: 1 (Council Member Molina)

Council Member Lozano moved to discuss item 11 j. before item 11. e; seconded by Mayor Pro-Tem Apodaca. The motion carried with a 7-0 vote. (The minutes are written in the order they were placed on the Council agenda.)

e. Discussion And Possible Action On The Kirby Opening Day Pool Party

Mayor Grider recognized Susan Street.

Mrs. Street said there was not any information provided on what was going to be discussed on this item.

Council discussed the Kirby Opening Day Pool Party.

Mayor Grider recognized Jack Miller.

Mr. Miller said he has not heard anyone say they were against the pool party; it is the number of lifeguards.

Mayor Grider asked staff to get with San Antonio Pool Management about the two lifeguards.

Interim City Manager Cardona stated that ASTOUND donated \$500 for the event.

Mrs. Street provided the itinerary for the event.

Council Member Martin moved to take a ten minute break; seconded by Council Member Garza. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

Mayor Grider convened the meeting at 10:51 P.M.

Mayor Grider reconvened the meeting at 11:01 P.M.

f. Discussion And Possible Action On Waiving The John Sterling Rental Fee For Lady Cardinals Softball Team

Interim City Manager Cardona said applicant is not able to attend tonight's meeting and asked to table to the next agenda.

g. Discussion And Possible Action On Resolution No. R-2023-754 Establishing And Designating Certain City Officials To Sign City Of Kirby Bank Transactions.

Mayor Grider said check signers would be Mayor Janeshia A. Grider and Mayor Pro-Tem Apodaca.

Council Member Martin moved to designate Mayor Janeshia A. Grider and Mayor Pro-Tem Apodaca to sign City of Kirby bank transactions; seconded by Council Member Molina. The motion carried with a 7-0 vote

AYES: 7

NAYES: 0

- h. Discussion And Possible Action On Assignment Of Council Member Liaisons to City Boards, Commissions And Committees.

Mayor Grider assigned Council Members as liaisons to the following City boards, commissions, and committees:

Animal Advisory Committee – Mayor Grider  
Beautification And Recycle Committee – Council Member Hitt  
Building And Standards Commission Council Member Martin  
Crime Control And Prevention District Board – Mayor Pro-Tem Apodaca  
Economic Development Committee - Council Member Garza  
Planning And Zoning Commission – Council Member Molina  
Kirby Senior Center Corporation Board - Council Member Lozano

- i. Discussion And Possible Action On Ramp Between Boatman And Ackerman

Armondo Marquez, Public Works, provided information on the issue with the standing water not draining. He will obtain quotes to remedy this situation.

- j. Discussion On Possible Business Gomez Hauling Utilizing Property On Ackerman Road

Mayor Grider recognized Jackie Brown.

Ms. Brown, agent for Andrew Gomez, explained the use of the property.

Mr. Gomez was available to answer questions and brought information about his company.

Mayor Grider recognized Jack Miller.

Mr. Miller spoke about noise and protection from hazardous substances in the trucks.



Council addressed their concerns about Hopkins Elementary School being nearby, traffic to and from the school, impact on City roads, Kirby Fire Station being nearby and potential interference with going to an emergency scene.

k. Discussion And Possible Action On Hugo Lentz Park Portable Restrooms

Interim City Manager Cardona said she received one quote and had reached out to other companies.

Armando Marquez, Public Works, provided fees he had seen from portable restroom company. The fee was \$130 – 150 per month and \$50 delivery once a week.

Council concurred to move forward with porta potties.

l. Discussion And Possible Action On A City Fall Festival

Interim City Manager Cardona asked to table this item to the next agenda because Mrs. Walczyk was not available, she had to leave the meeting.

m. Discussion And Possible Action On Placing Citizens Participation At The End Of The Agenda

Interim City Manager Cardona explained why it is not legal to place citizen participation at the end of the agenda.

Council discussed whether to place citizen participation at the end of the meeting.

Mayor Pro-Tem Apodaca moved to allow Kathy Gomez to speak; seconded by Council Member Garza. The motion carried with a 7-0 vote.

Mayor Grider recognized Mrs. Garza.

Mrs. Garza offered suggestions for citizen participation and opportunities for Council to hear them. She supported citizen participation at the beginning and end of the meeting.

Mayor Grider recognized Jack Miller.

Mr. Miller said he uses every method he can to communicate with Council. He supported citizen participation at the beginning and end of the meeting.

n. Discussion And Possible Action On The Senior Painting Program

This item was table to the next meeting.

- o. Discussion And Possible Action On A Request On A Property Located At Property ID: 361468 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.

(Continued conversation from Item 10. a.)

Council Member Garza moved to deny the variance request; seconded by Council member Martin.

Council Member Martin moved to allow Susan Street to speak; seconded by Mayor Pro-Tem Apodaca. The motion carried with a 7-0 vote.

Mayor Grider recognized Mrs. Street.

Mrs. Street said six votes are needed to override the Planning and Zoning Commission recommendation.

Council Member Garza moved to allow Raul Martinez, Jr. to speak; seconded by Council Member Molina. The motion carried with a 7-0 vote.

Mayor Grider recognized Mr. Martinez.

Mr. Martinez said there is a house on one lot and he is trying to fix it.

Council Member Garza moved to amend his motion to deny the specific use request for Discussion And Possible Action On A Request On A Property Located At Property ID: 361467, CB 5941 BLK 6 Lot 53, 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 and Discussion And Possible Action On A Request On A Property Located At Property ID: 361468 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; seconded by Council Member Apodaca. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

**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 Lozano – She thanked everyone for staying. Provided information on upcoming events. May is Mental Health Awareness Month. She thanked all departments.

Council Member Garza – He requested a timeline for Kazen Road construction. He requested an item for the next agenda: Secure Amazon contact information, discuss next zipper streets, date for budget workshop; update on 5020 Seguin Road, gun signs on agenda. He invited everyone to attend the pool party. Thank you.

Council Member Molina – He thanked everyone for staying and for their support. An item for the next agenda - Ackerman Road construction. St. Joan of Arc event, great time at Bike event, congratulations Kathy Gomez. He thanked city employees, congratulations to Sgt. Lackey, and welcomed Mr. Harris.

Council Member Apodaca – The second annual bike event was a success; congratulations Kathy Garza; the city workers and public works; congrats Lackey to sgt. Welcome Mr. Harris. Vendor applications are available for the 4<sup>th</sup> of July event. There was a small fire at her location and the Kirby Fire Department responded quickly and did a great job.

Council member Hitt – She thanked everyone for attending the meeting and staying, and thanked Mr. Harris.

Council Member Martin – He thanked employees for all they do, and welcomed David Harris, welcomed Jonathan Ortiz our new police officer and thanked all employees. Congratulations welcome David Harris; new police officer, and thanked all staff. An item for the agenda -Review our insurance policy and handbook policy and gun carry discussion.

Mayor Grider – She welcomed Mr. Harris. When you place an item on an agenda be sure and provide context for that item. There are times when research is needed in order to discuss the item and have answers. There will be Special meetings for budget discussion on June 29 and July 22. She thanked everyone who helped make the Bike event a success. She expressed why Memorial Day is a special day to remember. An item for the next agenda – Overlay on Jaenke.

**13. Interim City Manager Announcements**

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

Interim City Manager Cardona – July 2, 2023 Fireworks 5:00 P.M. – 10:00 P.M. HEB sponsoring.

**14. Adjournment**

The meeting adjourned at 11:49 P.M.

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JANESHIA A. GRIDER  
MAYOR

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Patty Cox, TRMC  
City Secretary