



Janeshia A. Grider, Mayor

Mike Grant
Sylvia Apodaca
Joe Molina

Maria Lozano
Englan Sanchez
Sally J. Hitt

**CITY COUNCIL AGENDA
REGULAR MEETING
THURSDAY, NOVEMBER 21st, 2024 - 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

This notice is posted pursuant to the Texas Open Meetings Act. The location where a quorum of the governmental body will be physically present is Kirby 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 who wishes to speak may do so by signing the participation sheet prior to the meeting being called to order.

Topic: Regular City Council Meeting

Date and Time: November 21th, 2024 at 7:00 P.M. (Central Time)

1. **Call Meeting to Order 7:02 PM**
2. **Invocation and Pledge of Allegiance to the Flag**
Moment of Silence
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
Council Member Grant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Council Member Lozano	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Grider	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Ms. Wilson: Mayor you have a quorum.

Mayor Grider: Thank you and both council members did notify us that they will not be here this afternoon which recovery moving on to, "Five Citizens to be Heard" first we have Chris Garza.

5. **Citizens to Be Heard**

Chris Garza: Chris Garza addresses the council, continuing his statement from the previous meeting. He requests an investigation into the Kirby Police Department, citing a pattern of targeted actions against individuals such as Susan Street, David Barbos, and others. He expresses a lack of faith in the police's impartiality, claiming that they prioritize certain individuals and engage in gatekeeping, preventing cases from being prosecuted.

Garza also urges the council to reconsider restricting participation based on physical attendance at meetings. He highlights that not everyone can attend in person, particularly elderly residents who may struggle to drive at night, and those who fear attending. He argues that limiting remote participation excludes certain voices and undermines the council's transparency and inclusiveness.

He criticizes the council for using taxpayer money while avoiding open dialogue and accountability, suggesting that legal tactics will only damage their legacy as public records and lawsuits bring more attention to the situation. Garza concludes by referencing a specific incident at a Crime Control Town Hall on November 2nd, where he and others were unjustly asked to leave the city park despite not engaging in disruptive behavior.

Susan Street: Susan Street addresses the council regarding agenda item 9A, which concerns a closed session about personnel matters related to the City Attorney's office. She argues that the discussion is vague, as the City Attorney is a contracted position, not a staff member. Street emphasizes that according to the Open Meetings Act, personnel matters involving individual employees must be discussed in open sessions, and deliberations about hiring independent contractors should not be held in closed meetings. She advocates for transparency, stating that decisions about staffing and budget should be made publicly. Street criticizes the council's desire to shield discussions from the public, urging openness to foster trust and accountability, referencing Abraham Lincoln's principle of government "by the people, for the people."

6. Consideration of and Action on Minutes

Mayor Grider: Thank you. Moving on to six, action on meeting minutes. We have been informed those will both need to come back for to the next meeting. Moving on to 7A.

Council Member Lozano inquired about corrections needed for the minutes from the October 17th and November 17th meetings. Mayor Grider confirms that corrections are required for both sets of minutes. Council Member Molina elaborates that there are numerous issues across various topics, including a voting error where Council Member Lozano was mistakenly marked as "nay" instead of "abstain." Molina suggests that he can provide further details after the meeting or through the secretary. The discussion ends with Lozano acknowledging she has not reviewed the minutes in question, while Mayor Grider & Council Member Molina encourages her to look over them for clarification.

a. Regular Meeting Minutes – October 17, 2024

	<u>1st/2nd</u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

POSTPONED

b. Regular Meeting Minutes – November 14, 2024

	<u>1st/2nd</u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

POSTPONED

7. Update

a. Update on Ackerman Road Project

Michael Farmer updates the Mayor and Council on the progress of the Ackerman Road project. He reports that he spoke with Austin Bridge and Road about installing a detour sign at Ackerman and Old Seguin to direct southbound traffic, especially with the approaching Thanksgiving holiday and increased traffic. The sign is expected to be in place by the next morning, with Farmer planning to follow up if it is not. He notes that pavement work on Ackerman Road is progressing, with the first layer completed at Benz Engleman Rd. and continuing southbound. The crew is also working on the stretch from Harris to Old Seguin, with half of it completed and plans to finish soon. Additionally, manhole adjustments are being made to ensure proper alignment. On Gibb Sprawl, work continues on sidewalks, driveways, and curbs following the first round of pavement on the northbound lane, while storm sewer installation is underway on the north side of Hedwig.

b. Update on Foxcross Street Project

Michael Farmer provides an update on the Foxcross Alamo City Contract. He reports that the contractors are currently installing laterals onto the new sewer line for the first phase, which extends from Crest to Thread Way. There are only three or four laterals remaining to be installed, and once completed, that section will be finished. Farmer mentions that the crew will soon move to the other side of Crest, though it's unclear whether this will happen next week due to the short workweek, or if they will first ensure that the current area is cleaned up and accessible for residents.

c. Update on Boatman Street Water Main Adjustment Project

Michael Farmer provides an update on the Aqua project, noting that the company has already completed the rerouting of the main water line and poured flowable fill around it to ensure a solid base. This work will prevent any issues with the stability of the area. The remaining task for the city is to handle the paving, as outlined in the agreement with Aqua. Farmer expects the paving to be completed the week after Thanksgiving, despite the short workweek, with the area fully opened and operational by the first week of December.

d. Update on Board, Committee and Commission Member Vacancies

Ms. Applewhite informs the Mayor and Council about the current status of various boards, committees, and commissions authorized by the city charter. She notes the following discrepancies:

- The Planning and Zoning Commission, which is required to have five members, currently has only three members: Deb Walcyk, Clay, and Joe Salazar, leaving two positions vacant.
- The Building and Standards Commission, which should consist of five members, currently has six members: Jack Major, Christina Aldrop, James Mcquarters, Richard Bundick, Lexi, and Jacob Casba.
- The Animal Advisory Committee, which is supposed to have four members, currently has only two members: Dr. Stephanie Barker and Maram Martinez. The committee

should include a licensed veterinarian, a municipal official, a shelter employee, and a representative from an animal welfare organization.

- The Beautification and Recycling Committee is correctly composed of five members.
- The Economic Development Committee, which should have four members, is in compliance with this requirement.
- The Crime Control and Prevention Committee, required to have seven members, currently has six.

Mayor Grider points out that there may be inaccuracies in the current information regarding the Animal Advisory Council, specifically mentioning that Council Member Sanchez should be listed on the board as the municipal representative, as was the practice in the past. Ms. Applewhite clarifies whether Council Member Sanchez is a board member or a liaison, to which Mayor Grider confirms she is a board member.

Mayor Grider then raises concerns about the accuracy of the information regarding the Economic Development Committee, stating that there may be more members than the listed number. Mayor Grider acknowledges that there have been many personnel changes in the office and suggests that the city may need to go back and update the records, possibly using a format from the previous City Secretary, whose email system had crashed.

Ms. Applewhite assures that further research will be done to clarify the details.

8. Items for Individual Consideration

- a. Discussion and Possible Action Appointing member to Planning and Zoning Committee.

	<u>1st/2nd</u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion Passed (5/0)- Motion passes to appoint Jeffery Bass as a member to the Planning and Zoning Committee.

Mayor Grider: We will now go into closed session.

- b. Discussion and Possible Action, Authorizing staff to procure banking services in accordance with Chapter 105 of the Local Government Code.

	<u>1st/2nd</u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion Passes (5/0)- Motion Passes Authorizing staff to procure banking services in accordance with Chapter 105 of the Local Government Code.

- c. Discussion and Possible Action on Resolution 2024-795, A Resolution Approving the Crime Control and Prevention Commission Fiscal Year 2024/2025 Budget.

	<u>1st/2nd</u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Council Member Hitt	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion Passes (2/3) – Motion does not pass to approve the Crime Control and Prevention Commission Fiscal Year 2024/2025 Budget.

- d. Discussion and Possible Action Canvassing the Votes for the Crime Control and Prevention Commission November 5, 2024, election results.

	<u>1st/2nd</u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion Passes (5/0)- Motion Passes to accept Canvassing the Votes for the Crime Control and Prevention Commission November 5, 2024, election results.

9. **Closed Session: Closed Session 7:44pm**

- a. The City of Kirby City Council will convene into executive session on the following items:

Mayor: Grider Upon the conclusion of the closed session and may recall any item posted for closed session for Action in necessary **no action** taken moving on 11A

- i. Pursuant to Texas Government Code Section 551.071 – Consultation with City Attorney regarding a delinquent utility account.
- ii. Pursuant to Texas Government Code Section 551.074 – Personnel Matters regarding review of City Attorney Office.

10. **Open Session 9:30pm**

- a. The City Council will reconvene into regular session upon the conclusion of the closed session and may recall any item posted for closed session for action, as necessary.

Mayor: Grider Upon the conclusion of the closed session and may recall any item posted for closed session for Action in necessary **no action** taken moving on 11A.

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 Lozano expresses gratitude to everyone present at the meeting, including the Fire Department, Public Works, Police Department, City Secretary, City Attorneys, City Manager, fellow Council Members, and residents. She acknowledges the support and input from those attending and listening. Lozano also requests the addition of an agenda item for the next meeting regarding council members' consecutive absences, as required by the city charter. She concludes by wishing everyone a happy Thanksgiving.

Council Member Molina: The speaker expresses gratitude to everyone who attended the meeting, including the city staff, attorneys, and fellow council members, acknowledging their hard work. They request that updates on the ongoing construction projects, specifically for Ackerman and Foxcross, be kept on the agenda for future meetings. Council Member Molina concludes by wishing everyone a Happy Thanksgiving and saying good night.

Council Member Hitt: Expresses gratitude to everyone who stayed for the meeting and acknowledges the assistance of Wagner ROTC at the Senior Center, where they helped with the Food Bank. She also thanks the City Public Works staff for their support, noting that there were enough volunteers to allow them to return to their regular duties.

Council Member Sanchez: I just want to wish everybody a Happy Thanksgiving and um eat lots of Turkey. Have a good night.

Mayor Grider: Thanks Bear County Utility Assistance, True Vision Church, and CPS for their partnership in a recent event, especially Miss Virginia and Mr. Oscar for their support in helping residents and surrounding communities. She also thanks Pastor Brown for allowing True Vision Church to host the event.

Mayor Grider expresses appreciation to Commissioner Calvert, Robert Reyna from Bear County Economic Development, and Amy from Calvary's Chief of Staff for participating in a tour of the city, where they were able to observe the city's facilities and needs. She highlights Chief Cardona's guidance during the tour and notes that the commissioner gained a firsthand understanding of the city's infrastructure challenges.

Mayor Grider announces the city's first Christmas Tree Lighting on December 6th, from 6:00PM to 9:00PM, inviting everyone to attend for cocoa, cookies, entertainment, and sausage wraps. She also promotes a family-friendly craft event at the Kirby Senior Center on Saturday, November 23rd, from 11:00 AM to 1:00 PM, where seniors and children will create turkey fans and paper bag turkeys.

The Mayor confirms that Council Member Lozano's proposed agenda item regarding council member attendance will be added to the next meeting's agenda. She concludes by wishing everyone a Happy Thanksgiving, encouraging the community to check on neighbors, especially seniors who may be alone, before adjourning the meeting.

12. Adjournment 9:30PM

Christine Wilson
City Secretary

The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on this agenda if authorized by Texas Government Code Section 551.071, Consultation with Attorney; Texas Government Code Section 551.072, Deliberations about Real Property; Texas Government Code Section 551.074, Personnel Matters; Texas Government Code Section 551.076, Security Devices or Security Audits; and Section 551.087 of the Texas Government Code, Deliberation about Economic Development.

This meeting is wheelchair parking accessible at the main entrance located at 112 Bauman. Auxiliary services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours prior to the meeting) by calling 210/661-3198 or Relay Texas 800/735-2989 (hearing/speech impaired assistance).

DATE OF POSTING: November 8th, 2024 TIME OF POSTING: 5:30 P.M.

Mayor Grider: Thanks Bear County Utility Assistance, True Vision Church, and CPS for their partnership in a recent event, especially Miss Virginia and Mr. Oscar for their support in helping residents and surrounding communities. She also thanks Pastor Brown for allowing True Vision Church to host the event.


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Jameshia Grider,
Mayor


Christine Wilson
City Secretary

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prior to the meeting) by calling 210/661-3198 or Relay Texas 800/735-2989 (hearing/speech impaired assistance).

DATE OF POSTING: November 18th, 2024 TIME OF POSTING: 5:30 P.M.