



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL AGENDA
BUDGET WORKSHOP
THURSDAY, JUNE 23, 2022 – 6:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

1. **Call Meeting to Order**
2. **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**
5. **Citizen Participation**

Citizens To Be Heard Is For The City Council To Receive Information On Issues That May Be Of Concern To The Public. Citizens To Be Heard Is Limited To Five (5) Minutes. A Purpose Of The Open Meetings Act Is To Insure That The Public Is Always Given Notice Of The Items That Will Be Discussed By The Council. Should A Member Of The Public Bring An Item To The Council For Which The Subject Was Not Posted On The Agenda For The Meeting, The Council May Receive The Information, But Cannot Act Upon It At The Meeting.

6. **Budget Workshop**
 - a. Presentation And Discussion On City Of Kirby Funds
 - b. Presentation And Discussion On City Of Kirby Employee Pay
 - c. Discussion And Direction On City Of Kirby Fiscal Year 2022-2023 Budget
 - d. Presentation And Discussion On Budget Next Steps

7. Adjournment

Monique L. Vernon
City Manager

Patty Cox, TRMC
City Secretary

DATE OF POSTING: June 17, 2022

TIME OF POSTING: 5:45 P.M.

DATE REMOVED

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)

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input checked="" type="checkbox"/> | WORKSHOP |

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

AGENDA ITEM: 6. a.

6. Budget Workshop

Presentation And Discussion On City Of Kirby Funds.

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input checked="" type="checkbox"/> | WORKSHOP |

C I T Y O F K I R B Y
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y

DATE: JUNE 23, 2022

AGENDA ITEM: 6. b.

6. Budget Workshop

Presentation And Discussion On City Of Kirby Employee Pay

Staff will provide a presentation on current employee pay and proposed pay options for next Fiscal Year. Council will receive an email of information to review in advance.

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input checked="" type="checkbox"/> | WORKSHOP |

**CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

AGENDA ITEM: 6. c.

6. Budget Workshop

Discussion And Direction On City Of Kirby Fiscal Year 2022-2023 Budget

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input checked="" type="checkbox"/> | WORKSHOP |

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

AGENDA ITEM: 6. d.

6. Budget Workshop

Presentation And Discussion On Budget Next Steps

The next Budget Workshop will be held on Thursday, July 7th at 6:00 P.M.



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie Walczyk

**CITY COUNCIL AGENDA
REGULAR MEETING
THURSDAY, JUNE 23, 2022 – 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. A member of the public may testify from a remote location by videoconference at:

Topic: Regular City Council Meeting

Date and Time: June 23, 2022 at 7:00 p.m. (Central Time)

Join Zoom Meeting:

Video Participation: Join Zoom Meeting

<https://zoom.us>

Meeting ID: 956 855 1663 and Passcode: 1955

1. **Call Meeting to Order**
2. **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**
5. **Citizen Participation**

Citizens Participation Is For The City Council To Receive Information On Issues That May Be Of Concern To The Public. Citizens Participation Is Limited To Five (5) Minutes. A

Purpose Of The Open Meetings Act Is To Insure That The Public Is Always Given Notice Of The Items That Will Be Discussed By The Council. Should A Member Of The Public Bring An Item To The Council For Which The Subject Was Not Posted On The Agenda For The Meeting, The Council May Receive The Information, But Cannot Discuss Or Act Upon It At The Meeting.

6. Presentation

- a. Presentation And Discussion On City Limit Signage Located On FM78 – Dale Picha, Texas Department Of Transportation
- b. Presentation And Discussion On City Of Kirby Drainage Assessment Supplemental Report – Chris Martinez, Givler Engineering
- c. Presentation And Discussion On Economic Development Proposals – Cory Mobley, Economic Development Committee Chairman

7. Consideration Of And Action On Minutes

- a. Regular Minutes – June 9, 2022

8. Public Hearing

- a. A Public Hearing On A Request For A Specific Use Permit To Allow The Property Located At CB: 5941A, BLK 2, LOT 12, Otherwise Known As 5235 Seguin Road, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-2) To Be Used As Single Family Dwelling District (R-1) Property.
- b. A Public Hearing On A Request For A Variance For Property Zoned Single Family Dwelling District (R-1), To Waive The Requirement Of Ordinance No. O-2015-762, Section 803.1.1, To Allow 3/8 Inch Sheathing Roofing Material Instead Of The Required 7/16 Inch Sheathing/Roofing Material Located At CB 5092C BLK 3 LOT 7, Otherwise Known As 4326 Hoeneke St., Kirby, TX 78219.

9. Discussion And Possible Action

- a. Discussion And Possible Action On A Request For A Specific Use Permit To Allow The Property Located At CB: 5941A, BLK 2, LOT 12, Otherwise Known As 5235 Seguin Road, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-2) To Be Used As Single Family Dwelling District (R-1) Property.
- b. Discussion And Possible Action On A Request For A Variance For Property Zoned Single Family Dwelling District (R-1), To Waive The Requirement Of Ordinance No. O-2015-762, Section 803.1.1, To Allow 3/8 Inch Sheathing Roofing Material Instead Of The Required 7/16 Inch Sheathing/Roofing Material Located At CB 5092C BLK 3 LOT 7, Otherwise Known As 4326 Hoeneke St., Kirby, TX 78219.

- c. Discussion And Possible Action On Funding And Timeline For ADA Compliance At The Kirby Senior Center
- d. Discussion And Possible Action On National League Of Cities (NLC) Service Line Warranty Program – Emilie Zalfini
- e. Discussion And Possible Action On An Ordinance Of The City Of Kirby, Texas, Amending Chapter 54 Of The Code Of Ordinances In Regard To Illicit Discharge Restrictions Pursuant To U.S. Environmental Protection Agency Guidelines And Adopted Texas Commission On Environmental Quality Standards, And Providing A Penalty Upon Conviction Of A Violation Of This Chapter In An Amount Not To Exceed \$500.00 Per Violation Per Day Unless The Violator Receives Actual Notice Of The Provisions Of This Ordinance In Which Case The Penalty Upon Conviction Is Not To Exceed \$1,000 Per Violation Per Day Or Not To Exceed \$5,000 Per Violation Per Day For Certain Violations Relative To Point Source Effluent Limitations Or The Discharge Of A Pollutant (Other Than From A Non-Point Source) Into A Sewer System, Including A Sanitary Or Storm Water Sewer System, Owned Or Controlled By The City, And Establishing An Effective Date. This Is The First Reading.
- f. Discussion And Possible Action On An Ordinance Of The City Of Kirby, Texas, Amending Chapter 55 Of The Code Of Ordinances In Regard To Post-Construction Commission On Environmental Quality; And Providing That The City May Seek Injunctive Relief To Restrain Violations Or To Compel Abatement Or Remediation Of Violations; Providing For A Civil Penalty Of Up To \$1,000 Per Day For A Violation Of This Chapter; Setting A Fee For Reviewing Proposed Storm Water Pollution Prevention Plans; And Providing For An Effective Date. This Is The First Reading.
- g. Discussion And Possible Action On Wellsite #3 Repairs And Final Costs
- h. Discussion And Possible Action On Appointment Of A Member To The Crime Control And Prevention District Board
- i. Discussion And Possible Action On Appointment Of A Member To The Planning And Zoning Commission
- j. Discussion And Possible Action On Appointment Of Members To The Kirby Senior Center Corporation Board
- k. Discussion And Possible Action On Hosting A City Of Kirby Festival In 2023

10. City Manager Announcements

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

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

12. Adjournment

Monique L. Vernon
City Manager

Patty Cox, TRMC
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, and Texas Government Code Section 551.076, Security Devices or Security Audits.

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: June 17, 2022

TIME OF POSTING: 6:45 P.M.

DATE REMOVED

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input checked="" type="checkbox"/> | PRESENTATION |
| <input type="checkbox"/> | WORKSHOP |

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

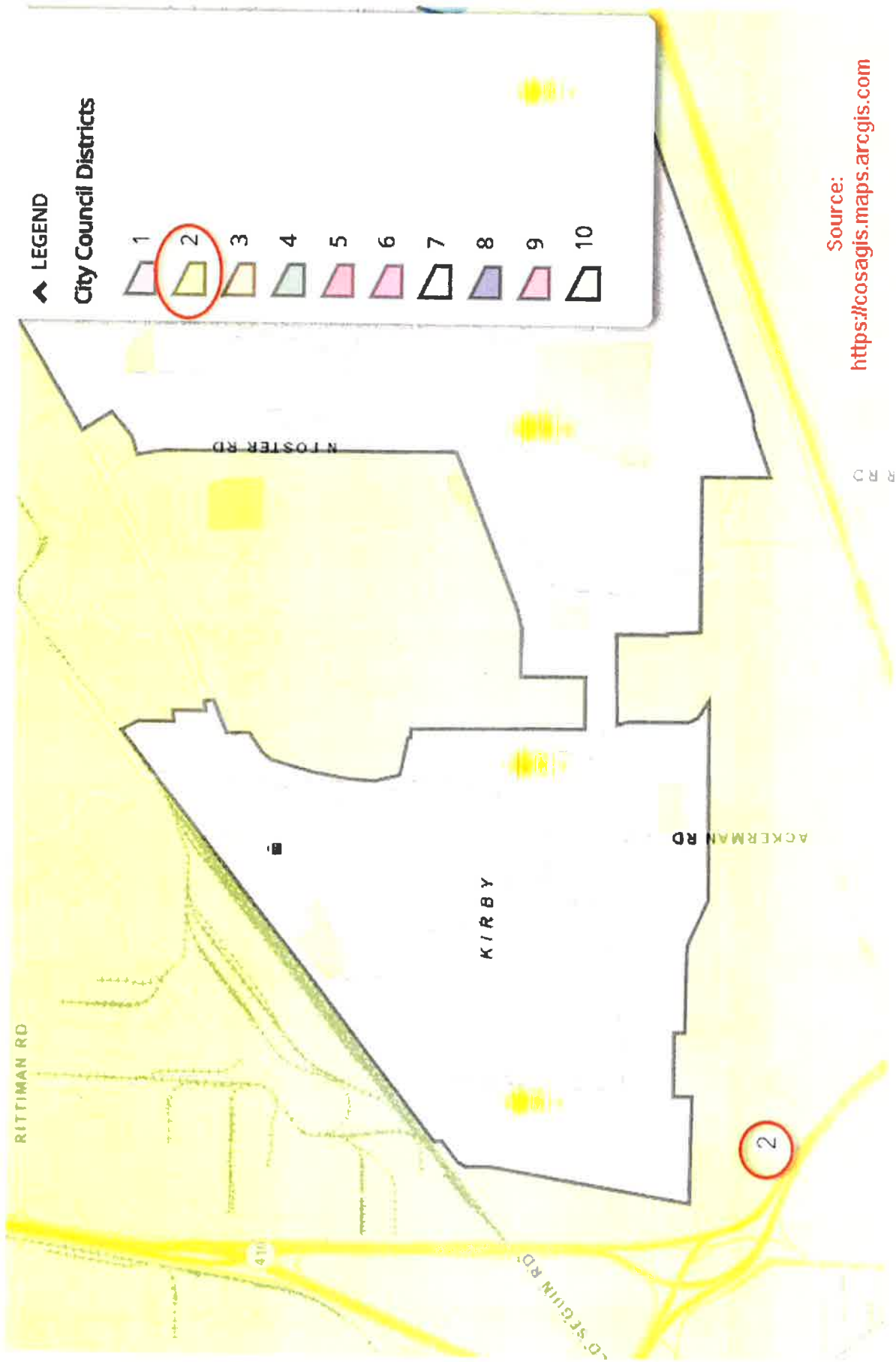
AGENDA ITEM: 6 a.

6. Presentation

Presentation And Discussion On City Limit Signage Located On FM78 – Dale Picha,
Texas Department Of Transportation

Mayor Aldrich requested this item. In October 2016, the City received a Boundary Adjustment from San Antonio. A request was made for TxDOT to relocate the city limit signage on FM 78 in both directions. TxDOT relocated the eastbound signage, but did not relocate the westbound signage because Kirby does not own that portion of FM 78. We own the land along FM 78. Mr. Picha will attend the meeting to explain in more details.





Source: <https://cosagis.maps.arcgis.com>

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input checked="" type="checkbox"/> | PRESENTATION |
| <input type="checkbox"/> | WORKSHOP |

**C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

AGENDA ITEM: 6. b.

6. Presentation

Presentation And Discussion On City Of Kirby Drainage Assessment Supplemental
Report – Chris Martinez, Givler Engineering

City Manager Vernon emailed Council a shared link to the Report on June 8th.

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input checked="" type="checkbox"/> | PRESENTATION |
| <input type="checkbox"/> | WORKSHOP |

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

AGENDA ITEM: 6. c.

6. Presentation

Presentation And Discussion On Economic Development Proposals – Cory Mobley,
Economic Development Committee Chairman

On May 26th, Council received a presentation and proposal from Christopher Bontrager with Retail Strategies. Staff was asked to obtain additional proposals. Aaron Farmer from the Retail Coach updated his 2017 Kirby proposal and it was emailed to Council on June 17th. Chairman Mobley will be present to answer questions.

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input checked="" type="checkbox"/> | CONSIDERATION OF MINUTES |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input type="checkbox"/> | WORKSHOP |

**C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

AGENDA ITEM: 7. a.

7. Consideration Of And Action On Minutes

Regular Minutes – June 9, 2022

The minutes are attached for your review. If you see any changes, please send me an email no later than 5:00 P.M. on June 22, 2022, and the minutes will be revised.



Kimberly McGehee Aldrich, Mayor

Sylvia Apodaca
Christopher Garza
Janeshia Grider

Mike Martin
Susan Street
Debbie L. Walczyk

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, JUNE 9, 2022 – 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. A member of the public may testify from a remote location by videoconference at:

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

5. Citizen Participation

1. Sharon Shuler – She will speak during item 8.b.
2. Maria Lozano – She thanked City Council for allowing the aerobic swim classes. She urged Council to carefully review the council applications. Also, consider cost and manpower for the asphalt zipper and test the asphalt zipper on one of our streets.
3. Kat McGarity – She announced Beautification and Recycle Committee is going to have a Clean Up on Saturday, June 11 at 8 AM – 10 AM behind Dean's Automotive from Dairy Queen to Kirby Middle School. She asked residents to help. There will also be Fireworks in the Park on July 3.
4. Lisa Pierce – She reminded Council at the last meeting she supported Mr. Molina to be appointed to the vacant council seat. He received the next highest votes. She believed that out of the applicants submitted Roger Romens should be appointed to fill the vacancy because he was on the May ballot.
5. BJ Voigt – She announced Hermann Sons Lodge will hold a Flag Day ceremony on Tuesday June 14 at 8:30 A.M. at the Fire Station. Hermann Sons Lodge purchased Texas Flags. She read a poem from a rodeo she recently attended.

6. Presentation

a. Elder Abuse Proclamation

Mayor Aldrich presented the Elder Abuse Proclamation to Norma Hamby, Senior Center Director.

7. Consideration Of And Action On Minutes

a. Special Minutes – May 16, 2022

Council Member Apodaca moved to approve the minutes of May 16, 2022; seconded by Council Member Street. With all voting "aye" the motion carried with a 6-0 vote.

b. Special Minutes – May 21, 2022

Council Member Martin moved to approve the minutes of May 21, 2022; seconded by Council Member Apodaca. With all voting "aye" the motion carried with a 6-0 vote.

c. Regular Minutes – May 26, 2022

Council Member Apodaca moved to approve the minutes of May 26, 2022; seconded by Council Member Garza. With all voting "aye" the motion carried with a 6-0 vote.

8. Discussion And Possible Action

a. Recognition Of Outgoing Council Members

City Manager Vernon recognized Joe Salazar for his service to the City.

b. Discussion And Possible Action On Appointment Of A Person To Fill The Unexpired Council Term Created By Resignation Of Mike Grant

Sharon Shuler said she supports Jakub Kosiba and offered her reasons for supporting him.

Mayor Aldrich asked each applicant to individually come forward to reply to questions from the City Council. They were called in the following order: 1. Jakub Kosiba; 2. Jessica Bogardus; 3. Roger Romens; 4. Kat McGarity; 5. Debra Walczyk. The applicants were all asked the same questions and replied to the questions.

Council Member Apodaca nominated Debra Walczyk; seconded by Council Member Martin. The motion carried with 5-1 vote.

AYES: 5

NAYES: 1 (Mayor Pro-Tem Grider)

c. Presentation Of Statement Of Officer And Administration Of Oath Of Office To Newly Appointed Official

City Secretary presented the Statement of Officer and administered the Oath of Office to Debra Walczyk.

d. Discussion And Possible Action To Establish An Onboarding Process And Schedule For Newly Elected/Appointed Council Members

City Manager Vernon provided information for an onboarding process. She identified resources, training and in person sessions available. She recommended four in person sessions similar to Government 101.

- e. An Ordinance Repealing And Replacing Ordinance No. O-2018-838; Authorizing The Use Of Parks And Recreation Areas Owned And Controlled By The City Of Kirby; Regulating Possession And Consumption Of Alcoholic Beverages In Such Parks; Stating The Policies And Regulations Governing The Use Of Such Park, Establishing A Curfew For Parks Usage; And Providing A Penalty For Violation Of This Ordinance. This Is The First Reading.

The Council discussed presenting all the changes at one time. They discussed fees for local leagues and advertising fees.

Council Member Apodaca moved to postpone the pool passes until next year; seconded by Council Member Garza. The motion failed with a 2/4/1 vote

AYES: 2 NAYES: 4 (Mayor Pro Tem Grider, Council Members Street and Martin, and Mayor Aldrich)
ABSTAIN: 1 (Council Member Walczyk)

- f. Discussion And Direction On A Policy, Process And Procedure For Reimbursing Expenses To City Council Members

Council discussed a policy, process and procedure for reimbursing expenses to City Council Members. Council Member Street and Mayor Pro-Tem Grider will research area cities about their policy, process and procedure for reimbursing expenses to City Council Members.

- g. Discussion And Possible Action On Reinstating Printing Of City Council Meeting Packet

Council discussed whether to reinstate printing of City Council meeting packets.

Council Member Street moved to reinstate the printing of City Council meeting packets; seconded by Council Member Garza. The motion carried with a 5-2 vote.

AYES: 5 NAYES: 2 (Council Member Apodaca and Mayor Aldrich)

- h. Discussion And Possible Action On Appointment Of Members To The Kirby Senior Center Corporation Board

Jessica Bogardus, Kirby Senior Center Board, said there were three vacancies.

City Manager Vernon received four applications.

Council Member Street said James McQuarter was selected at the last Board meeting.

Council Member Street moved to appoint James McQuarter to the Kirby Senior Center Corporation Board; seconded by Council Member Garza.

The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

- i. Discussion And Direction On Kirby Senior Center Building And Parking Lot Needs As A Result Of ADA Survey

There was a lengthy discussion about the Senior Center building and parking lot as a result of ADA Compliance Survey.

Four residents asked to speak during this item and were granted approval by City Council. Roger Romens, Jessica Bogardus, Stephen Pitmon, and Graciela Sanchez.

Council's decision was to get new cost estimates and Senior Center will get with AACOG for more information.

- j. Discussion And Possible Action To Schedule Budget Workshops For Fiscal Year 2022-2023

Council was presented with four dates to schedule budget workshops for Fiscal Year 2022-2023.

City Council concurred to meet on June 23 at 6 P.M. and July 7 at 6 P.M.

- k. Discussion And Possible Action To Accept Stephen Pitmon's Resignation From The Planning And Zoning Commission

Council Member Martin moved to accept Stephen Pitmon's resignation from the Planning and Zoning Commission; seconded by Council Member Street. The motion carried with a 7-0 vote.

AYES: 7

NAYES: 0

9. City Manager Announcements

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

City Manager Vernon announced the Crime Control Flick & Float movie at the pool on June 15, 2022, this is a free event and the gate opens at 7:30 P.M. movie show time is 8:00 P.M. and Sunday, July 3rd is Annual Fireworks in the Park at Friendship Park 5 P.M. to 10 P.M. Parking after 6:00 P.M. is \$5 per car. No outside food or drinks.

10. 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 – She offered comments on the new website identifying pages that were not functioning as she expected. She thanked everyone for attending the meeting and expressed her appreciation. She asked everyone to have a good week.

Council Member Garza – He asked if the Festival HOBO Fest needed to be placed on an agenda to plan the event for next year. City Manager Vernon said it would need to be an agenda item.

Mayor Pro-Tem Grider –She said the Beautification & Recycle Committee will have a Clean Up Saturday, June 11, 8 A.M. to 10 A.M. She urged everyone to show up and help. Council Member Martin showed his support at the last Jujitsu event.

Council Member Walczyk – She thanked Council for giving her a vote of confidence. She appreciates everybody.

Council Member Apodaca - JISD is offering free breakfast and lunch at certain schools. Check on your neighbors, walk animals on grass and not hot street. She welcomed Ms. Walczyk. She apologized to Mr. Joe Molina.

Council Member Martin – He thanked all city employees. He asked City Manager Vernon to add a grant writer to the new budget. He said, yes, I am your voice for the City. I will continue to bring your issues forward.

Mayor Aldrich – She seconded Council Member Apodaca’s apology to Mr. Molina. She welcomed Council Member Walczyk. There was a horrible fatality on Sunday. She thanked Church’s Chicken for providing ice and water to the Police Department and Fire Department working the scene. We are hitting 100-degree temperatures. Check on your neighbors, elderly, children and pets. She thanked everyone for attending the meeting.

11. Adjournment

Meeting adjourned at 9:37 P.M.

Kimberly Aldrich, Mayor

ATTEST

Patty Cox, City Secretary, TRMC

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input checked="" type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input type="checkbox"/> | WORKSHOP |

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

AGENDA ITEM: 8. a.

8. Public Hearing

Discussion And Possible Action On A Request For A Specific Use Permit To Allow The Property Located At CB: 5941A, BLK 2, LOT 12, Otherwise Known As 5235 Seguin Road, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-2) To Be Used As Single Family Dwelling District (R-1) Property.

See notes for Discussion and Possible Action.

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input checked="" type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input type="checkbox"/> | WORKSHOP |

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

AGENDA ITEM: 8. b.

8. Public Hearing

Discussion And Possible Action On A Request For A Variance For Property Zoned Single Family Dwelling District (R-1), To Waive The Requirement Of Ordinance No. O-2015-762, Section 803.1.1, To Allow 3/8 Inch Sheathing Roofing Material Instead Of The Required 7/16 Inch Sheathing/Roofing Material Located At CB 5092C BLK 3 LOT 7, Otherwise Known As 4326 Hoeneke St., Kirby, TX 78219.

See notes for Discussion and Possible Action.

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input type="checkbox"/> | WORKSHOP |

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

AGENDA ITEM: 9. a.

9. Discussion And Possible Action

Discussion And Possible Action On A Request For A Specific Use Permit To Allow The Property Located At CB: 5941A, BLK 2, LOT 12, Otherwise Known As 5235 Seguin Road, Kirby, TX 78219, Which Is Zoned Commercial, Office And Retail (C-2) To Be Used As Single Family Dwelling District (R-1) Property.

The applicant is requesting residential use of the property. A timeline of email activity between the applicant and staff is included. You will see that the timeline the owner requested an application for certificate of occupancy, but never requested inspections. Mrs. Loreda informed me she requested the c of o because she wanted the water turned on. She had no intention of opening a business. Staff recommends this property remain commercial use in order to follow the Comprehensive Plan for this area.

On June 14, 2022, Planning and Zoning Commission met and after discussing this request voted unanimously (3-0) to deny the request.



FORMAL APPLICATION FOR VARIANCE/SPECIFIC USE REQUEST

Date of Application April 22 2022 Case Number: _____

Name of Applicant Jennifer & Michael Loreda

Address 5235 Old Seguin

Home/Cell Phone 210 254 3367 Business Telephone 210 617 8757

Is applicant the owner, lessee, or other of the property proposed for the
VARIANCE/SPECIFIC USE
Application _____

> Current Zoning: _____ Proposed Zoning: Residential

Location of property where change is requested, described according to subdivision plat
filed at the County Court House or City Tax rolls:

> Lot(s) _____ Block _____ NCB _____

Address of subject property 5235 Old Seguin Kirby Tx 78219

Property is situated along _____ side of Seguin Rd
N.S.E.W. Street

Approximately _____ feet _____ of the intersection of
N.S.E.W.
_____ with _____
Street Street

What deed restrictions, if any, concerning the type of improvements permitted are in place
on the subject property? If there is an expiration date for the deed restrictions, what is the
expiration date? You may attach a copy of the original printed deed restrictions in answer
to this questions, after underlining the specific text which addresses the uses or
improvements restricted thereby.

N/A

Mailing Address - Applicant

16718 Basin Oak
San Antonio Tx
78247

13. Will there be any flammable or combustible materials stored in the building? Yes _____ No X
(If yes, please provide list).

14. What type of shelving will be used? N/A

APPLICANT CONTACT INFORMATION

Type of Business Six kids too many GM

Business Owner(s) MICHAEL LORBOO
(IF TENANT PROVIDE COPY OF LEASE)

Phone Numbers 210 254-3367 210 2617-8757
Business Home Cell

Property Owner MICHAEL LORBOO DENNIS LORBOO

Phone Numbers 210 2543367 210 617.8757
Business Home Cell

Certificates or Licenses (Please attach copies, if applicable)

| | | |
|-----------------------|---------------|-----------------------|
| a. Health | In File _____ | Not Required <u>✓</u> |
| b. Liquor | In File _____ | Not Required <u>✓</u> |
| c. Special Use Permit | In File _____ | Not Required <u>✓</u> |
| d. Tax ID | In File _____ | Not Required <u>✓</u> |
| e. Employer ID | In File _____ | Not Required <u>✓</u> |
| f. Insurance | In File _____ | Not Required _____ |
| g. License | In File _____ | Not Required _____ |

Will there be any changes made to the structure and/or its surroundings? Please include electrical, plumbing, and mechanical. (PLEASE DESCRIBE IN DETAIL BELOW)

N/A

**** NOTE: ANY CHANGES, EXCLUDING COSMETIC, MADE TO THE STRUCTURE WILL REQUIRE LICENSED CONTRACTORS TO OBTAIN APPROPRIATE PERMITS. WORK MUST BE COMPLETED & FINAL INSPECTIONS DONE PRIOR TO ISSUANCE OF CERTIFICATE.**

Signature of Business Applicant 

APPLICATION FEES: \$180.00

Detailed reasons for requesting change of Variance/Specific Use (Please list **all** proposed activities), or attach your reasons for rezoning request:

SEE ATT Letter

I, the undersigned owner, lessee, or _____
hereby request a Variance/Specific Use from the City of Kirby, Texas, as follows. In
addition, I hereby consent to the posting of hearing notices on or adjacent to said property
understanding that no undue damage will be incurred.

Attached are the following (Check List):

1. A dimensioned map at a scale of 100 or 200 feet to the inch showing the property referred to in this application and all streets, lots, easements, zoning of abutting properties, and parcels of land within 200 feet of said property.
2. A typed list of the property owners and addresses of all property within 200 feet of said property and description of owner's property.
3. If available, a plan site, indicating location, dimensions and uses of existing and proposed structures, easements, water sources, fences, curb cuts, street and alley right-of-way lines on and within one foot of the property proposed for rezoning (on map required by item 1 above, or another map at greater scale).
4. Check for amount required by the City of Kirby, payable to the City of Kirby as fee for the purpose of defraying expenses of mailing notices and hearing before the Zoning Commission.


Signature & Date of Applicant

Michael Loreda
5235 Old Seguin Rd
Kirby Tx 78219

To Whom it may concern,

My name is Michael Loreda and me and my beautiful wife Jennifer Loreda are the proud owners of 5235 old Seguin rd. in Kirby TX we had purchased the property in 2018 from my Wifes grandparents Mr. And Mrs. Barrera in hopes of putting a little work into it and moving in, Jennifer and I are the proud parents of 7 amazing kids 3 who have graduated and went off to college 1 who is with our lord and savior and 2 who are in high school and our baby who God blessed us a with after Jennifer had her tubes tied and burned. With all that being said we are currently renting a larger home that was able to sustain a family eight, we are looking to down size and cut cost and move our remainder of our family into the 5235 old Seguin rd. but was recently informed that we were not able to because the home is a commercial property because it was rezoned in the 1950's

When we purchased the property, we were not aware and we are looking to get the property into a residential status so we can raise our two high school kids and our beautiful baby boy in that amazing yard the property has the property would be sole used for residential purposes like BBQs decorating for Halloween and Christmas lights decoration's.

Jenifer and I will abide by any rules and regulations the city of Kirby will put in place for us to make 5235 old Seguin rd. A residential rezone and make it our forever home.

Thank You for your time and assistance in this matter,

Mr. And Mrs. Michael Loreda

210-254-3367

210-617-8757





01-08-2021 - CODE

I am reaching out to inform you there is a stop work order at 5235 Seguin Rd. Work is being conducted without a permit. A new structure is being added to the residence with complete siding. Please speak with Patty Cox inside Kirby City Hall located at 112 Bauman Rd or 210-661-3198 . If work continues without a permit, citations will be issued that carry a fine up to \$1,000 per day. I left a voicemail at 210-617-8757 yesterday without a response back.

01-11-2021 – MICHAEL LOREDO

Hello my name is Michael Loredó and I just had a couple of officers stop my cousins from working I need to know what steps I need to take to get a owners work permit I am replacing 16ft of the existing house that has the restroom and a landry area and part of a room the house is in very poor damage it had holes in all the siding and sherock the toilet was about to fall threw the the floor the house was in very poor shape and I thought I was doing something right by trying to replace the back room area since i have a wife who is 8 month pregnant and we need to make sure the baby is in a good place I demoed all of it and its sitting on the side of the house

I can be reached at 210-254-3367

I can send pics of the way the house looked before if I need 2 just have to find them thank you

01-11-2021 – PATTY COX

I spoke with Jennifer and informed her I will forward permit applications to you. I have been informed that you must submit a roof permit application today. The application is attached. Please email to me and I will let Code Compliance know you have submitted the application.

Another email will follow later, regarding the other permits that are needed.

01-12-2021

Submitted Application for building permit and Certificate of Occupancy (t-shirt shop) – MICHAEL LOREDO

01-14-2021 – PATTY COX

Your permit applications are being forwarded to our plan reviewer. He will need the Total Value of Construction plus all finished work. Please email this information to me and then he will be able to start the review process. (How much is the cost of the project?)

01-15-2021 – PATTY COX

All permits sent to plan review.

01-15-2021 – PATTY

01-26-2021 – PATTY COX

Our plan reviewer said the review of the building plans have to wait until after the City Council decision is made on whether to keep the property commercial use or allow residential use. The decision will determine if they are reviewing the plans as a commercial property or residential use.

03-19-2021

Hi Tracy, Jennifer Loreda would like to speak with you. Her phone number is 210-617-8757.

She doesn't want to pay for a C of O or SUP. She wants water and is willing to pay the full amount over \$400.

09-23-2021 – PATTY COX

Hi Megan,

Michael Loreda or wife will be calling you to inspect the property for her C of O. She's also going to be calling Bureau Veritas and Andrew Flores for inspections for C of O.

10-06-2021 – PATTY COX

Good afternoon,

The owner of the attached business will be contacting you to schedule the Certificate of Occupancy inspections. (This email sent to all inspectors).

1-17-2022 – PATTY

WAS THIS PROJECT/PROPERTY GIVEN APPROVAL BY COUNCIL FOR A SPECIFIC USE PERMIT FOR A CONVERSION OF A COMMERCIAL USE FOR RESIDENTIAL DEVELOPMENT? – This is from our plan reviewer.

01-18-2022 – PATTY COX

The property owner has never submitted the SUP request, therefore, never received approval by council. In fact the owner has never inquired about the permits. Hmmm! They did request a certificate of occupancy, I'm waiting for them to schedule their C of O inspection. Code Compliance keeps an eye on this property to make sure they are not living in the building. This is reply to plan reviewer email.

03-16-2022 – PATTY COX

I spoke with Jeniffer Loreda and she's not happy. She wants to build a shed in the back yard. I asked if she has had the business inspected and she asked why she has to schedule the inspections because it should be my job. I let her know she has to schedule the inspections because she will know when the property is ready for inspections. I explained it is commercial property. She's upset because she's going to have relatives move in. She didn't say when. She's upset because at this time she cannot place the shed in the back yard. (Information for Code Compliance)

Plan review inquiring if residential or commercial property. Here is my reply:

The contractor is going to request a Specific Use Permit from Planning & Zoning Commission and City Council to use the building for residential purposes. This is zoned commercial, and they were not aware of the zoning that changed 20 years ago. This is zoned commercial.

01-19-2021 – MICHAEL LOREDO

Good morning Mrs patty how was your weekend hope it was great just looking to see how things were going with the permits but I do realize it is a process but just wanna utilize my time as I'm scheduled to go back to work this coming Monday ,I also had another question I have 2 storages on the property that are permitted to be on the property but they need rebuilding do I need to pull permits to knock those down and rebuild them ?
Thank you for all your help and have a great day .

01-19-2021 – PATTY COX

The plans are still being reviewed and as soon as I receive them I'll send you an email.

Regarding the two storage units on your property, let me know what the dimensions? You might not need a permit to demolish or rebuild.

01-19-2021 – MICHAEL LOREDO

Mrs patty the smaller shed is 10 x 16



03-16-2022 – PATTY COX

I spoke with Jeniffer Loreda and she's not happy. She wants to build a shed in the back yard. I asked if she has had the business inspected and she asked why she has to schedule the inspections because it should be my job. I let her know she has to schedule the inspections because she will know when the property is ready for inspections. I explained it is commercial property. She's upset because she's going to have relatives move in. She didn't say when. She's upset because at this time she cannot place the shed in the back yard. (Email from Michael Loreda)

5235 Seguin Road

Contact was first made with property for Code was in June 2020. A 10-day courtesy notice was left for rubbish on the curb. A citation was issued to Michael Loredo (property owner) on June 26, 2020 for non-compliance. Michael Loredo did not appear for court, and was issued an additional citation by the court for failure to appear. His current balance due to the Kirby Municipal court is \$802.10.

In July of 2020, the Public Works Director, Mike Ives requested the rubbish be removed. It was on top of the city water meter. It was addressed with the owners, but no compliance.

Between August 19 and August 28, 2020, the City of Kirby paid Republic Services to have the bulk trash removed. The city paid Republic Services \$341.90, which was added to the residence's water bill. Jennifer Gomez (property owner) refused to pay, for the clean up service, so her water was terminated for non-payment. (Bill would not be paid until **September 9, 2021**).

On October 27, 2020, bulk is back out on property at curb. I explained to Jennifer Gomez that her residence was commercial, and Republic would not pick up the bulk at her property for the yearly bulk pickup. That service was for residential properties only that had current water service. Also on this date, Jennifer Gomez did not have any water service, due to non-payment.

On January 8, 2021 contact was made regarding a stop work order. Michael Loredo and Jennifer Gomez were replacing 16ft of the existing residence in mainly the bath and laundry portion of the residence. Also being replaced was sheet rock and siding. Michael Loredo was trying to fix the residence quickly, so he and his wife Jennifer Gomez could move into the residence before their child was born.

Patty responded to Michael Loredo via email on January 11, 2021 with the permit applications he would need to submit. It came to the City's attention this location is zoned commercial (C-2 Office and Retail). With this zoning, Michael Loredo was informed it could not be used as a residence. Both Michael Loredo and Jennifer Gomez stated they were unaware the property was zoned commercial, when they bought the property. (Property has been zoned commercial for 20 years). Jennifer Gomez has also stated she inherited the property, but the last homeowner Carmen Barrera is still alive.

- Previous owner or tenant had water services from July 31, 2017 to May 23, 2018. Water services were not reconnected until June 21, 2019 and again disconnected on January 21, 2022. (During this 2 ½ year period, the water was turned off and finalized several times due to non-payment, but was last finalization was on January 21, 2022.)
- Ordinance 153.023 – Non – Conforming Uses (B) states if a property is abandoned or discontinued for two consecutive months, the next use of the property **shall** conform to the existing zoning.

On January 12, 2021, Michael Loredo submitted an application for a building permit and Certificate of Occupancy (t-shirt shop). He requested these specific permits, due to the fact the city would not start water service until a certificate of occupancy was obtained. All permits were forwarded to the plan reviewer on January 15, 2021. The city's plan review inquired if the property was zoned

commercial or residential. Patty stated the property was zoned commercial, but Michael Loredó was going to request a Specific Use Permit from Planning and Zoning and City Council.

On January 26, 2021, Patty emailed Michael Loredó, the permits would have to wait until after City Council's decision was made whether the property would remain commercial, or moved to residential.

On March 19, 2021 Jennifer requested to speak with Tracy Miller to have the water tuned on, but stated she did not want to pay for a C of O or SUP. Water was not tuned on again at this time, due to the fact Jennifer Gomez or Michael Loredó had not received an inspection for their C of O.

Again, in September 2021, Jennifer placed bulk rubbish out on curb, for the yearly residential bulk pickup. It was explained to her for the second time, her property is zoned commercial, and Republic would not pick up the bulk.

September 23, 2021, I receive an email from Patty, regarding inspecting the property for a Certificate of Occupancy. I have not received any correspondence with Jennifer Gomez or Michael Loredó to schedule an appointment for an inspection, or if work has been completed.

November 20, 2021 bulk is finally removed from the property by Republic Services. (2 months)

January to March 2022, Bureau Veritas (Plan Review) contacts Patty regarding the status of the property. Patty responds the owners have never submitted a SUP, therefore there has never been approval by City Council. Jennifer wants to build a shed in the backyard of the property, but the property has not been inspected for a C of O. She also stated she wanted family members to use the property has a permanent residence.

On May 26, 2022 I, Officer Thompson issued a warning to the property for rubbish and grass. A citation was issued to Jennifer Gomez on June 10, 2022 for rubbish, grass and trash cans out on the curb. Several warnings have been issued for the trash can offense. The code of ordinances does not have a specified warning period for this offense. As it has been addressed in the past without compliance, the citation was issued without warning.

Last, on June 14, 2022 a citation was issued to Jennifer Gomez regarding a pier and beam foundation that was poured for a shed with out a permit.

Thank you,

Megan S. Thompson

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input checked="" type="checkbox"/> | WORKSHOP |

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

AGENDA ITEM: 9. b.

9. Discussion And Possible Action

Discussion And Possible Action On A Request For A Variance For Property Zoned Single Family Dwelling District (R-1), To Waive The Requirement Of Ordinance No. O-2015-762, Section 803.1.1, To Allow 3/8 Inch Sheathing Roofing Material Instead Of The Required 7/16 Inch Sheathing/Roofing Material Located At CB 5092C BLK 3 LOT 7, Otherwise Known As 4326 Hoeneke St., Kirby, TX 78219.

In 2015 the City adopted Ordinance No. O-2015-762 Section 803.1.1 – all residential minimum roof sheathing requirements shall be 7/16 inch. When the contractor removed a section of the shingles to confirm the size of the decking he discovered it is 3/8 inch which does not meet code. The owner applicant, states in his application he cannot afford to pay the extra cost to upgrade the roof. Staff's concern is if this request is approved, we will have all homeowners who are seeking roof replacement request a variance.

On June 14, 2022, Planning and Zoning Commission met and after discussing this request voted unanimously (3-0) to deny the request.



FORMAL APPLICATION FOR VARIANCE/SPECIFIC USE REQUEST

Date of Application May 12, 2022 Case Number: _____

Name of Applicant Syring Jerome F.

Address 4326 Hoeneke St, Kirby, TX 78219

Home/Cell Phone 210-636-7160 Business Telephone _____

Is applicant the owner, lessee, or other of the property proposed for the VARIANCE/SPECIFIC USE

Application Owner PIN: 324 328

Current Zoning: _____ Proposed Zoning: _____

Location of property where change is requested, described according to subdivision plat filed at the County Court House or City Tax rolls:

Lot(s) 7 Block 3 NCB 5092C

Address of subject property 4326 HOENEKE ST KIRBY, TX

Property is situated along East side of Hoeneke St
N.S.E.W. Street

Approximately 200 feet South of the intersection of
P F I E L with HOENEKE ST
Street N.S.E.W. Street

What deed restrictions, if any, concerning the type of improvements permitted are in place on the subject property? If there is an expiration date for the deed restrictions, what is the expiration date? You may attach a copy of the original printed deed restrictions in answer to this questions, after underlining the specific text which addresses the uses or improvements restricted thereby.

None

Detailed reasons for requesting change of Variance/Specific Use (Please list all proposed activities), or attach your reasons for rezoning request:

I am requesting a Variance in the Building Permit to recover my roof. The overhanging process of installing a new roof covering over an existing roof decking is in question. At this point, my roof decking has been inspected by my contractor DV Roofing and still worthy of the roof replacement process where all existing layers of roof covering will be completely removed down to the existing layers of roof deck. Before a new roof covering will be installed. During Roof Replacement, the Building Permit is requesting the upgrade of the roof deck to T/11 in decking. At this point I cannot afford the add cost to upgrade the decking. "I Live On a Fixed Income and Requested The Decking be Grandfathered in to My Home"

I, the undersigned owner, lessee, or Owner: Jerome F. Spring hereby request a Variance/Specific Use from the City of Kirby, Texas, as follows. In addition, I hereby consent to the posting of hearing notices on or adjacent to said property understanding that no undue damage will be incurred.

Attached are the following (Check List):

1. A dimensioned map at a scale of 100 or 200 feet to the inch showing the property referred to in this application and all streets, lots, easements, zoning of abutting properties, and parcels of land within 200 feet of said property.
2. A typed list of the property owners and addresses of all property within 200 feet of said property and description of owner's property.
3. If available, a plan site, indicating location, dimensions and uses of existing and proposed structures, easements, water sources, fences, curb cuts, street and alley right-of-way lines on and within one foot of the property proposed for rezoning (on map required by item 1 above, or another map at greater scale).
4. Check for amount required by the City of Kirby, payable to the City of Kirby as fee for the purpose of defraying expenses of mailing notices and hearing before the Zoning Commission.

Jerome F. Spring May 12, 2022
Signature & Date of Applicant

JEROME F. SYRING

4326 Hoeneke St., Kerby, TX · 210-636-7160

Email: jerrysyring@yahoo.com

City of Kirby
Planning & Zoning Commission
112 Bauman St #1
Kirby, TX 78219

TO: THECOUNCIL MEMBERS,

I am requesting a Roofing Permit Variance for my home located on LOT 7, BLOCK 3, NCB 5092C, 4326 HOENEKE ST. KIRBY, TEXAS.

I am requesting this variance to recover my roof. The overlaying process of installing a new roof covering over the existing roof decking is in question. At this point, my roof decking is has been inspected by my contractor "DV Roofing & Remodeling" has been deemed in good condition and worthy of the roof replacement process. The contractor will remove all layers of existing roofing cover and reinstall new roofing cover.

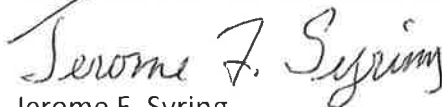
During the Roof Replacement the Roofing Permit is requesting an upgrade to the existing roof decking of 3/8-inch Plywood to the 7/16-inch Plywood.

At this point, the estimated Roof Decking Upgrade Cost will be \$8,920.00.

At this time I cannot afford the added cost to upgrade the decking. I am requesting the existing decking be Grandfathered into my Home.

NOTE: I am Retired and living on a fixed income.

Thank You For Your Consideration


Jerome F. Syring



Don't get just a roof...Get a "DV ROOF"

CALL (210) 556-4402

www.DVROOFING.com

DVRoofing@gmail.com

9302 LETCOMBE, SAN ANTONIO, TX 78254

CONTRACT CHANGE ORDER

| ITEM | DESCRIPTION | TOTAL |
|---------|---|-----------|
| 1) | CURRENT CONTRACT TOTAL (CASH PRICE) | 10,473.00 |
| 2) | CITY CODE REQUIRED RE-DECK FROM THE EXISTING 3/8 TO 7/16 SHEATHING. (ALLOWANCE HAS BEEN INCLUDED FOR THE SHEATHING REPAIRS INCLUDED IN THE ORIGINAL ROOFING ESTIMATE) | 8,920.00 |
| 3) | CASH PAY DISCOUNT ON THE SHEATING (EFFECTIVE CASH PRICE 8,650) (CASH PAY DISCOUNT ALREADY APPLIED TO THE ROOFING ESTIMATE) | -270.00 |
| NOTE 1) | IF USING OUR FINANCE OPTION, ALL PRICES MAINTAIN THE CASH PRICE | |
| NOTE 2) | THIS CHANGE ORDER PRICE IS VALID FOR 10 DAYS. WE REALIZE THAT THIS MAY NOT BE ENOUGH TIME FOR THE DECISION UNDER THE CIRCUMSTANCES. WE RESERVE THE RIGHT TO REPRICE THIS CHANGE ORDER ESTIMATE BASED ON CURRENT MARKET PRICING AS THE SUPPLY PRICES ARE EXTREMELY VOLATILE AT THIS TIME. CHANGES UP AND DOWN ARE OCCURRING FREQUENTLY AND EITHER WILL BE REFLECTED IN THE ESTIMATE AT THE TIME OF ACCEPTANCE. | |
| NOTE 3) | IT IS ACKNOWLEDGED THAT THE BUYER IS PROCESSING A "VARIANCE" WITH THE CITY. IF THE VARIANCE IS APPROVED, THIS CHANGE ORDER WILL NOT BE NECESSARY. | |
| | CURRENT ESTIMATED CASH PRICE TOTAL | 19,123.00 |
| | (BASED ON CASH PAY) | |
| | CHANGE ORDER TOTAL | 8,650.00 |
| | PREV CONTRACT TTL 10,473.00 + CONT CHANGE TTL 8,650.00 = NEW CONTRACT TOTAL | 19,123.00 |
| | PREV OUT-OF-POCKET 10,473.00 + NEW OUT-OF-POCKET 8,650.00 = NEW TTL OUT-OF-POCKET | 19,123.00 |

***THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT APPLY TO THIS CHANGE ORDER

***THE CHARGES ON THIS CHANGE ORDER ARE NOT INCLUDED IN THE ORIGINAL TOTAL

| | | | |
|-----------|------|-----------|------|
| SIGNATURE | DATE | SIGNATURE | DATE |
| SIGNATURE | DATE | | |

- (A) *Adoption*. A certain document, which is on file in the office of the City Secretary of Kirby, being marked and designated as the International Residential Code, 2015 Edition, as published by the International Code Council, shall be and is hereby adopted as the Residential Code of the City of Kirby for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of 1 and 2 family dwellings and multiple single family dwellings (such as townhouses) not more than 3 stories in height with separate means of ingress and egress, as therein provided, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions, and terms of such International Residential Code, 2015 Edition, published by the International Code Council, and on file in the office of the City Secretary, are hereby referred to, adopted, and made a part hereof as if fully set out in this section.
- (B) *Amendments*. The following sections of the International Residential Code, 2015 Edition, are hereby revised to read:
- (1) Section 101.1. This code shall be known as the Residential Code of the City of Kirby, Texas, and will be cited as such and will be referred to herein as "this code."
 - (2) Table R503.2.1.1 (1). Under Minimum Nominal Panel Thickness change 3/8 to 7/16 on 16/0, 20/0, and 24/0.
 - (3) Sections 5-212 and 213 are hereby renumbered as 5-213 and 5-214, respectively, and a new *Section 5-212* is added to read as follows:
Sec. 5-212. Amendments.
 - (4) Add Section R311.2.1. Type of lock or latch.
Add: In addition to being equipped with a dead latch with a half-inch minimum throw, each exterior single swing door shall be secured by a deadlock with one-inch (1") minimum throw having hardened steel inserts; alternately, the deadlock will be of a design which otherwise prevents a spreading threat. Any alternate locking devices shall be approved by the Building Official prior to being installed.

Section R311.2. Egress Doors. Add at end of paragraph R311.2.1:

Door Viewers shall be installed on all solid front entrance doors and shall cover 180 degrees of viewing. Such viewer is to be installed with the securing portion on the inside and nonremovable from the outside.
 - (5) Add: Section 803.1.1. All residential minimum roof sheathing requirements shall be 7/16."
 - (6) Section 905. Requirements for roof coverings.
Add new sentence to para, R905.2.1: 3/8" sheathing is not considered to be solid decking.

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input type="checkbox"/> | WORKSHOP |

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

AGENDA ITEM: 9. c.

9. Discussion And Possible Action

Discussion And Possible Action On Funding And Timeline For ADA Compliance At
The Kirby Senior Center

1. The State of Texas requires compliance with all Federal Laws in order to fund programs through Alamo Area Council of Governments (AACOG).
2. AACOG notified the Kirby Senior Center staff in December 2021 that they needed to obtain at their own expense a Texas Accessibility Standards Survey in order to continue qualifying for funding.
3. Kirby Senior Center hired Tom Ellis, a certified inspector to conduct the survey. Mr. Ellis provided his completed survey to the Kirby Senior Center staff on December 31, 2021. (see included)
4. On April 14, 2022 AACOG emailed the Kirby Senior Center staff and requested price quotes within 30 days for the necessary modifications to bring the facility into compliance. That email was forwarded to City Manager Vernon on April 19, 2022 by Mr. Sidney Sanders, Jr. (see included).

5. The City of Kirby obtained the requested price quotes for all of the necessary modifications. (see included)
6. During a discussion at the June 9th City Council meeting it was stated that only the main entrance and water fountain were required to be repaired immediately. The discussion was postponed to allow the Kirby Senior Center Board and Staff time to contact AACOG for clarification on this and a timeline.
7. City Manager Vernon contacted Center Director Hamby on June 17th to inquire about the status. Director Hamby said we could schedule a meeting with AACOG to get information since the Center Board and staff had not obtained additional information.
8. To prevent additional time delays, City Manager Vernon called Gloria Givilancz, Contract and Nutrition Coordination with AACOG to get additional information. AACOG stated that all compliance needs to be met in order to continue funding the Senior Center and avoid legal issues. They are requesting a response after our June 23rd meeting on when this compliance will be met.

Based on this information, the City of Kirby staff recommends Council approve the funding to immediately make the necessary modifications to the exterior of the Kirby Senior Center.

Monique Vernon

From: Admin Asst <aa_ksc2@satx.rr.com>
Sent: Tuesday, April 19, 2022 1:35 PM
To: Monique Vernon
Cc: 'Norma Hamby'; Gloria Givilancz
Subject: FW: ADA Compliance Review
Attachments: AACOG ADA Compliance Notification Ltr 4_14_22.pdf; Inspection Tom Ellis, RAS 12-31-21.pdf

Good afternoon Ms. Vernon,

The Senior Center was subject to a recent Accessibility Survey. As a result of this survey, changes are being required to ensure safe access to, and use of, this facility. Attached to this email is that survey with the specifications that will require changes within the building as well as changes or adjustments to the parking lot. Most of the changes inside the building are to fixed equipment.

Alamo Area Council of Governments / Area Agency on Aging, the local agency that ensures compliance with Local/State/Federal requirements (and a principle funding source for the Center) has informed us that we have thirty (30) days to get back with them with price quotes on the work.

Ms. Hamby, and the Center, will work with the City of Kirby with regards to this requirement to correct identified discrepancies.

Respectfully,
Sidney Sanders Jr
Temp Admin Assistant

Kirby Senior Center
3211 Alan Shepard Dr
Kirby, TX 78219
(210) 666-5124

From: Gloria Givilancz <GGivilancz@aacog.com>
Sent: Thursday, April 14, 2022 1:06 PM
To: Kirby Senior Center <mgrksc@satx.rr.com>; Admin Asst <aa_ksc2@satx.rr.com>
Cc: Tony Martinez <TMartinez@aacog.com>; Trina Cortez <TCortez@aacog.com>; Jo Ann Tobias-Molina <JTobias-Molina@aacog.com>; Clifford Herberg <CHerberg@aacog.com>
Subject: ADA Compliance Review

Norma,

As a result of the ADA Compliance review conducted at your facility, accessibility issues were identified.

Please submit within thirty (30) days price quotes for the necessary modifications to bring your facility into compliance.

See attached letter.

Thank you for your review and attention to this matter.



Board of Directors

James E. Teal, Chairman
County Judge, McMullen County
Clayton Perry, Vice Chairman
Councilman, City of San Antonio
Marilyn Barnard
Commissioner, Bexar County
James Blakey
Councilman, City of New Braunfels
Luana Buckner
Board Chair, Edwards Aquifer Authority
Tommy Colvert
Commissioner, Bexar County
James Danner
Mayor, City of Hondo
Rebeca Clay-Flores
Commissioner, Bexar County
Suzanne de Leon
Mayor, City of Balcones Heights
Mary Dennis
Mayor, City of Live Oak
Richard A. Evans
County Judge, Bander County
Dr. Adrian Rocha Garcia
Councilwoman, City of San Antonio
Robert W. Gregory
Mayor, City of La Vernia
Tim Handren
Mayor, City of Boerne
James Hasselbacher
Board Member, University Health System
Wade Hedtke
County Judge, Karnes County
Robert L. Hurley
County Judge, Atascosa County
Richard L. Jackson
County Judge, Willson County
Rob Kelly
County Judge, Kerr County
Shermon Krause
County Judge, Comal County
Kyle Kutscher
County Judge, Guadalupe County
Lisa Lewis
Chief Administrative Officer, CPS Energy
Arnulfo Luna
County Judge, Frio County
Darrel L. Lux
County Judge, Kendall County
Jose Menendez
Senator, State of Texas, District 26
Andrew Murr
State Representative, District 53
Ana Sandoval
Councilwoman, City of San Antonio
Chris Schuchart
County Judge, Medina County
Mark Stroehrer
County Judge, Gillespie County
Sylvester Vasquez
President, Southwest ISD
John Williams, Chairman
Mayor, City of Universal City
Kyle Biedermann (Ex-Officio)
State Representative, District 73
Ryan Guillen (Ex-Officio)
State Representative, District 31
Brian Hoffman (Ex-Officio)
Joint Base San Antonio
John Kuempel (Ex-Officio)
State Representative, District 44
Judith Zaffirini (Ex-Officio)
State Representative, District 21

April 14, 2022

TO: Contractor for Alamo and or Bexar Area Agency on Aging (AAA)

CC: Cliff Herberg, General Counsel, AACOG
Gloria Givilancz, Contract and Nutrition Coordinator, AAA

Dear Ms. Hamby,

We have recently requested an ADA Compliance review as part of your contract with Alamo and or Bexar Area Agencies on Aging/Alamo Area Council of Governments (AACOG). This was due to our funders' request for the Alamo and Bexar Area Agency on Aging (AAA) to ensure accessibility of services. To assist in our review, Alamo and Bexar AAA will utilize the TAC code that includes Texas Accessibility Standards (TAS) used to determine building accessibility which comprise four priority areas. At this time, Alamo and Bexar AAA are focusing on priority one and two:

1. Priority #1- Access to the building and main entrance (starts at parking lot).
2. Priority #2- Access to common areas and services.


The compliance review conducted at your facility identified accessibility issues that must be addressed. AAA/AACOG is providing each vendor having these issues thirty (30) days to obtain price quotes for the necessary modifications to bring your facility into compliance and to submit the quotes and a plan of action to AAA/AACOG for review. AAA/AACOG will review the cost of the repairs or modifications, severity of the existing accessibility issue, and provide a timeline for compliance. Upon completion of repairs or modifications, and obtaining compliance, the AAA/AACOG will provide a letter of compliance. Failure to respond or take required action will place you in breach of your contract with the AAA/AACOG and may result in cancellation of your contract.

Moving forward, the AAA/AACOG will require at a minimum an ADA compliance review every other year dependent upon service delivery, nature of the contract, additions to current building and or other circumstances that require a review. If you are unsure if a new ADA compliance review is needed, please contact the Area Agencies on Aging Program Director and or Contract Coordinator.

The point of contact for Aging ADA Compliance Review is Gloria Givilancz.

Thank you for your review and attention to this matter.

Sincerely,


Jo Ann Tobias-Molina
Director of Aging Programs

TEXAS ACCESSIBILITY STANDARDS
Kirby Senior Center, 3211 Alan Shepard Dr, Kirby, Tx 78219
ACCESSIBILITY SURVEY LETTER

December 31, 2021

Attn: Elizabeth McLaughlin
Administrative Assistant
Kirby Senior Center
3211 Alan Shepard Drive
San Antonio, Tx 78219

Re: Senior Activity Center Accessibility Survey

Applicable Accessibility Regulations: Federal (2010 Standard), and State 2012 Texas Accessibility Standards (TAS)

Dear Elizabeth,

Enclosed are the results of my Accessibility Assessment for the referenced facility. Identified in the report are areas of nonconformance with accessibility standards adopted by the Texas Department of Licensing & Regulation (TDL&R) for purposes of ensuring compliance with the Texas Architectural Barriers Act, Article 9102, Texas Civil Statutes.

This report addresses related parking lot, main building access, and Sr Activity Center. See attached photos for reference.

Accessible Parking and accessible route into the main building.

The parking appears to be original to the property.

- The associated parking lot is showing signs of deterioration. I recommend re-evaluating its surface condition, each year, as you consider facility maintenance in your Capitol Improvement Budget. You should especially watch for pavement fissures and fractures resulting in elevation changes greater than 1/4", and loose asphalt material which become pedestrian obstacles. Maintain uniformly flat, stable surface, and parking stripes at accessible parking and access aisles. See photos, p1.

• Accessible route corrections-

Option 1- Recommended. Best option for pedestrian safety. Remove existing sidewalk along accessible route, which have cross slopes >2%, and 24" of abutting asphalt along the sidewalk edge. See p1.

Option 2- Remove 24" of asphalt along concrete concourse. Restore asphalt, flush, to eliminate the level change >1/4".

- The main building entry, accessible route is impeded by a level change, greater than 1/4" maximum allowed, at the transition from asphalt to concrete. Localized concrete surface restoration is needed, especially on the east side of the entry support column. The level change was probably caused by subsurface movement. The concrete concourse has numerous settlement cracks. See photos, p2.



TEXAS ACCESSIBILITY STANDARDS
Randolph Area Service Program, 205 Donalan Dr, Converse, Tx 78109
ACCESSIBILITY SURVEY LETTER

Senior Center Interior Elements

The architectural amenities serving the Senior Center have a few conditions to correct. See my photos and notes.

Toilet Rooms

- Men and Women accessible water closets have obstructions caused by oversized toilet paper dispensers. Replace with flush, or nearly flush toilet paper dispensers. See photos p3.
- The lavatory in each toilet room is served with paper towel dispensers which create a protruding object. Relocate to a space over the lavatory counter.
- The undercounter pipes and surfaces are exposed and must be wrapped to protect wheelchair users who have reduce neuro sensitivity in their limbs.
- The Men's toilet room water closet was located too far from the sidewall, at 18 ½". 18" is the maximum distance wall to centerline of water closet, allowed. See photos, p3.

Men's Urinal

- The space vacated by the urinal(see photos, p3) appears to comply with the standards. It should be replaced according to munipicle Plumbing Code requirements.

Drinking Fountain(no photo)

- The existing drinking fountain is a single wheelchair accessible unit. It should be a combo, high low unit, which is intended to serve wheelchairs users and persons standing with difficulty bending. The current unit should be replaced with a high low drinking fountain complying with 2012 TAS 602. The standards require the bottom of the unit be no lower than 27" for a visually impaired cane detection. The new units need to match this requirement to prevent it from becoming a protruding object.

Door Finish Hardware

- The existing office door knob is not accessible. Replace with lever hardware, matching other similar accessible doors in the facility. See photos, p3

Summary Comment

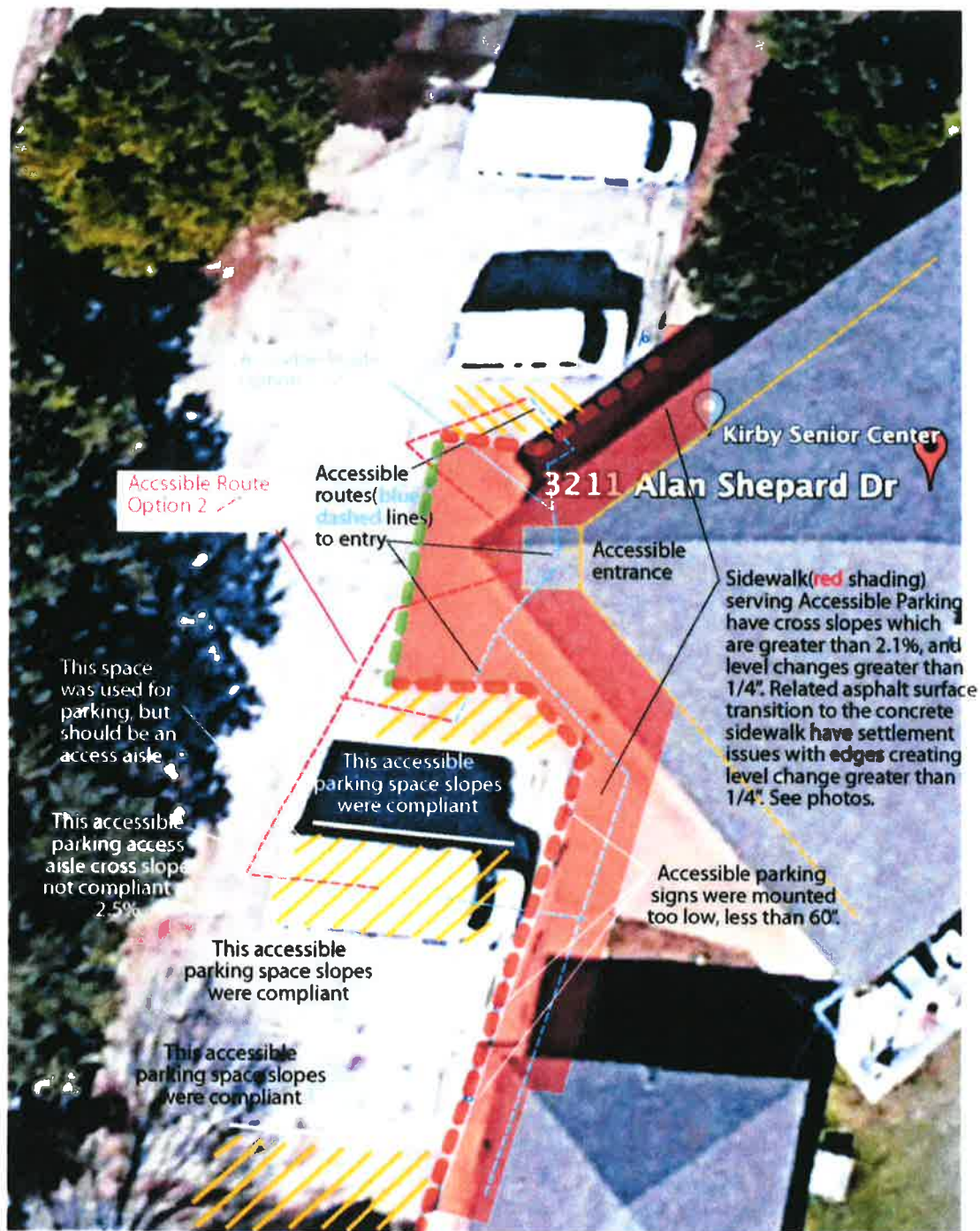
You may need to engage a general contractor to obtain a cost estimate for these corrections. For Options 1 or 2, a civil engineer may need to be retained for the level change remediation at asphalt, or concrete sidewalk cross slope corrections. The civil engineer will want to verify rainwater drainage flows away from your facility at 1-2%.

Thank you for allowing me to assist you on this very important project.

Sincerely,


Tom Ellis, RAS, APA

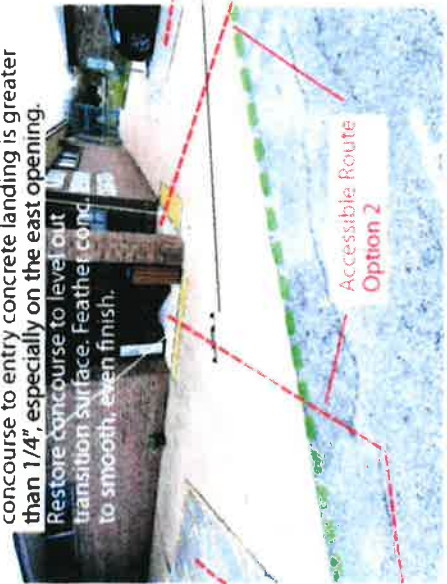
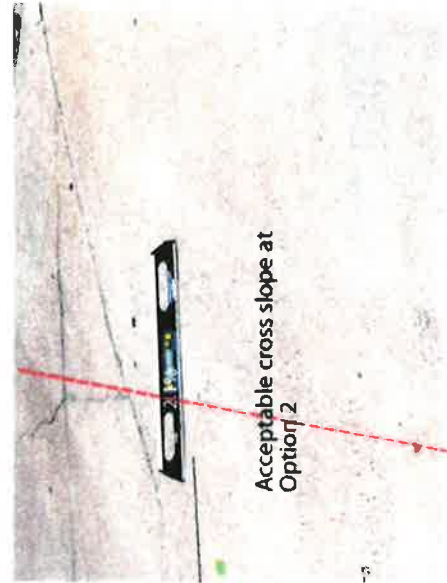
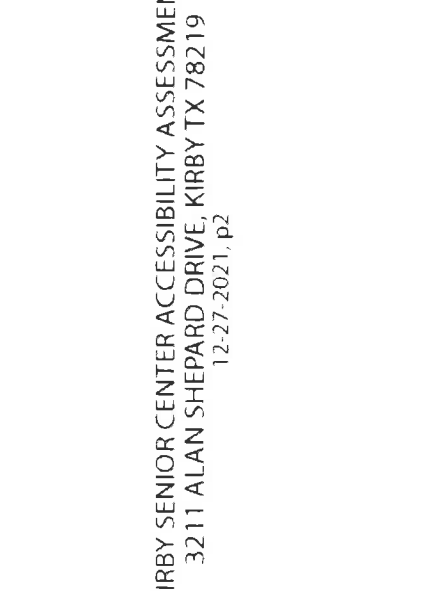
13803 Chittim Woods
San Antonio, Tx 78232
tomellis1@me.com



KIRBY SENIOR CENTER ACCESSIBILITY ASSESSMENT
3211 ALAN SHEPARD DRIVE, KIRBY TX 78219
12-29-2021, p1

Accessible Route

Option 2- Remove 24" of asphalt along concrete concourse (green dashed line). Restore asphalt to eliminate level changes >1/4".



Level change at transition from concrete concourse to entry concrete landing is greater than 1/4", especially on the east opening. Restore concourse to level out transition surface. Feather concourse to smooth, even finish.

Avoid parking Center vehicles in accessible parking spaces, except during use for passenger delivery, or pickup. 2012 TAS 208.2.

Accessible parking signs are mounted too low, at less than 60". Identify Van accessible space, also. 2012 TAS 502.6.



Toilet paper dispenser (TPD) is an "obstruction" per 2012 TAS, TM 2013-17



Protruding object



Protruding object 2012 TAS 204/307. Relocate PTD over counter

Wrap exposed pipes & Surfaces. 2012 TAS 606.5

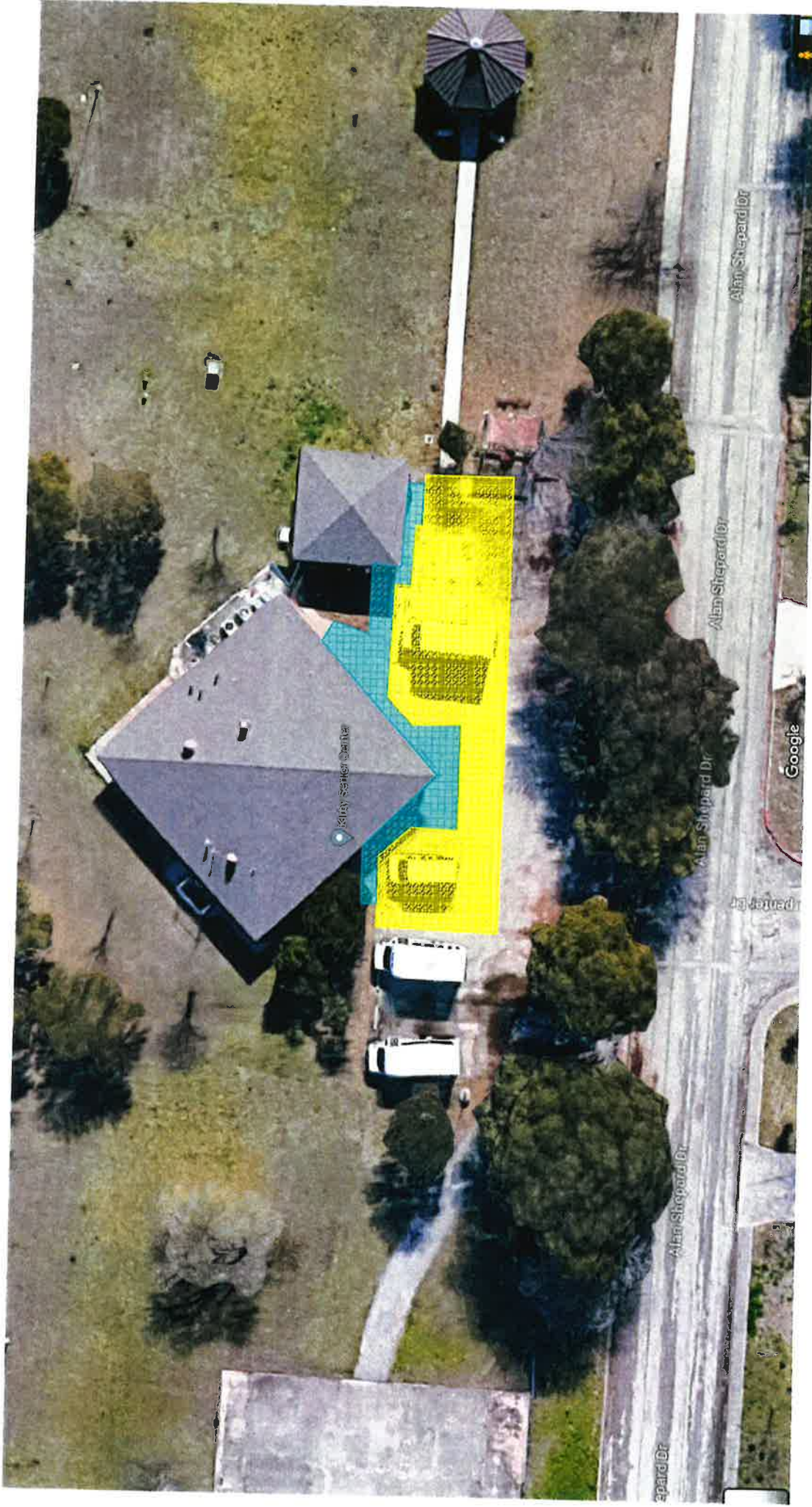


Toilet paper dispenser (TPD) is an "obstruction" per 2012 TAS, TM 2013-17



Replace door knob with lever handle. 2012 TAS 309







HAYDEN PAVING, INC.

5655 Wexford Dr. Kirby, TX 78219 Phone: 210-802-4343 Fax: 210-802-4346

Original

Quotation

Job Name: Kirby Senior Center ADA

Quote Number: 31069

Quote Date: 5/11/2022

Quoted By: John Pearson

| Contact | Good Through | Payment Terms | Job Location |
|--|---|---------------|--------------|
| | 6/10/2022 | Net 30 Days | |
| Item | Base Bid | | Amount |
| Supply material, labor and equipment to perform the following: | | | |
| 1 | Demo, remove and haul offsite approximately 964 SF of noncompliant sidewalk. Install approximately 964 SF of 4" thick concrete sidewalk per plan. Price figures doing project half at a time to maintain access to the building. | | \$31,747.00 |
| 2 | Place and compact 2" of Type 'D' PG 64-22 asphalt on existing base material prepared to meet ADA specifications. Area totaling approximately 2,800 SF. Price figures doing project half at a time to maintain access to the building. | | |
| 3 | Pavement markings per plan, install 4 new wheel stops, install 4 new ADA compliant signs on new posts. Price figures 1 mobilization to complete this work at the end of the project. | | |
| Base | | | \$31,747 |
| Bond Cost | | | \$0 |
| Subtotal | | | \$31,747 |
| Exempt - contingent upon receipt of Tax Certificate 8.25% | | | \$0 |
| Lump Sum Base Bid | | | \$31,747 |

Acceptance of proposal - The above prices and specifications, and the terms and conditions listed on final page of proposal are satisfactory and are hereby accepted. Hayden Paving, Inc is authorized to do the work as specified. Payment will be made as described by payment terms listed above. Hayden Paving, Inc. reserves the right to repossess any material that is not paid in full within 90 days of the job completion.

Signature _____

Date _____

Print Name _____



HAYDEN PAVING, INC.

5655 Wexford Dr. Kirby, TX 78219 Phone: 210-802-4343 Fax: 210-802-4346

Quote Number: 31069

Quote Date: 5/11/2022

Quoted By: John Pearson

Terms & Conditions

Material prices quoted are firm for 90 calendar days from quote date. If any portion of the project is constructed after this date material prices are subject to change for that portion of work.

Quoted prices exclude: drug testing costs, background check costs, material testing, permits, bonding, traffic control, lane closures, safety slope install/removal, unsuitable subgrade removal and replacement, subgrade stabilization, herbicide, sweeping/cleaning prior to paving, staking, layout, night work, removals, excavation, saw-cutting, backfilling, utility or sewer adjustments, pavement markings, signage, wheelstops, bollards.

Prices included in this quote are based on information provided to date and are subject to change if new information is provided or differing site conditions exist.

Quality Control will be required, provided for, and scheduled by others, on the day of paving, if the project has required asphalt compaction specifications.

Additional scope of work not specified or quoted will require an executed change order in advance.

Pricing contingent upon mutually agreeable contract.

Hayden Paving shall not warranty asphalt failures caused by sub-grade or base failures where asphalt is placed on existing sub-grade, base, or asphalt surface which was not installed by Hayden Paving.

Customer shall reimburse Hayden Paving for any and all costs and attorneys fees incurred as a result of any default of any prtion of this proposal.

Asphalt paving industry's recommended slope for proper drainage of asphalt surfaces is 2% or greater. Ponding of water will occur on the surface of asphalt pavement with a designed/existing slope of less than 1.5%. Hayden Paving shall not guarantee zero ponding on surfaces designed with less than 1.5% slope. Ponding in these areas is not covered under the material and workmanship warranty.



HAYDEN PAVING, INC.

5655 Wexford Dr. Kirby, TX 78219 Phone: 210-802-4343 Fax: 210-802-4346

Revised

Quotation

Job Name: Kirby Senior Center ADA

Quote Number: 31069

Quote Date: 5/11/2022

Quoted By: John Pearson

| Contact | Good Through | Payment Terms | Job Location |
|--|--|---------------|--------------|
| | 6/10/2022 | Net 30 Days | |
| Item | Base Bid | Amount | |
| Supply material, labor and equipment to perform the following: | | | |
| 1 | Demo, remove and haul offsite approximately 964 SF of noncompliant sidewalk. Install approximately 964 SF of 4" thick concrete sidewalk per plan. Repair approximately 1 foot of asphalt along edge of existing parking lot and new concrete sidewalks. Price figures doing project half at a time to maintain access to the building. ** Asphalt will NOT be ADA compliant. | \$20,269.00 | |
| 2 | Sawcut, remove, and haul off-site non compliant parking area. Place and compact 2" of Type 'D' PG 64-22 asphalt on existing base material prepared to meet ADA specifications. Area totaling approximately 2,800 SF. Price figures doing project half at a time to maintain access to the building. | \$14,751.00 | |
| 3 | Pavement markings per plan, install 4 new wheel stops, install 4 new ADA compliant signs on new posts. Price figures 1 mobilization to complete this work at the end of the project. | \$2,376.00 | |
| Base | | \$37,396 | |
| Bond Cost | | \$0 | |
| Subtotal | | \$37,396 | |
| Exempt - contingent upon receipt of Tax Certificate 8.25% | | \$0 | |
| Base Bid | | \$37,396 | |

Acceptance of proposal - The above prices and specifications, and the terms and conditions listed on final page of proposal are satisfactory and are hereby accepted. Hayden Paving, Inc is authorized to do the work as specified. Payment will be made as described by payment terms listed above. Hayden Paving, Inc. reserves the right to repossess any material that is not paid in full within 90 days of the job completion.

Signature _____

Date _____

Print Name _____



HAYDEN PAVING, INC.

5655 Wexford Dr. Kirby, TX 78219 Phone: 210-802-4343 Fax: 210-802-4346

Quote Number: 31069

Quote Date: 5/11/2022

Quoted By: John Pearson

Terms & Conditions

Material prices quoted are firm for 90 calendar days from quote date. If any portion of the project is constructed after this date material prices are subject to change for that portion of work.

Quoted prices exclude: drug testing costs, background check costs, material testing, permits, bonding, traffic control, lane closures, safety slope install/removal, unsuitable subgrade removal and replacement, subgrade stabilization, herbicide, sweeping/cleaning prior to paving, staking, layout, night work, removals, excavation, saw-cutting, backfilling, utility or sewer adjustments, pavement markings, signage, wheelstops, bollards.

Prices included in this quote are based on information provided to date and are subject to change if new information is provided or differing site conditions exist.

Quality Control will be required, provided for, and scheduled by others, on the day of paving, if the project has required asphalt compaction specifications.

Additional scope of work not specified or quoted will require an executed change order in advance.

Pricing contingent upon mutually agreeable contract.

Hayden Paving shall not warranty asphalt failures caused by sub-grade or base failures where asphalt is placed on existing sub-grade, base, or asphalt surface which was not installed by Hayden Paving.

Customer shall reimburse Hayden Paving for any and all costs and attorneys fees incurred as a result of any default of any prtion of this proposal.

Asphalt paving industry's recommended slope for proper drainage of asphalt surfaces is 2% or greater. Ponding of water will occur on the surface of asphalt pavement with a designed/existing slope of less than 1.5%. Hayden Paving shall not guarantee zero ponding on surfaces designed with less than 1.5% slope. Ponding in these areas is not covered under the material and workmanship warranty.

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input type="checkbox"/> | WORKSHOP |

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

AGENDA ITEM: 9. d.

9. Discussion And Possible Action

Discussion And Possible Action On National League Of Cities (NLC) Service Line
Warranty Program – Emilie Zalfini

Ms. Zalfini presented this program to Council on April 28, 2022. Council requested this item be brought back for consideration.

MARKETING AGREEMENT

This MARKETING AGREEMENT ("**Agreement**") is entered into by and between the City of Kirby, Texas ("**City**"), and Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America ("**Company**"), herein collectively referred to singularly as "**Party**" and collectively as the "**Parties**". This Agreement shall be effective on the last signature date set forth below ("**Effective Date**").

RECITALS:

WHEREAS, sewer and water line laterals between the mainlines and the connection on residential private property are owned by individual residential property owners residing in the City ("**Property Owner**"); and

WHEREAS, City desires to offer Property Owners the opportunity, but not the obligation, to purchase a service plan and other similar products set forth in Exhibit A or as otherwise agreed in writing from time-to-time by the Parties (each, a "**Product**" and collectively, the "**Products**"); and

WHEREAS, Company, a subsidiary of HomeServe USA Corp., is the administrator of the National League of Cities Service Line Warranty Program and has agreed to make the Products available to Property Owners subject to the terms and conditions contained herein; and

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and with the intent to be legally bound hereby, the Parties agree as follows:

1. **Purpose.** City hereby grants to Company the right to offer and market the Products to Property Owners subject to the terms and conditions herein.

2. **City Obligations.**

A. Grant of License. City hereby grants to Company a non-exclusive license ("**License**") to use City's branding ("**Marks**"), on marketing materials in accordance with Exhibit A to be sent to Property Owners from time to time, and to be used in advertising (including on the Company's website), all at Company's sole cost and expense and subject to City's prior review and approval, which will not be unreasonably conditioned, delayed, or withheld. Company's use of the Marks in accordance with this Agreement will not infringe any other party's rights. In the event that City extends a similar license to a competitor of Company during the Term and any Renewal Term of this Agreement, the City shall provide thirty (30) days' notice prior to such grant of license and Company may immediately terminate this Agreement.

B. **Property Owner Data.** If City elects to do so, City may provide Company with Property Owner Data for use by Company in furtherance of the advertisement, marketing, and sale of the Products. Any name, service address, postal address, and any other appropriate or necessary data for Property Owners in City is defined as "**Property Owner Data**". Property Owners Data shall be and remain City's property. For any Property Owner Data provided by City to Company, City warrants that Property Owner Data has been and will be collected in compliance with all laws, statutes, treaties, rules, codes, ordinances, regulations, permits, official guidelines, judgments, orders and interpretations ("**Applicable Laws**"); and City is permitted by Applicable Laws and by any applicable privacy policy to provide Property Owner Data to Company and to permit Company to use Property Owner Data for the purposes of this Agreement. A Property Owner who has purchased a Product is a member ("**Member**") and, following such purchase, all data in Company's control or possession relating to Members is Company's property.

3. **Term.** The term of this Agreement ("**Initial Term**") shall be for three (3) years from the Effective Date. The Agreement will automatically renew for additional one (1) year terms (each a "**Renewal Term**", and collectively with the Initial Term, the "**Term**") unless one of the Parties gives the other written notice at least ninety (90) days prior to end of the Initial Term or of a Renewal Term that the Party does not intend to renew this Agreement. In the event that Company is in material breach of this Agreement, the City may terminate this Agreement thirty (30) days after giving written notice to Company of such breach, if said breach is not cured during said thirty (30) day period. Company will be permitted to complete any marketing initiative initiated prior to termination of this Agreement after which time, neither Party will have any further obligations to the other and this Agreement will terminate.

4. **Consideration.** As consideration for such license, Company will pay to City a License Fee of as set forth in Exhibit A ("**License Fee**") during the Term of this Agreement. The first payment shall be due by January 30th of the year following the conclusion of the first year of the Term. Succeeding License Fee payments shall be made on an annual basis throughout the Term, due and payable on January 30th of the succeeding year. City agrees to provide a completed Form W-9 to Company in order to facilitate proper payment of the License Fee. City will have the right, at its sole expense, to conduct an audit, upon reasonable notice and during normal business hours, of Company's books and records pertaining to any fees due under this Agreement while this Agreement is in effect and for one (1) year after any termination of this Agreement.

5. **Confidentiality.** Each party will treat all non-public, confidential and trade secret information received from the other party as confidential, and such party shall not disclose or use such information in a manner contrary to the purposes of this Agreement. Notwithstanding the foregoing, the City shall not be liable for any disclosure of confidential information that is required to be disclosed under any applicable public records act or under court order. City shall provide notice to Company prior to any such disclosure.

6. **Code Change.** The Parties understand that the pricing of the Products and compensation provided for in this Agreement are based upon the currently applicable City, municipal or similar codes. In the event Company discovers a code change, Company shall have the ability to reassess the pricing of this Agreement.

7. **Indemnification.** Each Party (the “**Indemnifying Party**”) hereby agrees to protect, indemnify, and hold the other Party, its officers, employees, contractors, subcontractors, and agents (collectively or individually, “**Indemnatee**”) harmless from and against any and all third party claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, reasonable attorneys' fees and court costs (individually or collectively, “**Claim**”), which an Indemnatee may suffer or which may be sought against or are recovered or obtainable from an Indemnatee, as a result of or arising out of any breach of this Agreement by the Indemnifying Party, or any negligent or fraudulent act or omission of the Indemnifying Party or its officers, employees, contractors, subcontractors, or agents in the performance of this Agreement; provided that the applicable Indemnatee notifies the Indemnifying Party of any such Claim within a time that does not prejudice the ability of the Indemnifying Party to defend against such Claim. Any Indemnatee hereunder may participate in its, his, or her own defense, but will be responsible for all costs incurred, including reasonable attorneys' fees, in connection with such participation in such defense.

8. **Notice.** Any notice required to be given hereunder shall be deemed to have been given when notice is (i) received by the Party to whom it is directed by personal service, (ii) sent by electronic mail (provided confirmation of receipt is provided by the receiving Party), or (iii) deposited as registered or certified mail, return receipt requested, with the United States Postal Service, addressed as follows:

To: City:
ATTN: Monique Vernon
City of Kirby
112 Bauman
Kirby, TX 78219
Email: mvernon@cityofkirby.org
Phone: (210) 661-3198

To: Company:
ATTN: Chief Sales Officer
Utility Service Partners Private Label, Inc.
4000 Town Center Boulevard, Suite 400
Canonsburg, PA 15317
Phone: (866) 974-4801

9. **Modifications or Amendments/Entire Agreement.** Except for the list of available Products under the Agreement, which may be amended from time to time by the Parties in writing and without signature, any and all of the representations and obligations of the Parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon a Party unless in writing signed by that Party.

10. **Assignment.** Neither Party may assign its rights or delegate its duties under this Agreement without the prior written consent of the other Party unless such assignment or delegation is to an affiliate or to an acquirer of all or substantially all of the assets of the transferor.

11. **Counterparts/Electronic Delivery; No Third Party Beneficiary.** This Agreement may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any Party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by email and upon receipt will be deemed originals and binding upon the Parties hereto, regardless of whether originals are delivered thereafter. Nothing expressed or implied in this Agreement is intended, or should be construed, to confer upon or give any person or entity not a party to this agreement any third- party beneficiary rights, interests, or remedies under or by reason of any term, provision, condition, undertaking, warranty, representation, or agreement contained in this Agreement.

12. **Choice of Law/Attorney Fees.** The Parties shall maintain compliance with all Applicable Laws with respect to its obligations under this Agreement. The governing law shall be the laws of the State of Texas, without regard to the choice of law principles of the forum state. THE PARTIES HERETO HEREBY KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVE ANY RIGHT THAT MAY EXIST TO HAVE A TRIAL BY JURY IN RESPECT OF ANY LITIGATION BASED UPON OR ARISING OUT OF, UNDER, OR IN ANY WAY CONNECTED WITH, THIS AGREEMENT.

13. **Incorporation of Recitals and Exhibits.** The above Recitals and Exhibit A attached hereto are incorporated by this reference and expressly made part of this Agreement.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year first written below.

CITY OF KIRBY

Name:

Title:

Date:

UTILITY SERVICE PARTNERS PRIVATE LABEL, INC.

Name: Michael Backus

Title: Chief Sales Officer

Date:

Exhibit A
NLC Service Line Warranty Program
City of Kirby
Term Sheet
November 23, 2021

- I. Initial Term. Three Years.
- II. License Fee. \$0.50 per Product for each month that a Product is in force for a Property Owner (and for which payment is received by Company), aggregated and paid annually, for:
 - A. Use of City logo and name on letterhead, advertising, signature line, and marketing materials.
- III. Products.
 - A. External water service line plan (initially, \$5.75 per month)
 - B. External sewer/septic line plan (initially, \$7.75 per month)
 - C. Interior plumbing and drainage plan (initially, \$9.99 per month)

Pricing does not include taxes. Company may adjust the foregoing Product fees; provided, that any such monthly fee adjustment shall not exceed \$0.50 in any 12-month period. If such adjustment shall exceed \$0.50, both Parties must agree in writing.
- IV. Scope of Coverage.
 - A. External water service line plan:
 - i. Covers Property Owner responsibility: From the meter to the external wall of the home.
 - ii. Covers thawing of frozen external water lines.
 - iii. Covers well service lines if applicable.
 - B. External sewer/septic line plan:
 - i. Covers Property Owner responsibility: From the external wall of the home to the sewer main.
 - ii. Covers septic lines if applicable.
 - C. Interior plumbing and drainage plan:
 - i. Covers water supply pipes and drainage pipes within the interior of the home.
- V. Marketing Campaigns. Company shall have the right to conduct up to three campaigns per year (each campaign consists of two mailings) and such other channels as may be mutually agreed. Initially, Company anticipates offering the interior plumbing and drainage plan Product via in-bound phone or web only.

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input type="checkbox"/> | WORKSHOP |

**CITY OF KIRBY
CITY COUNCIL MEETING
AGENDA ITEM SUMMARY**

DATE: JUNE 23, 2022

AGENDA ITEM: 9. e.

9. Discussion And Possible Action

Discussion And Possible Action On An Ordinance Of The City Of Kirby, Texas, Amending Chapter 54 Of The Code Of Ordinances In Regard To Illicit Discharge Restrictions Pursuant To U.S. Environmental Protection Agency Guidelines And Adopted Texas Commission On Environmental Quality Standards, And Providing A Penalty Upon Conviction Of A Violation Of This Chapter In An Amount Not To Exceed \$500.00 Per Violation Per Day Unless The Violator Receives Actual Notice Of The Provisions Of This Ordinance In Which Case The Penalty Upon Conviction Is Not To Exceed \$1,000 Per Violation Per Day Or Not To Exceed \$5,000 Per Violation Per Day For Certain Violations Relative To Point Source Effluent Limitations Or The Discharge Of A Pollutant (Other Than From A Non-Point Source) Into A Sewer System, Including A Sanitary Or Storm Water Sewer System, Owned Or Controlled By The City, And Establishing An Effective Date. This Is The First Reading.

Abraham Galindo with Givler Engineering provided recommendations for this ordinance. City Attorney Marc Schnall is drafting the ordinance. A copy will be emailed to Council.

| | |
|---------------|---|
| <u> X </u> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <u> </u> | SPECIAL CONSIDERATION |
| <u> </u> | CONSENT AGENDA |
| <u> </u> | PUBLIC HEARING |
| <u> </u> | PRESENTATION |
| <u> </u> | WORKSHOP |

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

AGENDA ITEM: 9. f.

9. Discussion And Possible Action

Discussion And Possible Action On An Ordinance Of The City Of Kirby, Texas, Amending Chapter 55 Of The Code Of Ordinances In Regard To Post-Construction Commission On Environmental Quality; And Providing That The City May Seek Injunctive Relief To Restrain Violations Or To Compel Abatement Or Remediation Of Violations; Providing For A Civil Penalty Of Up To \$1,000 Per Day For A Violation Of This Chapter; Setting A Fee For Reviewing Proposed Storm Water Pollution Prevention Plans; And Providing For An Effective Date. This Is The First Reading.

Abraham Galindo with Givler Engineering provided recommendations for this ordinance. City Attorney Marc Schnall is drafting the ordinance. A copy will be emailed to Council.

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input type="checkbox"/> | WORKSHOP |

**C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

AGENDA ITEM: 9. g.

9. Discussion And Possible Action

Discussion And Possible Action On Wellsite #3 Repairs And Final Costs

The repairs to Well Site #3 were completed in May 2022. The water tower was flushed, tested and inspected then placed back into service.

On March 24, 2022 Council approved the cost of additional work and a new pump. The following invoices need to be paid:

Givler Engineering = \$2,525.00

Advanced Water Wells = \$18,839.38 and \$44,145.86

These costs include what was approved by Council on March 24th. Staff just wanted to provide a total final cost to Council. These invoices need to be paid now and will require a future Budget Amendment.

Current Budget = \$200,000

Spent to Date = \$209,492.61

Outstanding Expenditures = \$65,510.24

Needed Amendment = \$75,002.85

Final Project Cost = \$275,002.85 (Engineering, Permits, Repairs)

ADVANCED WATER WELL TECHNOLOGIES

PLEASE REMIT PAYMENT TO:
ADVANCED WATER WELL TECHNOLOGIES
14394 E INTERSTATE HIGHWAY 10
CONVERSE, TX 78109
BILLING: (830) 865-2362, INFO@AWWTEC.COM

INVOICE:

INVOICE DATE: 05/19/2022
INVOICE NUMBER: 13046
P.O. NUMBER:
RID: 03
QID: 04

BILLED TO:

CITY OF KIRBY
112 BAUMAN
KIRBY, TX 78219

CUSTOMER CONTACT:

CITY OF KIRBY
MICHAEL IVES
MIVES@CITYOFKIRBY.ORG
210-666-0653

PLEASE SEND PAYMENT WITHIN 21 DAYS!

| ITEM | DESCRIPTION | QTY | RATE | AMOUNT |
|-------|--|-----|----------|-----------|
| | WELL #3 | | | |
| LABOR | SUPER CHLORINATION OF THE WELL BORE BEFORE THE PUMPING EQUIPMENT IS INSTALLED 1 1/2 TIMES THE VOLUME OF THE STANDING WATER IN THE CASING/OPEN HOLE WITH GRANULAR CHLORINE; INCLUDING FIELD LABOR HOURS TO MOBILIZE TO SITE WITH SERVICE TRUCK/TECHNICIAN FOR (3) CONSECUTIVE DAYS TO FLUSH WELL, COLLECT SAMPLES, DELIVER TO TESTING LAB; AND ASSOCIATED COST FOR THE SAMPLE TESTING | 1 | 4,525.00 | 4,525.00T |
| | ADDITIONAL ITEMS OUTSIDE OF ORIGINAL QUOTE | | | |
| LABOR | ADDITIONAL FIELD LABOR HOURS TO MOBILIZE TO SITE WITH SERVICE TRUCK/TECHNICIAN FOR (3) ADDITIONAL CONSECUTIVE DAYS TO FLUSH WELL, COLLECT SAMPLES, DELIVER TO TESTING LAB IN ORDER TO OBTAIN (3) CONSECUTIVE PASSING BAC-T SAMPLES; INCLUDES ASSOCIATED COST FOR THE SAMPLE TESTING | 1 | 2,580.00 | 2,580.00 |
| SUB | MOBILIZE CONTROL ELECTRICIAN & ADVANCED WATER WELL TECHNOLOGIES REPRESENTATIVE TO SITE; INSTALL RETROFIT KIT ON BENSHAW SOFT START; RUN & TEST SYSTEM; CLEAN LOCATION; DEMOBILIZE; INCLUDING NEW SOFT START RETROFIT KIT | 1 | 8,451.88 | 8,451.88 |
| LABOR | FIELD LABOR HOURS TO MOBILIZE SERVICE RIG, SERVICE TRUCK, & TECHNICIAN TO SITE TO RUN EQUIPMENT; TROUBLESHOOT PUMP NOT RUNNING WHEN CITY ATTEMPTED TO PUT IT IN-LINE; FOUND SHORT IN WIRING; RIG UP; UNWIRE PUMP/MOTOR FROM EXISTING POWER; UNHOOK DISCHARGE; PICK UP PUMP HEAD; RESPLICE CUT WIRE; RE-NOTCH CASING TO INCREASE CLEARANCE FOR CABLE; RESET PUMP HEAD; HOOK UP DISCHARGE; WIRE PUMP/MOTOR TO EXISTING POWER | 1 | 3,080.00 | 3,080.00 |
| LABOR | FIELD LABOR HOURS TO MOBILIZE SERVICE TRUCK & TECHNICIAN TO SITE; MEET WITH CUSTOMER; RUN & TEST SYSTEM; CLEAN LOCATION; DEMOBILIZE | 1 | 202.50 | 202.50 |

We really appreciate your business!

SUBTOTAL 18,839.38
TAX 0.00
TOTAL \$18,839.38

Please remit payment to address provided above within 21 days of the date of this invoice. For banking, ach transfer, card payment, or other questions and concerns, please contact our support team at (830) 865-2362 or info@awwtec.com. ALL WORK COMPLETED AS SPECIFIED AND ACCORDING TO STANDARD INDUSTRY PRACTICES. ADVANCED WATER WELL TECHNOLOGIES, LLC ("AWWT") WARRANTS ITS CRAFTSMANSHIP AGAINST DEFECTS FOR ONE (1) YEAR. DEFECTS ARE TO BE DETERMINED ON A CASE BY CASE BASIS BY AWWT. IN CASES WHERE MANUFACTURER'S WARRANTIES ARE REQUIRED, MANUFACTURER SHALL DETERMINE IF THE EQUIPMENT WILL BE WARRANTED ON A CASE BY CASE BASIS. PAYMENT IN FULL IS DUE WITHIN 21 DAYS FROM THE "INVOICE DATE" SUPPLIED ABOVE. BALANCES NOT RECEIVED WITHIN THIRTY (30) DAYS OF THE INVOICE DATE WILL BE CHARGED AN ADDITIONAL ONE & A HALF PERCENT (1.5%) OF THE ORIGINAL INVOICE AMOUNT EACH MONTH. IF PAYMENT IS NOT RECEIVED, FOR A TOTAL OF EIGHTEEN (18%) PER ANNUM. REGULATED BY TDLR: WWW.TDLR.GOV, WATER.WELL@TDLR.GOV, (800) 803-9202, LICENSE NUMBER 58574 KPT.

ADVANCED
WATER WELL
TECHNOLOGIES

14394 E INTERSTATE HIGHWAY 10
CONVERSE, TX 78109
(830) 865-2362

ADVANCED WATER WELL TECHNOLOGIES

PLEASE REMIT PAYMENT TO:
ADVANCED WATER WELL TECHNOLOGIES
14394 E INTERSTATE HIGHWAY 10
CONVERSE, TX 78109
BILLING: (830) 865-2362, INFO@AWWTEC.COM

INVOICE:

INVOICE DATE: 04/27/2022
INVOICE NUMBER: 13021
P.O. NUMBER:
RID: 03
QID: 04

BILLED TO:

CITY OF KIRBY
112 BAUMAN
KIRBY, TX 78219

CUSTOMER CONTACT:

CITY OF KIRBY
MICHAEL IVES
MIVES@CITYOFKIRBY.ORG
210-666-0653

PLEASE SEND PAYMENT WITHIN 21 DAYS!

| ITEM | DESCRIPTION | QTY | RATE | AMOUNT |
|---------------|---|-----|-----------|------------|
| | WELL #3 | | | |
| LABOR | FIELD LABOR HOURS TO MOBILIZE TO SITE WITH SERVICE RIG, SERVICE TRUCK/TRAILER, 3-MAN CREW; RIG UP; INSTALL COMPLETE PUMP SETTING AT APPROXIMATELY 150' OF 6" COLUMN PIPE; WIRE PUMP/MOTOR TO EXISTING POWER; HOOK UP DISCHARGE; RIG DOWN; CLEAN LOCATION; DEMOBILIZE; INCLUDING FIELD LABOR HOURS TO MOBILIZE BACK TO SITE FOR START UP AND TESTING | 16 | 260.00 | 4,160.00 |
| PARTS | FRANKLIN ELECTRIC 6" DR50/60 HP 460V 3-PHASE MOTOR | 1 | 11,244.61 | 11,244.61T |
| PARTS | SIMFLO SL9H 1-STAGE TRIM 6.56" BOWL ASSEMBLY DESIGNED FOR 1200GPM @ 100' OF TDH WITH A 6" TAPERED THREAD DISCHARGE CASE AND 6" NEMA MOTOR BRACKET | 1 | 3,350.00 | 3,350.00T |
| LABOR & PARTS | FIELD LABOR HOURS TO INSTALL NEW FRANKLIN CONNECT SUBMONITOR IN AN EXTERNAL ELECTRICAL CONTROL PANEL; WIRE ALL POWER/CONTROL WIRE AND PROGRAM TO CORRECT PARAMETERS; INCLUDING MISCELLANEOUS SHOP SUPPLIES TO INSTALL PROPERLY AND THE SUBMONITOR | 1 | 2,500.00 | 2,500.00 |
| PARTS | 6" X 21' BLACK STEEL T&C COLUMN PIPE | 7 | 1,286.25 | 9,003.75T |
| PARTS | 175' OF #2 DOUBLE JACKETED SUBMERSIBLE CABLE WITH GROUND | 1 | 2,350.00 | 2,350.00T |
| PARTS | 6" DUCTILE IRON CHECK VALVE | 1 | 810.00 | 810.00T |
| PARTS | 6" X 12" BLACK STEEL NIPPLE | 1 | 140.00 | 140.00T |
| PARTS | SS 1/4" PLASTIC COATED ALRINE WITH GAUGE/BACKET AND ALL NECESSARY FITTINGS | 1 | 627.50 | 627.50T |
| LABOR & PARTS | 6" DISCHARGE HEAD EQUIPPED WITH 16" BLIND FLANGE, 6" WELD ON TEE/CAP, 8" BLIND FLANGE, 6" X 24" TOE BLACK STEEL NIPPLE WITH ALL NECESSARY PARTS/FITTINGS TO BE WELDED INTO THE CASING FLANGE FOR AN AIRLINE PORT, CASING VENT, PUMP WIRE ACCESS; INCLUDING SHOP LABOR HOURS TO WELD OUT COMPLETE DISCHARGE HEAD ASSEMBLY AND PAINT | 1 | 3,750.00 | 3,750.00 |
| LABOR | SHOP LABOR HOURS TO ASSEMBLE PUMP/MOTOR, TIGHTEN PIPE COUPLINGS ON COLUMN PIPE, INSTALL CHECK VALVE, AND LOAD OUT FOR TRANSPORT TO | 6 | 125.00 | 750.00 |

SUBTOTAL 44,145.86
TAX 0.00
TOTAL \$44,145.86

We really appreciate your business!

Please remit payment to address provided above within 21 days of the date of this invoice. For banking, ach transfer, card payment, or other questions and concerns, please contact our support team at (830) 865-2362 or info@awwtec.com. ALL WORK COMPLETED AS SPECIFIED AND ACCORDING TO STANDARD INDUSTRY PRACTICES. ADVANCED WATER WELL TECHNOLOGIES, LLC ("AWWT") WARRANTS ITS CRAFTSMANSHIP AGAINST DEFECTS FOR ONE (1) YEAR. DEFECTS ARE TO BE DETERMINED ON A CASE BY CASE BASIS BY AWWT. IN CASES WHERE MANUFACTURER'S WARRANTIES ARE REQUIRED, MANUFACTURER SHALL DETERMINE IF THE EQUIPMENT WILL BE WARRANTIED ON A CASE BY CASE BASIS. PAYMENT IN FULL IS DUE WITHIN 21 DAYS FROM THE "INVOICE DATE" SUPPLIED ABOVE. BALANCES NOT RECEIVED WITHIN THIRTY (30) DAYS OF THE INVOICE DATE WILL BE CHARGED AN ADDITIONAL ONE & A HALF PERCENT (1.5%) OF THE ORIGINAL INVOICE AMOUNT EACH MONTH. PAYMENT IS NOT RECEIVED, FOR A TOTAL OF EIGHTEEN (18%) PER ANNUM. REGULATED BY TDLR: WWW.TDLR.GOV, WATER.WELL@TDLR.GOV, (800) 803-9202, LICENSE NUMBER 58574 KPT.

ADVANCED
WATER WELL
TECHNOLOGIES

14394 E INTERSTATE HIGHWAY 10
CONVERSE, TX 78109
(830) 865-2362

SITE

| | | | |
|---------|---|----------|-----------|
| PARTS | MISCELLANEOUS SHOP SUPPLIES TO INSTALL PUMPING EQUIPMENT SUCH AS #2 1 | 1,250.00 | 1,250.00T |
| | SPLICE KIT, ELECTRICAL/RUBBER TAPE, SS BANDING/BUCKLES, RED RUBBER GASKET MATERIAL, CASING HEAD GASKET, DISCHARGE GASKETS, SPLIT BOLTS, JUNCTION BOX AND SEAL TITE/FITTINGS | | |
| FREIGHT | FREIGHT FOR ALL PARTS/MATERIALS FROM LOCAL AND NON-LOCAL SUPPLIERS 1 | 750.00 | 750.00T |
| | TO OUR FACILITY | | |

ADDITIONAL ITEMS OUTSIDE OF ORIGINAL QUOTE

| | | | | |
|-------|---|----|--------|----------|
| LABOR | FIELD LABOR HOURS REQUIRED TO TROUBLESHOOT PUMP NOT RUNNING; RIG UP; UNWIRE PUMP/MOTOR FROM EXISTING POWER; UNHOOK DISCHARGE; PICK UP PUMP HEAD; FOUND CUT WIRE BETWEEN PUMP HEAD AND WELL CASING; RE-SPLICE CUT WIRE; NOTCH CASING TO ALLOW ADEQUATE ROOM FOR CABLE CLEARANCE; RESET PUMP HEAD; HOOK UP DISCHARGE; WIRE PUMP/MOTOR TO EXISTING POWER | 10 | 260.00 | 2,600.00 |
| LABOR | FIELD LABOR HOURS TO HAVE SUBCONTRACTOR ELECTRICIAN MOBILIZE TO SITE; TROUBLESHOOT PUMP NOT RUNNING; DETERMINED SHORT IN CABLE DOWNHOLE; DEMOBILIZE; INCLUDING TIME FOR ADVANCED WATER WELL TECHNOLOGIES TECHNICIAN TO TROUBLESHOOT PUMP NOT RUNNING AFTER CUT WIRE WAS RE-SPLICED | 4 | 215.00 | 860.00 |

We really appreciate your business!

SUBTOTAL 44,145.86
TAX 0.00
TOTAL \$44,145.86

Please remit payment to address provided above within 21 days of the date of this invoice. For banking, ach transfer, card payment, or other questions and concerns, please contact our support team at (830) 865-2362 or info@awwttec.com. ALL WORK COMPLETED AS SPECIFIED AND ACCORDING TO STANDARD INDUSTRY PRACTICES. ADVANCED WATER WELL TECHNOLOGIES, LLC ("AWWT") WARRANTIES ITS CRAFTSMANSHIP AGAINST DEFECTS FOR ONE (1) YEAR. DEFECTS ARE TO BE DETERMINED ON A CASE BY CASE BASIS BY AWWT. IN CASES WHERE MANUFACTURER'S WARRANTIES ARE REQUIRED, MANUFACTURER SHALL DETERMINE IF THE EQUIPMENT WILL BE WARRANTIED ON A CASE BY CASE BASIS. PAYMENT IN FULL IS DUE WITHIN 21 DAYS FROM THE "INVOICE DATE" SUPPLIED ABOVE. BALANCES NOT RECEIVED WITHIN THIRTY (30) DAYS OF THE INVOICE DATE WILL BE CHARGED AN ADDITIONAL ONE & A HALF PERCENT (1.5%) OF THE ORIGINAL INVOICE AMOUNT EACH MONTH. PAYMENT IS NOT RECEIVED, FOR A TOTAL OF EIGHTEEN (18%) PER ANNUM. REGULATED BY TDLR: WWW.TDLR.GOV, WATER.WELL@TDLR.GOV, (800) 803-9202, LICENSE NUMBER 58574 KPT.

**ADVANCED
WATER WELL
TECHNOLOGIES**

14394 E INTERSTATE HIGHWAY 10
CONVERSE, TX 78109
(830) 865-2362

- f. Discussion And Possible Action On Resolution No. R-2022-745 A Resolution Authorizing The City Manager To Submit An Application For Funding From The Program Year (PY) 2022 Allocation Of Bexar County's Community Development Block Grant (CDBG) Program.

Council discussed Foxcross Drive (Threadway to Shamrock). Bexar County Funding Request: \$206,425.00; City Cash Match \$51,606.00. Improvements Total Cost \$258,031.00.

Council Member Street moved to accept Resolution No. R-2022-745 a Resolution authorizing the City Manager to submit an application for funding from the Program Year (PY) 2022 Allocation of Bexar County's Community Development Block Grant (CDBG) Program for Foxcross Drive (Threadway to Shamrock). Bexar County Funding Request: \$206,425.00; City Cash Match \$51,606.00. Improvements Total Cost \$258,031.00; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- g. Discussion And Possible Action To Approve The Cost Of Additional Work And A New Pump for Well Site #3

Council discussed the cost of additional work and a new pump for Well Site #3.

Mayor Pro-Tem Grant moved to approve the cost of additional work and a new pump for Well Site #3; seconded by Council Member Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- h. Council Liaisons

1. Animal Advisory Committee – Mayor Pro-Tem Grant
2. Beautification And Recycle Committee – Council Member Grider
3. Building And Standards Commission – Council Member Martin
4. Crime Control And Prevention District – Council Member Salazar
5. Economic Development Committee Council Member Apodaca
6. Planning And Zoning Commission – Mayor Aldrich
7. Senior Center Corporation Board – Council Member Street

1. Animal Advisory Committee – Mayor Pro-Tem Grant

Mayor Pro-Tem Grant provided an update.

2. Beautification And Recycle Committee – Council Member Grider

Council Member Grider provided an update.

| | |
|---------------|---|
| <u> X </u> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <u> </u> | SPECIAL CONSIDERATION |
| <u> </u> | CONSENT AGENDA |
| <u> </u> | PUBLIC HEARING |
| <u> </u> | PRESENTATION |
| <u> </u> | WORKSHOP |

**CITY OF KIRBY
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y**

DATE: MARCH 24, 2022

AGENDA ITEM: 9. g.

9. Discussion And Possible Action

Discussion And Possible Action To Approve The Cost Of Additional Work And A New Pump for Well Site #3

Our current Budget for repairs to Well Site #3 is \$200,000. We paid Givler Engineering \$18,000 for professional services and permit fees. To date we have paid Advanced Water Well Technologies \$186,517.61 for materials and labor. We are overbudget and the pump cost estimate is \$49,612.10.

DEPT : 00 NONDEPARTMENTAL

ACCOUNTS: 500-5002

THRU 500-5002

POST DATE TRAN # REFERENCE PACKET=====DESCRIPTION===== VEND INV/PO/JE # NOTE =====AMOUNT=====BALANCE=====

500-5002

WELL #3 REPAIRS

B E G I N N I N G B A L A N C E

0.00

| | | | | | | | | | |
|----------|-------|--------|-------------|--------------------------------------|------------|------|-----------|------------|--|
| 10/01/21 | 10/21 | A18837 | CHK: 023194 | 03157 KIRBY-004A WELL #3 RELIN 04800 | | | | | |
| | | | | GIVLER ENGINEERING, INC. INV# 8802 | /PO# | | 11,920.00 | 11,920.00 | |
| 10/01/21 | 10/21 | A18842 | CHK: 023194 | 03157 KIRBY-004A WELL #3 RELIN 04800 | | | | | |
| | | | | GIVLER ENGINEERING, INC. INV# 8822 | /PO# | | 5,280.00 | 17,200.00 | |
| | | | | OCTOBER ACTIVITY DB: 17,200.00 CR: | | 0.00 | 17,200.00 | | |
| 1/07/22 | 1/07 | A19417 | CHK: 023258 | 03232 KIRBY-004A WELL #3 RELIN 04800 | | | | | |
| | | | | GIVLER ENGINEERING, INC. INV# 8963 | /PO# | | 800.00 | 18,000.00 | |
| 1/10/22 | 1/10 | A19432 | CHK: 023272 | 03246 WELL 3 RELIGNING - PYMT 04798 | | | | | |
| | | | | ADVANCED WATER WELL TECHN INV# 12890 | /PO# 74457 | | 97,350.00 | 115,350.00 | |
| | | | | JANUARY ACTIVITY DB: 98,150.00 CR: | | 0.00 | 98,150.00 | | |
| 3/15/22 | 3/15 | A19727 | CHK: 023345 | 03305 WELL 3 - VIDEO SURVEY 04798 | | | | | |
| | | | | ADVANCED WATER WELL TECHN INV# 12961 | /PO# 74338 | | 89,167.61 | 204,517.61 | |
| | | | | MARCH ACTIVITY DB: 89,167.61 CR: | | 0.00 | 89,167.61 | | |
| 4/14/22 | 4/14 | A19831 | CHK: 023365 | 03326 KIRBY-004A WELL #3 RELIN 04800 | | | | | |
| | | | | GIVLER ENGINEERING, INC. INV# 9153 | /PO# | | 3,250.00 | 207,767.61 | |
| 4/14/22 | 4/14 | A19831 | CHK: 023365 | 03326 KIRBY-004A WELL #3 RELIN 04800 | | | | | |
| | | | | GIVLER ENGINEERING, INC. INV# 9198 | /PO# | | 1,725.00 | 209,492.61 | |
| | | | | APRIL ACTIVITY DB: 4,975.00 CR: | | 0.00 | 4,975.00 | | |
| | | | | ACCOUNT TOTAL DB: 209,492.61 CR: | | 0.00 | | | |

----*--*--*--*--*--*--*--*

000 ERRORS IN THIS REPORT!

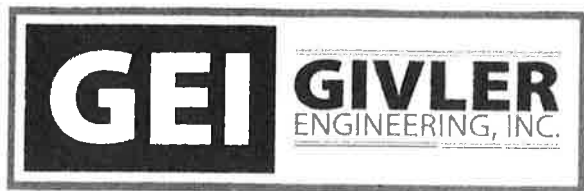
----*--*--*--*--*--*--*--*

** REPORT TOTALS **

--- DEBITS ---

--- CREDITS ---

| | | |
|----------------------------|------------|------|
| BEGINNING BALANCES: | 0.00 | 0.00 |
| REPORTED ACTIVITY: | 209,492.61 | 0.00 |
| ENDING BALANCES: | 209,492.61 | 0.00 |
| TOTAL FUND ENDING BALANCE: | 209,492.61 | |



515 Busby Drive
Suite 101
San Antonio, TX 78209
210-342-3991

City of Kirby
112 Bauman
Kirby, TX 78219

Invoice number 9308
Date 05/31/2022

Project **KIRBY-004A Well #3 Relining**

For professional services from May 01,2022 through May 31,2022

Invoice Summary

| Description | Contract Amount | Percent Complete | Prior Billed | Total Billed | Remaining | Remaining Percent | Current Billed |
|---|------------------|------------------|------------------|------------------|-------------|-------------------|-----------------|
| SITE VISIT AND RESEARCH | 7,000.00 | 100.00 | 7,000.00 | 7,000.00 | 0.00 | 0.00 | 0.00 |
| SITE PLAN | 4,000.00 | 100.00 | 4,000.00 | 4,000.00 | 0.00 | 0.00 | 0.00 |
| WELL PROFILE PLAN | 4,000.00 | 100.00 | 4,000.00 | 4,000.00 | 0.00 | 0.00 | 0.00 |
| REPORT | 3,000.00 | 100.00 | 3,000.00 | 3,000.00 | 0.00 | 0.00 | 0.00 |
| SUBMITTAL | 1,000.00 | 100.00 | 1,000.00 | 1,000.00 | 0.00 | 0.00 | 0.00 |
| CONSTRUCTION OBSERVATION AND TESTING | 6,500.00 | 100.00 | 3,975.00 | 6,500.00 | 0.00 | 0.00 | 2,525.00 |
| Total | 25,500.00 | 100.00 | 22,975.00 | 25,500.00 | 0.00 | 0.00 | 2,525.00 |

| Description | Contract Amount | Prior Billed | Current Billed |
|---|-----------------|-----------------|-----------------|
| Construction Observation and Testing | 6,500.00 | 3,975.00 | 2,525.00 |
| Total | 6,500.00 | 3,975.00 | 2,525.00 |

Invoice total **2,525.00**

Aging Summary

| Invoice Number | Invoice Date | Outstanding | Current | Over 30 | Over 60 | Over 90 | Over 120 |
|----------------|--------------|-----------------|-----------------|-------------|-------------|-------------|-------------|
| 9308 | 05/31/2022 | 2,525.00 | 2,525.00 | | | | |
| | Total | 2,525.00 | 2,525.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Make check payable to: Givler Engineering, Inc.
Mail check to: 515 Busby Drive, Suite 101, San Antonio, TX 78209

Pay with your credit card: <https://www.givlerengineering.com/pay>

For payment related questions please call 210-342-3991 then choose option 3 for the accounting office.

GEI Tax ID: 74-2980484

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input type="checkbox"/> | WORKSHOP |

**C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y**

DATE: JUNE 23, 2022

AGENDA ITEM: 9. h.

9. Discussion And Possible Action

Discussion And Possible Action On Appointment Of A Member To The Crime
Control And Prevention District Board

On June 8, 2022 the Board voted to recommend Mr. James Bogardus be appointed. His application was emailed to City Council on June 17th.

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input type="checkbox"/> | WORKSHOP |

C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y

DATE: JUNE 23, 2022

AGENDA ITEM: 9. i.

9. Discussion And Possible Action

Discussion And Possible Action On Appointment Of A Member To The Planning
And Zoning Commission

There is currently one vacancy. An application was received from Mr. Roger Romens. It was emailed to City Council on June 17th.

| | |
|---------------|---|
| <u> X </u> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <u> </u> | SPECIAL CONSIDERATION |
| <u> </u> | CONSENT AGENDA |
| <u> </u> | PUBLIC HEARING |
| <u> </u> | PRESENTATION |
| <u> </u> | WORKSHOP |

C I T Y O F K I R B Y
CITY COUNCIL MEETING
A G E N D A I T E M S U M M A R Y

DATE: JUNE 23, 2022

AGENDA ITEM: 9. j.

9. Discussion And Possible Action

Discussion And Possible Action On Appointment Of Members To The Kirby Senior
Center Corporation Board

A Board Member roster is included. The Senior Center is requesting appointment of Ruby Rodriguez and Michael Lawrence-Weden. Applications were provided to Council previously.

Monique Vernon

From: Sidney Sanders
Sent: Tuesday, June 14, 2022 12:25 PM
To: Monique Vernon
Cc: Administrator Kirby Senior Center; mgrksc@satx.rr.com
Subject: Requested info on KSC Board members

Ms. Vernon,

The Center email is down at the moment and the Center Secretary, Joseph, asked me to send you a list of the Officers on the Center Board. They are as follows:

Board President

David Barboza

Board Vice-President

Jessica Bogardus

Board Members

Sidney Sanders Jr

BJ Voigt

Bonny Badour

James McQuatters

Ruby Rodriguez (prospective - awaiting City Council approval)

Michael Lawrence-Weden (prospective - awaiting City Council approval)

R/

Sidney Sanders Jr

Board Secretary

Total Control Panel

[Login](#)

To: mvernon@cityofkirby.org

[Remove](#) this sender from my allow list

From: sdsjr.sjoa.kofc@gmail.com

You received this message because the sender is on your allow list.

| | |
|--|---|
| <input checked="checked" type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
| <input type="checkbox"/> | SPECIAL CONSIDERATION |
| <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | PUBLIC HEARING |
| <input type="checkbox"/> | PRESENTATION |
| <input type="checkbox"/> | WORKSHOP |

C I T Y O F K I R B Y
C I T Y C O U N C I L M E E T I N G
A G E N D A I T E M S U M M A R Y

DATE: JUNE 23, 2022

AGENDA ITEM: 9. k.

9. Discussion And Possible Action

Discussion And Possible Action On Hosting A City Of Kirby Festival In 2023

Council Member Garza requested this item.

The City of Kirby currently hosts Fireworks in the Park every July. This event has been funded through sponsorships since 2013.

Historic records show that former Council Member Mike Grant discovered Kirby was known as the Hobo Capital and under the leadership of former Mayor Johnny Duffek the City hosted the first Hobo Fest in May 2008. The name became official in September 2009.

The festival later merged with the Annual Fireman's Picnic and was taken over by the Kirby Volunteer Department.

In May 2019 the festival name was changed to Annual Fireman's Picnic because many felt "Hobo" gave Kirby a bad reputation.

The Volunteer Fire Department then decided to discontinue the festival due to the increased expense in organizing it and a lack of volunteers.