



*Kimberly McGehee Aldrich, Mayor*

Sylvia Apodaca  
Christopher Garza  
Janeshia Grider

Mike Martin  
Susan Street  
Debbie Walczyk

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**CITY COUNCIL AGENDA  
REGULAR MEETING  
THURSDAY, DECEMBER 1, 2022 – 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

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This meeting will also be held by videoconference call. The location where a quorum of the governmental body will be physically present is City Hall, City Council Chambers at 112 Bauman Street, Kirby, Texas 78219 and it is the intent to have a quorum present at that location and for the member of the governmental body presiding over the meeting to be physically present at that location. A member of the public may testify from a remote location by videoconference at:

Topic: Regular City Council Meeting

Date and Time: December 1, 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

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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. Consideration Of And Action On Minutes**

- a. Regular Minutes – October 27, 2022
- b. Regular Minutes – November 16, 2022

**7. Presentations**

- a. Kirby Senior Center Operations, Funding and Staffing Update-Senior Center Board And Staff

**8. Discussion And Possible Action**

- a. Discussion And Possible Action To Approve City of Kirby 2023 Holiday Schedule
- b. Discussion And Possible Action On Entering Into An Agreement With Greater Northeast Little League For The Use Of Land Owned By The City Of Kirby For Little League Baseball Athletic Functions
- c. Discussion And Direction On Ordinance No. O-2019-866 An Ordinance Of The City Of Kirby, Texas Amending Sections 150.15, 150.16, 150.27, 150.28, 150.32, 150.33, And 150.35 Of The City's Code Of Ordinances Relating To Building, Mechanical, Plumbing, Existing Building, Performance, And Fuel Gas Codes And Adding Sections 150.37, 150.38, And 150.39 Relating To 2018 International Fire Code, 2018 International Swimming Pool And Spa Code, And 2018 International Green Construction Code To The City's Code Of Ordinances To Adopt Certain 2018 International Codes And Standards, Establishing Certain Building Code And Building Related Regulations And Requirements, And Establishing A Penalty Of A Fine Of Not Less Than \$500 Nor More Than \$2,000 For Violations With Each Day A Violation Occurs Constituting A Separate Offense Regarding Automatic Sprinkler Systems For New Construction
- d. Discussion And Possible Action On City Cell Phones For Council Members
- e. Discussion And Direction On City Of Kirby Finances And Investments
- f. Discussion And Possible Action To Appoint Member(s) To The Kirby Senior Center Corporation Board
- g. Discussion And Possible Action To Re-Appoint Member (s) To The Economic Development Committee
- h. Discussion And Possible Action To Schedule A City Council Retreat

**9. Executive Session**

**The City Council Will Convene In Closed Session Pursuant To Government Code Section 551.071 To Seek The Advice Of Legal Counsel On The Following Matters:**

- a. Legal Criteria And Protocol For City Council Member Requests For Information
- b. Legal Criteria And Protocol For City Council Member Requests For Legal Assistance From The City Attorney

**10. Reconvene To Open Session**

Following Deliberation In Closed Session And Consultation With Legal Counsel The City Council Will Reconvene In Open Session To Take Any Final Action Required On The Matters Discussed In Closed Session.

**11. City Manager Announcements**

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

**12. Request And Announcements**

- a. Requests By Mayor And Council Members For Items To Be Placed On Future City Council Agendas And Announcements On City Events/Community Interest

**13. Adjournment**

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Monique L. Vernon  
City Manager

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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: November 28, 2022  
TIME OF POSTING: 6:45 P.M.  
DATE REMOVED

<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: DECEMBER 1, 2022**

**AGENDA ITEM: 6. a.**

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

- a. Regular Minutes – October 27, 2022
- b. Regular Minutes – November 16, 2022

The minutes are attached for your review. If you have any changes, please send me an email no later than 5:00 P.M. on November 29, 2022, and updates will be prepared for Council consideration.

<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: DECEMBER 1, 2022**

**AGENDA ITEM: 7 a.**

**7. Presentation**

Kirby Senior Center Operations, Funding and Staffing Update-Senior Center Board And Staff

The Kirby Senior Center asked to make this presentation.

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

**DATE: DECEMBER 1, 2022**

**AGENDA ITEM: 8. a.**

**8.     Discussion And Possible Action**

Discussion And Possible Action To Approve City of Kirby 2023 Holiday Schedule

A draft 2023 holiday schedule is included for approval.



## **CITY OF KIRBY HOLIDAY SCHEDULE 2023**

<b>New Year's Day Observance</b>	<b>Monday – January 2, 2023</b>
<b>Martin Luther King Jr.</b>	<b>Monday – January 16, 2023</b>
<b>President's Day</b>	<b>Monday – February 20, 2023</b>
<b>Good Friday</b>	<b>Friday – April 7, 2023</b>
<b>Memorial Day</b>	<b>Monday – May 29, 2023</b>
<b>Juneteenth</b>	<b>Monday – June 19, 2023</b>
<b>Independence Day</b>	<b>Tuesday – July 4, 2023</b>
<b>Labor Day</b>	<b>Monday – September 4, 2023</b>
<b>911 Patriot Day (Fire Only)</b>	<b>Monday – September 11, 2023</b>
<b>Columbus Day</b>	<b>Monday – October 9, 2023</b>
<b>Veterans Day Observance</b>	<b>Friday – November 10, 2023</b>
<b>Thanksgiving Day</b>	<b>Thursday – November 23, 2023</b>
<b>Day After Thanksgiving (Except Fire)</b>	<b>Friday – November 24, 2023</b>
<b>Christmas Day</b>	<b>Monday – December 25, 2023</b>

<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: DECEMBER 1, 2022**

**AGENDA ITEM: 8 b.**

**8. Discussion And Possible Action**

Discussion And Possible Action On Entering Into An Agreement With Greater  
Northeast Little League For The Use Of Land Owned By The City Of Kirby For Little  
League Baseball Athletic Functions

GNELL's current agreement expires on December 31, 2022. They wish to renew for the use of Friendship Park.

They made payments and provided all financial information timely as outlined in the agreement.



## LEASE AGREEMENT

This Lease Agreement is made by and between the City of Kirby (hereinafter called "City") and the Greater Northeast Little League, Inc. (hereinafter called "Tenant").

**1. Lease:** City hereby leases to Tenant a tract of land owned by the City of Kirby and located within the corporate limits of the City and described as follows:

Fields located at 5745 Binz Engleman CB 5092 P-13B ABS 134

**2. Use:** Tenant may use the Property for the purpose of conducting athletic functions sponsored by Tenant to include a Little League Baseball Program (as that term is recognized by the State and National Little League Organization).

The City has the right to the fields on every Wednesday Night from 7pm to 11pm. The City also has the right to schedule tournaments and functions throughout the year and will give the Tenant a notice in advance of one month. The City will not schedule a tournament on a date that interferes with a previous scheduled little league event.

It is the desire of the City that as many children as possible have the opportunity to participate in the athletic programs of the Tenant. It is therefore agreed that the Tenant will operate a Baseball Program under official rules and regulations of Little League Baseball, Inc., Williamsport, Pennsylvania, and under the rules and regulations established by Tenant's Board of Directors.

It is expressly understood and agreed that Tenant shall indemnify and hold City harmless from any liability for payment of any obligations due to any improvements or other things placed in or upon said Premises by Tenant. Tenant shall not encumber, in any manner, nor permit a lien of any type to be placed on said Premises, and Tenant agrees to indemnify and hold harmless City concerning any such financial obligations, liens, or encumbrances of any kind.

**3. Term and Utilities:** The term of this Lease is for 2 years beginning January 1, 2021 and terminating December 31, 2022, provided that City may at any time terminate this Lease and take possession of the Property without being guilty in any manner of trespass; and every claim for damages for and by reason of such re-entry are hereby expressly waived by Tenant. It is understood that if the City terminates this Agreement for any reason, Tenant shall be given a hearing before the City Council prior to the effective date of such action to discuss such termination.

**4. Rent:** Tenant shall pay City rent in the amount of \$500 per year, payable annually on or before January 15<sup>th</sup> of each year during the term of this Lease.

**5. Improvements to Property:** It is further agreed that the City Council shall give the right to approve all plans and specifications before any improvements are made to the Property by Tenant, other than normal maintenance, and Tenant shall submit all such plans and specifications to the City Council for review and approval. Upon termination or expiration of this Agreement, Tenant shall have the right to remove all physical improvements placed upon the Property by Tenant, provided that Tenant shall repair any damage to the Premises resulting from said removal.

6. Concession Stand: Tenant shall be permitted to operate a concession stand on the Premises and shall be permitted to sell merchandise and non-alcoholic beverages during Little League functions for the period from one (1) hour immediately before said function commences until one (1) hour immediately after said function. The concession stand will not be allowed to operate during the City of Kirby July 4<sup>th</sup> event. Tenant shall provide adequate and suitable containers for collecting discarded cups, papers, and trash from the operation of said concession stand and shall be responsible for keeping the entire Premises free of all paper, cups, and trash resulting from the operation of said concession stand. The City of Kirby has the right to sell concessions at the same time of the little league if another City sponsored sport or function is going on at the same time of a scheduled little league game. At no time shall Tenant sell or allow the sale of beer, wine, or any other alcoholic beverage.

7. Equal Opportunity: It is agreed and understood between the parties hereto that the Premises owned by the City are the subject of the contract and that in the conduct of Tenant's operation thereon, discrimination on account of race, color, sex, religion, age, disability, or national origin, directly or indirectly, is strictly prohibited.

8. Maintenance and Responsibility:

a) It is understood that the Tenant will maintain in a good condition all property furnished to it by the City and further that Tenant will maintain the Premises herein demised in a condition satisfactory to City. If the fields are in need of mowing, the City will notify the Tenant that the fields must be mowed within 10 days of receipt of such notice. If fields are not mowed by Tenant within 10 days of Tenant receipt of such notice, the City may mow the fields and Tenant shall pay the City fee of \$150.00 each time the City mows the fields where Tenant fails to do so after receiving notice from the City that the fields need to be mowed. If Tenant fails to make such payment within 10 days of receipt of an invoice from the City, Tenant will be in default under this Agreement.

b) In return for services rendered by Tenant to the youth of City, City will provide such maintenance that requires the use of heavy equipment. Such equipment shall be operated ONLY by a City employee and such maintenance shall be authorized by the City Manager ONLY, and scheduled by his/her designated representative. Other maintenance by City shall be at the discretion of the City Council upon written request by the City Manager.

9. Advertising: All advertising shall be maintained in a state of good repair. All fence signs shall be removed at the end of the regular Little League season.

10. Annual Report and Financial Statement: It is agreed that the Tenant shall furnish to City, through the City Manager, a financial statement of the past year's operation by **October 15<sup>th</sup>** of each year. Said financial statement shall contain the same information as is furnished in Tenant's Annual Report to the National Little League Headquarters. If said annual report is not submitted, said financial statement shall contain the following information:

- a. Value of physical improvements placed on the Property
- b. Statement of assets and liabilities

- c. Disbursement of physical improvements
- d. Disbursements for utilities, itemized as to water, electricity, and gas
- e. Number of children in league
- f. Gross receipts from advertising sold
- g. Gross receipts from all donations
- h. Gross receipts from concessions
- i. Disbursements for concessions
- j. All other receipts and disbursements
- k. A complete inventory of all Greater Northeast Little League equipment used within the concession stand

The League Treasurer must, upon written request by the City Manager, furnish the League Bank balance within ten (10) days of such written request.

11. Insurance and Indemnification: As a condition precedent to the use of the Premises, Tenant agrees to indemnify and hold harmless City, its officials, employees, and agents from and against any and all costs, claims, and damages (including attorney's fees) that may be caused by the use of said Property, and shall protect and indemnify City from any and all claims costs, expenses, judgments, and causes of action arising out of the use of said Property, and shall defend (through legal counsel acceptable to the City) any litigation arising in connection with such use, all at Tenant's sole cost and expense. In addition, Tenant agrees to obtain an insurance policy protecting City from any liability and to have City named as co-insured in said policy. Such policy shall be for not less than \$500,000.00 per person for bodily injuries, not less than \$50,000.00 for property damage, and an aggregate limit of not less than \$1,000,000.00 per occurrence. Proof of payment of premium for said policy (and evidence of the existence of said policy) shall be delivered to and kept by the City Secretary of City and such insurance policy shall be maintained in full force by Tenant so long as this Agreement is in effect.

12. Non-Profit Status: The Tenant shall have on file at City Hall a completed application for non-profit civic organization status for the City of Kirby, signed and approved by the City Manager.

13. Subleases: Tenant may not assign its rights under this lease or sublease the Property without the prior express consent of the City Council of City as evidenced by a resolution or ordinance adopted at a regular or special meeting of the City Council of Kirby.

14. Severability: Each section, subsection, provision, requirement, regulation or restriction established by this Agreement is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause, shall not affect or render invalid this agreement or amendments hereto as a whole or any part thereof, except the particular part so declared to be invalid.

15. Entire Agreement: This Agreement constitutes the entire agreement between the City and the Tenant concerning lease of the Property.

16. Amendments: This Agreement may be amended only by a written amendment executed on behalf of the parties hereto.

17. Counterparts: This Agreement may be executed in counterparts which, when taken together, constitute one and the same agreement.

18. Facsimiles: This Agreement may be executed by a facsimile signature or a signature transmitted by facsimile and such signature shall be considered the same as an original signature for all purposes.

This Agreement is dated this 10<sup>th</sup> day of December, 2020.

CITY OF KIRBY

By: Lisa B. Pierce

Name: Lisa B. Pierce

Title: Mayor

GREATER NORTHEAST LITTLE  
LEAGUE, INC.

By: Doug Wolfe

Name: Doug Wolfe

Title: President

# Greater Northeast Little League Statement of Financial Position

As of September 30, 2022

	<u>Total</u>
<b>ASSETS</b>	
Current Assets	
Bank Accounts	
Checking	3,033.83
PayPal	0.00
Savings	31,793.82
Total Bank Accounts	<u>\$ 34,827.65</u>
Other Current Assets	
Undeposited Funds	0.00
Total Other Current Assets	<u>\$ 0.00</u>
Total Current Assets	<u>\$ 34,827.65</u>
<b>TOTAL ASSETS</b>	<u>\$ 34,827.65</u>
<b>LIABILITIES AND EQUITY</b>	
Liabilities	
Total Liabilities	
Equity	
Opening Balance Equity	36,649.36
Retained Earnings	0.00
Net Revenue	-1,821.71
Total Equity	<u>\$ 34,827.65</u>
<b>TOTAL LIABILITIES AND EQUITY</b>	<u>\$ 34,827.65</u>

**Greater Northeast Little League**  
**Statement of Activity**  
October 2021 - September 2022

	<u>Total</u>
<b>Revenue</b>	
Concessions Income	14,983.45
Fundraiser	6,080.88
Interest Income	49.62
Registration	34,211.31
Sponsorships	5,705.00
<b>Total Revenue</b>	<b>\$ 61,030.26</b>
<b>Gross Profit</b>	<b>\$ 61,030.26</b>
<b>Expenditures</b>	
Advertising & Marketing	3,640.63
Awards & Trophies	2,141.44
Concessions	5,550.41
Fundraiser Expense	1,250.00
Insurance	2,308.51
Office Supplies & Software	1,289.32
Registration Expense	638.30
Rent & Lease	1,514.22
Repairs & Maintenance	10,619.50
Shipping	60.56
Supplies & Equipment	11,017.06
Tournament Fees	2,404.58
Umpires	7,601.90
Uniforms	10,225.52
Utilities	2,630.02
<b>Total Expenditures</b>	<b>\$ 62,891.97</b>
<b>Net Revenue</b>	<b>-\$ 1,861.71</b>

# Inventory List

Description	Make	Model	Serial
Merchandiser	TRUE	GDM-49-HL-TSL01	9457219
Refrigerator	Kelvinator	KCBM48R	1B3350174
Freezer	Kelvinator	KFS220RHYZ	WB40470556
Popcorn Machine	Gold Medal	2656	US PAM 16409
Sno Cone Machine	Paragon	160	11C152
Cheese Machine	Star MFG	MO CSP-2 CF	5415
Warmer	Chefstyle		
Microwave	Sharp		
Griddle	Vollrath	FTA 7016	E44-00259505-IAN
Fryer	Vollrath	FFA 7020	H3-00334738-039
Heat Lamps	Nemco	6000A-2	MO9-188
Safe	Mesa		
Ice Machine	Hoshizaki	KM-500MAF	
2009 Golf Cart	EZ Go	MPT1200	
Lawn Mower	Koti	KTZ-ZXC54SE	XS9100197
Coffee Maker - (2)	Bunn		
Infield Rascal	ABI		

Date	Day	Time	Visitor	Home	Field
10/3/2022	Monday	7:00 PM	Juniors Baseball BV Astros	Juniors Baseball GNE Indians	Live Oak #2
10/5/2022	Wednesday	6:00 PM	Tball Tball Cubs	Tball Tball Blue Jays	Kirby #6
10/5/2022	Wednesday	6:00 PM	Tball Tball LO Cubs	Tball Tball Astros	Kirby #7
10/5/2022	Wednesday	7:15 PM	Minors Baseball GNE Braves	Minors Baseball GNE Red Sox	Kirby #6
10/5/2022	Wednesday	7:30 PM	Minors SB NW #1	Minors SB GNE #1	Kirby #7
10/6/2022	Thursday	6:00 PM	Tball Tball Blue Jays	Tball Tball Astros	Kirby #6
10/6/2022	Thursday	6:00 PM	Tball Tball Cardinals	Tball Tball LO Cubs	Kirby #7
10/6/2022	Thursday	7:15 PM	Minors Baseball GNE Rangers	Minors Baseball GNE Cardinals	Kirby #6
10/6/2022	Thursday	7:15 PM	Machine Pitch Baseball WC Bears	Machine Pitch Baseball GNE MP Astros	Kirby #7
10/10/2022	Monday	6:00 PM	Tball Tball Blue Jays	Tball Tball LO Cubs	Kirby #5
10/10/2022	Monday	6:00 PM	Minors Baseball WC Patriots	Minors Baseball GNE Braves	Kirby #6
10/10/2022	Monday	6:00 PM	CP Softball MP Bears	CP Softball GNE Cheetahs	Kirby #7
10/10/2022	Monday	7:00 PM	Juniors Baseball WC Astros	Juniors Baseball GNE Indians	Live Oak #2
10/10/2022	Monday	7:30 PM	Minors SB MP Roadrunners	Minors SB GNE #1	Kirby #7
10/10/2022	Monday	7:45 PM	Majors Baseball CP Braves	Majors Baseball GNE Marlins	Kirby #6
10/11/2022	Tuesday	6:00 PM	Tball Tball Cubs	Tball Tball Cardinals	Kirby #5
10/11/2022	Tuesday	6:00 PM	Minors Baseball GNE Red Sox	Minors Baseball GNE Rangers	Kirby #6
10/11/2022	Tuesday	6:00 PM	Tball Tball Astros	Tball Tball Blue Jays	Kirby #7
10/11/2022	Tuesday	7:15 PM	Machine Pitch Baseball WC K9	Machine Pitch Baseball GNE MP Rangers	Kirby #7
10/12/2022	Wednesday	6:00 PM	Tball Tball Cardinals	Tball Tball Astros	Kirby #5
10/12/2022	Wednesday	6:00 PM	Minors Baseball CP Yankees	Minors Baseball GNE Cardinals	Kirby #6
10/12/2022	Wednesday	7:45 PM	Majors Baseball CP Astros	Majors Baseball GNE Marlins	Kirby #6
10/13/2022	Thursday	6:00 PM	Tball Tball LO Cubs	Tball Tball Cubs	Kirby #5
10/13/2022	Thursday	6:00 PM	Minors Baseball WC Yankees	Minors Baseball GNE Red Sox	Kirby #6
10/13/2022	Thursday	6:00 PM	Machine Pitch Baseball GNE MP Rangers	Machine Pitch Baseball GNE MP Astros	Kirby #7
10/13/2022	Thursday	7:00 PM	Juniors Baseball MP Braves	Juniors Baseball GNE Indians	Live Oak #2
10/13/2022	Thursday	7:15 PM	Machine Pitch Baseball WC K9	Machine Pitch Baseball GNE MP Dodgers	Kirby #7
10/17/2022	Monday	6:00 PM	Tball Tball Cubs	Tball Tball Blue Jays	Kirby #5
10/17/2022	Monday	6:00 PM	Minors Baseball CP Red Sox	Minors Baseball GNE Rangers	Kirby #6
10/17/2022	Monday	6:00 PM	Machine Pitch Baseball WC Bears	Machine Pitch Baseball GNE MP Rangers	Kirby #7
10/17/2022	Monday	7:30 PM	Minors SB CP Lady Longhorns	Minors SB GNE #1	Kirby #7
10/18/2022	Tuesday	6:00 PM	Tball Tball Astros	Tball Tball LO Cubs	Kirby #5
10/18/2022	Tuesday	6:00 PM	Tball Tball Cubs	Tball Tball Cardinals	Kirby #7
10/18/2022	Tuesday	7:15 PM	Machine Pitch Baseball GNE MP Dodgers	Machine Pitch Baseball GNE MP Astros	Kirby #7
10/19/2022	Wednesday	6:00 PM	Tball Tball LO Cubs	Tball Tball Cardinals	Kirby #5
10/19/2022	Wednesday	6:00 PM	Minors Baseball GNE Rangers	Minors Baseball GNE Braves	Kirby #6
10/19/2022	Wednesday	6:00 PM	Machine Pitch Baseball WC Avengers	Machine Pitch Baseball GNE MP Rangers	Kirby #7
10/19/2022	Wednesday	7:45 PM	Majors Baseball WC Texans	Majors Baseball GNE Marlins	Kirby #6
10/20/2022	Thursday	6:00 PM	Tball Tball Blue Jays	Tball Tball Astros	Kirby #5
10/20/2022	Thursday	6:00 PM	Minors Baseball CP Rangers	Minors Baseball GNE Red Sox	Kirby #6



10/20/2022	Thursday	6:00 PM	CP Softball MP Roadrunners	CP Softball GNE Cheetahs	Kirby #7
10/20/2022	Thursday	7:00 PM	Juniors Baseball MP Dodgers	Juniors Baseball GNE Indians	Live Oak #2
10/20/2022	Thursday	7:30 PM	Machine Pitch Baseball GNE MP Astros	Machine Pitch Baseball GNE MP Dodgers	Kirby #7
10/24/2022	Monday	6:00 PM	Tball Tball Astros	Tball Tball Cubs	Kirby #5
10/24/2022	Monday	6:00 PM	Minors Baseball GNE Red Sox	Minors Baseball GNE Cardinals	Kirby #6
10/24/2022	Monday	6:00 PM	CP Softball MP Rattlers	CP Softball GNE Cheetahs	Kirby #7
10/24/2022	Monday	7:00 PM	Juniors Baseball BV Pirates	Juniors Baseball GNE Indians	Live Oak #2
10/24/2022	Monday	7:30 PM	Minors SB CP Lady Bugs	Minors SB GNE #1	Kirby #7
10/25/2022	Tuesday	6:00 PM	Tball Tball Cardinals	Tball Tball Blue Jays	Kirby #5
10/25/2022	Tuesday	6:00 PM	Minors Baseball WC Yankees	Minors Baseball GNE Rangers	Kirby #6
10/25/2022	Tuesday	6:00 PM	Tball Tball Astros	Tball Tball LO Cubs	Kirby #7
10/25/2022	Tuesday	7:15 PM	Machine Pitch Baseball GNE MP Rangers	Machine Pitch Baseball GNE MP Dodgers	Kirby #7
10/26/2022	Wednesday	6:00 PM	Tball Tball LO Cubs	Tball Tball Blue Jays	Kirby #5
10/26/2022	Wednesday	6:00 PM	Minors Baseball CP Yankees	Minors Baseball GNE Braves	Kirby #6
10/26/2022	Wednesday	6:00 PM	CP Softball WC Sting	CP Softball GNE Cheetahs	Kirby #7
10/26/2022	Wednesday	7:15 PM	Machine Pitch Baseball WC Bears	Machine Pitch Baseball WC K9	Kirby #7
10/27/2022	Thursday	6:00 PM	Tball Tball Cardinals	Tball Tball Cubs	Kirby #5
10/27/2022	Thursday	6:00 PM	Minors Baseball WC Patriots	Minors Baseball GNE Red Sox	Kirby #6
10/27/2022	Thursday	6:00 PM	Machine Pitch Baseball WC Avengers	Machine Pitch Baseball GNE MP Dodgers	Kirby #7
10/27/2022	Thursday	7:15 PM	Machine Pitch Baseball GNE MP Astros	Machine Pitch Baseball GNE MP Rangers	Kirby #7
10/27/2022	Thursday	7:45 PM	Majors Baseball CP Yankees	Majors Baseball GNE Marlins	Kirby #6
11/1/2022	Tuesday	6:00 PM	Tball Tball Astros	Tball Tball Cardinals	Kirby #5
11/1/2022	Tuesday	6:00 PM	Minors Baseball CP Red Sox	Minors Baseball GNE Cardinals	Kirby #6
11/1/2022	Tuesday	6:00 PM	CP Softball CP Tigers	CP Softball GNE Cheetahs	Kirby #7
11/1/2022	Tuesday	7:30 PM	Minors SB MP Bears	Minors SB GNE #1	Kirby #7
11/2/2022	Wednesday	6:00 PM	Tball Tball Cubs	Tball Tball LO Cubs	Kirby #5
11/2/2022	Wednesday	6:00 PM	Tball Tball Blue Jays	Tball Tball Cardinals	Kirby #7
11/2/2022	Wednesday	7:15 PM	Machine Pitch Baseball WC Bears	Machine Pitch Baseball GNE MP Dodgers	Kirby #7
11/3/2022	Thursday	6:00 PM	Tball Tball Blue Jays	Tball Tball Cubs	Kirby #5
11/3/2022	Thursday	6:00 PM	Minors Baseball GNE Cardinals	Minors Baseball GNE Rangers	Kirby #6
11/3/2022	Thursday	6:00 PM	Machine Pitch Baseball WC Avengers	Machine Pitch Baseball GNE MP Astros	Kirby #7
11/3/2022	Thursday	7:00 PM	Juniors Baseball CP Rangers	Juniors Baseball GNE Indians	Live Oak #2
11/7/2022	Monday	6:00 PM	Minors Baseball CP Rangers	Minors Baseball GNE Rangers	Kirby #6
11/7/2022	Monday	6:00 PM	Tball Tball Cubs	Tball Tball Astros	Kirby #7
11/7/2022	Monday	7:15 PM	Machine Pitch Baseball WC K9	Machine Pitch Baseball GNE MP Astros	Kirby #7
11/7/2022	Monday	7:45 PM	Majors Baseball CP Rays	Majors Baseball GNE Marlins	Kirby #6
11/8/2022	Tuesday	6:00 PM	Minors Baseball GNE Cardinals	Minors Baseball GNE Braves	Kirby #6
11/8/2022	Tuesday	6:00 PM	Tball Tball Blue Jays	Tball Tball LO Cubs	Kirby #7
11/8/2022	Tuesday	7:15 PM	Machine Pitch Baseball GNE MP Dodgers	Machine Pitch Baseball GNE MP Rangers	Kirby #7
11/9/2022	Wednesday	6:00 PM	Tball Tball Cardinals	Tball Tball Astros	Kirby #7
11/10/2022	Thursday	6:00 PM	Minors Baseball GNE Red Sox	Minors Baseball GNE Braves	Kirby #6

11/10/2022	Thursday	6:00 PM	Tball Tball LO Cubs	Tball Tball Cubs	Kirby #7
11/10/2022	Thursday	7:15 PM	Machine Pitch Baseball WC Avengers	Machine Pitch Baseball GNE MP Rangers	Kirby #7
11/14/2022	Monday	6:00 PM	Minors Baseball WC Yankees	Minors Baseball GNE Cardinals	Kirby #6
11/14/2022	Monday	7:45 PM	Majors Baseball CP Braves	Majors Baseball GNE Marlins	Kirby #6
11/15/2022	Tuesday	6:00 PM	Tball Tball Astros	Tball Tball Cubs	Kirby #5
11/15/2022	Tuesday	6:00 PM	Tball Tball LO Cubs	Tball Tball Cardinals	Kirby #7
11/15/2022	Tuesday	7:15 PM	Minors Baseball GNE Rangers	Minors Baseball GNE Red Sox	Kirby #6
11/16/2022	Wednesday	6:00 PM	Tball Tball Cardinals	Tball Tball Blue Jays	Kirby #6

<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: DECEMBER 1, 2022**

**AGENDA ITEM: 8.c.**

**8. Discussion And Possible Action**

Discussion And Direction On Ordinance No. O-2019-866 An Ordinance Of The City Of Kirby, Texas Amending Sections 150.15, 150.16, 150.27, 150.28, 150.32, 150.33, And 150.35 Of The City's Code Of Ordinances Relating To Building, Mechanical, Plumbing, Existing Building, Performance, And Fuel Gas Codes And Adding Sections 150.37, 150.38, And 150.39 Relating To 2018 International Fire Code, 2018 International Swimming Pool And Spa Code, And 2018 International Green Construction Code To The City's Code Of Ordinances To Adopt Certain 2018 International Codes And Standards, Establishing Certain Building Code And Building Related Regulations And Requirements, And Establishing A Penalty Of A Fine Of Not Less Than \$500 Nor More Than \$2,000 For Violations With Each Day A Violation Occurs Constituting A Separate Offense Regarding Automatic Sprinkler Systems For New Construction

Council Member Garza requested this item. Fire sprinklers are addressed on page 2 of the ordinance.

**AN ORDINANCE OF THE CITY OF KIRBY, TEXAS AMENDING SECTIONS 150.15, 150.16, 150.27, 150.28, 150.32, 150.33, AND 150.35 OF THE CITY'S CODE OF ORDINANCES RELATING TO BUILDING, MECHANICAL, PLUMBING, EXISTING BUILDING, PERFORMANCE, AND FUEL GAS CODES AND ADDING SECTIONS 150.37, 150.38, AND 150.39 RELATING TO 2018 INTERNATIONAL FIRE CODE, 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE, AND 2018 INTERNATIONAL GREEN CONSTRUCTION CODE TO THE CITY'S CODE OF ORDINANCES TO ADOPT CERTAIN 2018 INTERNATIONAL CODES AND STANDARDS, ESTABLISHING CERTAIN BUILDING CODE AND BUILDING RELATED REGULATIONS AND REQUIREMENTS, AND ESTABLISHING A PENALTY OF A FINE OF NOT LESS THAN \$500 NOR MORE THAN \$2,000 FOR VIOLATIONS WITH EACH DAY A VIOLATION OCCURS CONSTITUTING A SEPARATE OFFENSE.**

WHEREAS, the Texas Local Governmental Code empowers the City to enact building codes and regulations and provide for their administration, enforcement, and amendment; and

WHEREAS, the regulation of building and building construction by the City of Kirby is necessary to protect the public health and welfare; and

WHEREAS, the City of Kirby deems it necessary to provide such codes and regulations;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRBY, TEXAS, THAT:

**Section 1.** Section 150.15 of the Code of Ordinances of the City of Kirby is hereby amended to read as follows:

**§ 150.15 BUILDING CODE.**

(A) *Adoption.* A certain document is on file in the office of the City Secretary of Kirby, being marked and designated as the International Building Code, 2018 Edition, as published by the International Code Council, shall be and is hereby adopted as the Building Code of the City of Kirby for regulating municipal commercial building construction in the City of Kirby 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 Building Code, 2018 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 chapter.

**Section 2.** Section 150.16 of the Code of Ordinances of the City of Kirby is hereby amended to read as follows:

**§ 150.16 LOCAL AMENDMENTS TO BUILDING CODE.**

Certain provisions and portions of the International Building Code, 2018 Edition, are hereby amended as they apply to activities within the City. The amendments to the International Building Code, 2018 Edition, are as follows:

(A) Sections 103.1 and 103.2 are amended to read as follows:

Section 103.1 Deleted.

Section 103.2 Building official.

The building official shall be appointed by the City Manager.

(B) Section 114.4 is amended to read as follows:

114.4. Violations; penalty.

Any person who shall violate a provision of the code adopted by this article, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved, or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder shall be guilty of a misdemeanor and, upon conviction of any such violation, such person shall be punished by a fine not to be *less than \$500 and not more than \$2000*. The owner or owners of any building or premises or part thereof, where anything in violation of this article shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction shall be fined as herein provided. Each day a violation occurs shall be a separate offense.

(C) Delete Section 903, replace with the following:

(1) Henceforth automatic sprinkler systems must be installed throughout all levels of all new Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies as defined in the International Building Code (IBC) of more than 2,500 square feet and throughout all R-3 occupancies as defined in said International Building Code of more than 5,000 square feet. The calculated area shall include all habitable space as well as the area of attached garages or storage facilities. Such systems shall be in accordance with Section 903 of the International Building Code as well as National Fire Protection Association Standards 13D and 13R, 2002 edition, for single-family dwellings.

(2) The following exceptions are hereby established:

(a) Detached gazebos and armadas for residential and public use. Independent buildings such as restrooms or snack shops 400 square feet or less without cooking or heating appliances that are associated with golf courses, parks and similar uses.

(b) Detached noncombustible carports or shade canopies.

(c) Guardhouses that are less than 300 square feet in size and used to control access to or within residential and/or commercial developments.

(d) Detached equipment or storage buildings for commercial use not exceeding 250 square feet.

(e) Detached residential storage buildings or garages that are no inhabitable and not exceeding 1,000 square feet.

(f) Barns and agricultural buildings for private, residential, noncommercial use, and not exceeding 3,000 square feet.

(g) Detached noncombustible canopies used exclusively for automotive, motor-fuel dispensing stations for private passenger vehicles and not exceeding 5,000 square feet.

(h) Manufactured (mobile) homes built in a permanent chassis designed and built as a dwelling unit and recreational vehicles that were not site-built and are portable in nature.

(3) Retrofit.

(a) Building additions that equal 50 percent or more of the existing building floor area, or building additions that exceed 10,000 square feet regardless of percentage increase.

(b) Two or more building permits, related to area increase, are issued over any three consecutive years.

(c) One or more additions are made to an R-3 occupancy and the new total area of the building exceeds 5,000 square feet.

(d) Building remodels that require structural changes affecting the primary structural system of the existing building.

**Section 3.** Section 150.27 of the Code of Ordinances of the City of Kirby is hereby amended to read as follows:

**§ 150.27 MECHANICAL CODE.**

(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 Mechanical Code, 2018 Edition, as published by the International Code Council, shall be and is hereby adopted as the Mechanical Code of the City of Kirby for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and use or maintenance of mechanical systems 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 Mechanical Code, 2018 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 chapter.

(B) *Amendment.* The following sections of the International Mechanical Code, 2018 Edition, are hereby revised to read:

(1) Section 101.1 This code shall be known as the Mechanical Code of the City of Kirby, Texas, and will be cited as such and will be referred to herein as “this code.”

**Section 4.** Section 150.28 of the Code of Ordinances of the City of Kirby is hereby amended to read as follows:

**§ 150.28 PLUMBING CODE.**

(A) *Adoption.* A certain document which is on file in the office of the City Secretary of Kirby, being marked and designated as the 2018 International Plumbing Code, 2018 Edition, as published by the International Code Council, shall be and are hereby adopted as the Plumbing Code of the City of Kirby for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to and use of maintenance of plumbing systems 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 Plumbing Code, 2018 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 chapter.

(B) *Amendments.* The following sections of the International Plumbing Code, 2018 Edition, are hereby revised to read:

(1) Section 101.1 This code shall be known as the Plumbing Code of the City of Kirby, Texas, and will be cited as such and will be referred to herein as “this code.”

**Section 5.** Section 150.32 of the Code of Ordinances of the City of Kirby is hereby amended to read as follows:

**§ 150.32 EXISTING BUILDING CODE.**

(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 Existing Building Code, 2018 Edition, as published by the International Code Council, shall be and are hereby adopted as the Existing Building Code of the City of Kirby for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings, 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 Existing Building Code, 2018 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 chapter.

(B) *Amendment.* The following section is hereby revised to read:

Section 101.1 This code shall be known as the Existing Building Code of the City of Kirby, Texas, and will be cited as such and will be referred to herein as “this code.”

**Section 6.** Section 105.33 of the Code of Ordinances of the City of Kirby is hereby added to read as follows:

**§ 150.33      PERFORMANCE CODE.**

(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 Performance Code For Buildings and Facilities, 2018 Edition as published by the International Code Council (the “Performance Code”), shall be and is hereby adopted as the Performance Code of the City of Kirby for regulating the design performance levels of buildings and facilities and performance thereof, including testing and inspections when indicated, 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 Performance Code, 2018 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 chapter.

(B) *Amendment.* The following section is hereby revised to read:

Section 101.1 This code shall be known as the Performance Code of the City of Kirby, Texas, and will be cited as such and will be referred to herein as “this code.”

**Section 7.** Section 150.35 of the Code of Ordinances of the City of Kirby is hereby added to read as follows:

**§ 150.35      FUEL GAS CODE.**

(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 Fuel Gas Code, 2018 Edition, as published by the International Code Council, shall be and is hereby adopted as the Fuel Gas Code of the City of Kirby for regulating and governing fuel gas systems and gas-fired appliances 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 Fuel Gas Code, 2018 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 chapter.

(B) *Amendment.* The following sections of the Fuel Gas Code are hereby revised as follows:



(1) Section 101.1 This code shall be known as the Fuel Gas Code of the City of Kirby, Texas, and will be cited as such and will be referred to herein as “this code.”

**Section 8.** Section 150.37 of the Code of Ordinances of the City of Kirby is hereby amended to read as follows:

**§ 150.37 FIRE CODE.**

(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 Fire Code, 2018 Edition, as published by the International Code Council, shall be and is hereby adopted as the Fire Code of the City of Kirby for regulating and governing fire safety and related matters 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 Fire Code, 2018 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 chapter.

(B) *Amendment.* The following sections of the Fire Code are hereby revised as follows:

(1) Section 101.1 This code shall be known as the Fire Code of the City of Kirby, Texas, and will be cited as such and will be referred to herein as “this code.”

**Section 9.** Section 150.38 of the Code of Ordinances of the City of Kirby is hereby amended to read as follows:

**§ 150.38 SWIMMING POOL AND SPA CODE.**

(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 Swimming Pool and Spa Code, 2018 Edition, as published by the International Code Council, shall be and is hereby adopted as the Swimming Pool and Spa Code of the City of Kirby for regulating and governing swimming pool and spa safety and related matters 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 Swimming Pool and Spa Code, 2018 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 chapter.

(B) *Amendment.* The following sections of the Swimming Pool and Spa Code are hereby revised as follows:

(1) Section 101.1 This code shall be known as the Swimming Pool and Spa Code of the City of Kirby, Texas, and will be cited as such and will be referred to herein as “this code.”

**Section 10.** Section 150.39 of the Code of Ordinances of the City of Kirby is hereby amended to read as follows:

## **§ 150.39 GREEN CONSTRUCTION CODE.**

(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 Green Construction Code, 2018 Edition, as published by the International Code Council, shall be and is hereby adopted as the Green Construction Code of the City of Kirby for regulating and governing green construction and related matters 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 Green Construction Code, 2018 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 chapter.

(B) *Amendment.* The following sections of the Green Construction Code are hereby revised as follows:

(1) Section 101.1 This code shall be known as the Green Construction Code of the City of Kirby, Texas, and will be cited as such and will be referred to herein as “this code.”

### **Section 11. PENALTY**

Any owner, person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not less than \$500 and not to exceed \$2,000. Each day a violation of this Ordinance occurs shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

### **Section 12. CUMULATIVE EFFECT AND REPEALER**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Kirby, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

### **Section 13. SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

### **Section 14. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage, approval, adoption on second reading.

PASSED AND APPROVED on first reading the 23<sup>rd</sup> day of January, 2020.

PASSED, APPROVED, AND ADOPTED on second reading the 13<sup>th</sup> day of February, 2020.

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Lisa Pierce, Mayor

ATTEST:

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Patty Cox, City Secretary

<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: DECEMBER 1, 2022**

**AGENDA ITEM: 8. d.**

**8.     Discussion And Possible Action**

Discussion And Possible Action On City Cell Phones For Council Members

Mayor Pro-Tem Grider asked to bring this discussion back to Council for consideration. The City currently pays for 12 cell phones through T-Mobile (recently converted from Sprint). The monthly cost is about \$800.

<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: DECEMBER 1, 2022**

**AGENDA ITEM: 8. e.**

**8. Discussion And Possible Action**

Discussion And Direction On City Of Kirby Finances And Investments

Every January, Council reviews the City's Investment Policy and Strategy. The approved 2022 copies are included.

The City currently has four Certificates of Deposit and nine accounts at Schertz Bank and Trust.

The City also has funds at TexPool.

A RESOLUTION ADOPTING THE CITY OF KIRBY INVESTMENT POLICY AND  
STRATEGY

WHEREAS, Chapter 2256 of the Texas Government Code, the Public Funds Investment Act, requires the City of Kirby City Council to review and to adopt a written Investment Policy by rule order ordinance or resolution at least annually; and

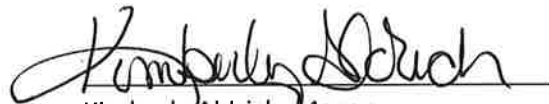
WHEREAS, the City Council of the City of Kirby has reviewed the City of Kirby Investment Policy attached as Exhibit A to this resolution and adopted the following changes to the Policy:

- The Strategy has been incorporated into the Policy for continuity. The Strategy was previously adopted separately.
- The stated objectives of safety, liquidity and yield have been expanded.
- A fourth objective of diversification has been added to direct the spreading of risk,
- A Scope section has been added.
- The authorized investments have been more fully defined.
- Safekeeping now requires a written agreement and confirmations from the safekeeping agent.
- A collateral policy has been added (in accordance with Texas Government Code 2257, the Public Funds Collateral Act).
- Training for investment officers has been reduced per the Act to eight hours in successive years.
- A section on the counterparties, depository and broker/dealers, has been added.
- A section on Prudence and Controls has been added.
- The adoption of the policy now requires that the adopting resolution list changes made (in accordance with the Act).

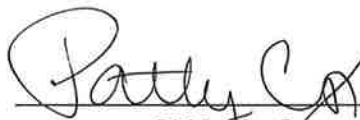
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirby that:

1. The City of Kirby Investment Policy attached as Exhibit A to this resolution is hereby adopted with the changes made.
2. The City of Kirby Investment Policy will be reviewed at least annually by the City Council in accordance with the provisions of Chapter 2256 of the Texas Government Code.

ADOPTED AND APPROVED this the 13 day of January, 2022.

  
Kimberly Aldrich, Mayor

Attest:

  
Patty Cox, TRMC, City Secretary

## **"EXHIBIT A"**

### **CITY OF KIRBY INVESTMENT POLICY AND STRATEGY Adopted January 13, 2022**

#### **OBJECTIVES:**

It is the policy of the City of Kirby, Texas, that all available funds shall be invested in securities that provide for the protection of the principal, provide liquidity as needed and provide reasonable yield to the City. It is the policy of the City that all funds shall be managed and invested with four primary objectives, listed in order of their priority: safety, liquidity, diversification, and yield. Investments are to be chosen in a manner which promotes diversity. To match anticipated cash flow requirements the maximum weighted average maturity (WAM) of the overall portfolio may not exceed six months.

#### Safety

The primary objective of the investment activity is the preservation of capital. Each investment transaction shall be conducted in a manner to avoid capital losses, whether from security defaults, safekeeping, or erosion of market value. Investments in high credit quality securities and decisions based on anticipated cash needs are primary factors in providing safety.

#### Liquidity

The investment portfolio shall be structured to meet all expected obligations in a timely manner. This shall be achieved by matching investment maturities with forecasted cash flow liabilities and maintaining additional liquidity for unexpected liabilities.

#### Diversification

The portfolio shall be diversified by institution, market sector and maturity as much as possible.

#### Yield

The investment program shall seek to augment returns consistent with the risk limitations identified and the City's prudent investment strategy.

Cash management is the process of managing funds in order to insure maximum cash availability and reasonable yield on short-term investments. The City shall strive for a cash management program which includes timely collection of accounts receivable, vendor payments in accordance with invoice terms, and prudent investment of assets.

#### **SCOPE**

This investment policy applies to all financial assets of the City and any new funds created unless specifically exempted by the City Council and this Policy.

## **AUTHORIZED INVESTMENTS:**

The investment officers are authorized to invest city funds in only the following securities and investments in accordance with the Public Fund Investment Act (the "Act", Texas Gov't Code 2256).

- Obligations of the US Treasury, its agencies and instrumentalities with a maximum stated maturity of two (2) years.
- Fully insured or collateralized depository certificates of deposit from banks doing business in Texas and collateralized in accordance with this policy. Maximum maturity two years.
- Texas local government investment pools which strive to maintain a \$1 NAV.
- Fully insured share certificates of credit unions doing business in Texas with a maximum maturity of two years.
- Fully insured or collateralized interest-bearing accounts in any bank in Texas, collateralized in accordance with this policy.
- AAA-rated, SEC registered money market funds which strive to maintain a \$1 NAV.

## **SAFEKEEPING**

To protect against potential fraud and embezzlement, the cash and investments of the City of Kirby shall be secured through third-party custody and safekeeping procedures as required by State law and designated by the City of Kirby. Investment Officers shall be bonded.

All securities shall be settled delivery versus payment into the City's approved safekeeping account. All safekeeping arrangements shall be approved by the Investment Officer and an agreement of the terms executed in writing. All safekeeping arrangements shall be approved by the Investment Officer and an agreement of the terms executed in writing. The independent third-party safekeeping agent shall be required to issue safekeeping receipts to the City listing each specific security, rate, description, maturity, cusip number, and other pertinent information.

## **COLLATERAL**

All credit union time deposits shall be fully insured by the National Credit Union Share Insurance Fund.

All bank time and demand deposits shall be collateralized above the FDIC coverage by pledged collateral. In order to anticipate market changes and provide a level of security for all funds, collateral will be maintained and monitored by the pledging depository at a market value of 102% of the deposited principal and accrued interest on the deposits. The bank shall monitor and maintain the margins on a daily basis.

Collateral pledged to secure deposits shall be held by an independent financial institution outside the holding company of the depository. If required, the collateral agreement with the



depository shall be approved by resolution of the Bank Board or Bank Loan Committee. The Custodian or bank shall provide a monthly report of collateral directly to the City.

#### Authorized Collateral

Only the following securities are authorized as collateral for time and demand deposits or repurchase agreements:

- A. FDIC insurance coverage.
- B. Obligations of the United States, its agencies or instrumentalities, or evidence of indebtedness of the United States guaranteed as to principal and interest including MBS and CMO which pass the bank test.
- C. Obligations of any US state or of a county, City or other political subdivision of any state having been rated as investment grade no less than "A" or its equivalent) by two nationally recognized rating agencies.
- D. Letter of Credit from the FHLB.

Preference will be given to pledged collateral securities.

#### **SAFETY AND INVESTMENT MANAGEMENT:**

All investments will be in compliance with applicable State and Federal law. Investment funds in excess of Federal Deposit Insurance Corporation coverage and/or invested in other than Certificates of Indebtedness of the federal government will be protected by bonding and/or pledged securities in accordance with applicable State statutes.

The designated Investment Officers are responsible for the investment of City funds and are authorized to give written, oral and electronic instructions to the depository bank and to place orders for the purchase of securities.

#### **LIQUIDITY AND DIVERSIFICATION:**

The Investment strategy for City funds is to invest in a manner, which will emphasize preservation of principal, generation of income and assure that anticipated cash flows are matched with investment maturities and liquidity. Investments will have a maturity not to exceed two years.

#### **INVESTMENT STRATEGY:**

The City maintains one commingled portfolio for investment purposes which incorporates the specific uses and the unique characteristics of the funds in the portfolio. The City shall pursue a conservative portfolio management strategy which may include creating a laddered portfolio maturity structure with some extension for yield enhancement and to match cash flow needs. The use of the high-credit quality authorized investments will assure liquidity, marketability and suitability for City investments.

The commingled portfolio incorporates the specific uses and the unique characteristics of the funds in the portfolio. The investment strategy has as its primary objective assurance that anticipated liabilities are matched and adequate investment liquidity provided. The City shall

pursue a conservative portfolio management strategy based on a buy-and-hold philosophy. The maximum maturity of any security will be two years and a portfolio maximum dollar weighted average maturity of six months or less will be calculated using the stated final maturity date of each security.

The investment strategy for debt service funds shall have as its primary objective the timely payment of debt service obligations. Successive debt service dates will be fully funded before any investment extensions are made.

#### **DELEGATION OF RESPONSIBILITY:**

No unauthorized person may engage in an investment transaction and all transactions shall be executed as provided under the terms of this Policy and its supporting procedures.

##### Investment Officers

The City Manager and Finance Director will be designated by City Council resolution as Investment Officers, to be responsible for investment decisions and activities. The Investment Officers are responsible for creating and maintaining the portfolio in accordance with this Policy, providing timely quarterly reporting to the City Council, and establishing supporting procedures.

All Investment Officers shall attend at least ten hours of training approved by the City Council within the 12 months of designation as investment officer and shall attend eight hours of training every two successive fiscal years.

An investment that requires a minimum rating under Chapter 2253 of the Texas Government Code does not qualify as an authorized investment during any period when the investment does not have the minimum rating required. One or both of the Investment Officers shall monitor rating changes for any investments by the City for which a minimum rating is required by checking the rating of such investment at least monthly. The Investment Officers shall take all prudent measures consistent with this Investment Policy to liquidate an investment that does not have the minimum rating required.

One or both of the Investment Officers shall monitor the market price of investments acquired with public funds at least monthly by reviewing statements issued by the entity holding such investment or by any other method reasonably deemed reliable by the Investment Officers.

Investment Officers shall refrain from personal and business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions. An Investment Officer who has a personal business relationship within two levels of blood or marriage with an organization seeking to sell an investment to the City shall file a statement disclosing that relationship to the City Council and the Texas Ethics Commission.

##### City Council

The City Council holds ultimate fiduciary responsibility for the portfolio. It will designate investment officers, receive and review quarterly reporting, approve and provide for investment

officer training, approve broker/dealers, and review and adopt the Investment Policy and Strategy at least annually.

## **REPORTING:**

### Quarterly Reporting

The Investment Officers shall submit a signed quarterly investment report to the governing body in accordance with the Act giving detail information on each portfolio and bank position and summary information to permit an informed outside reader to evaluate the performance of the investment program. The report will include the following at a minimum:

- A full description of each individual security or bank/pool position held at the end of the reporting period including the amortized book and market value at the beginning and end of the period,
- Unrealized gains or losses (book value minus market value),
- Overall change in market value during the period as a measure of volatility,
- Weighted average yield of the portfolio and its applicable benchmarks,
- Earnings for the period,
- Allocation analysis of the total portfolio by market sector and maturity, and
- Statement of compliance of the investment portfolio with the Act and the Investment Policy signed by the Investment Officers.

Market prices for the calculation of market value will be obtained from the independent sources.

### Portfolio Reports

A report of all City investments will be included in the annual financial report/audit prepared by the auditor as of September 30 of each year.

## **FINANCIAL COUNTER-PARTIES**

### Depository

At least every five years, a banking services depository shall be selected through a competitive request for proposal [application] or bid process in accordance with the Texas Government Code 105. In selecting a depository, the services, cost of services, credit worthiness, earnings potential, and collateralization by the institutions shall be considered. If securities require safekeeping, the RFP/bid will request information on safekeeping services. The depository contract will provide for collateral if balances exceed the FDIC insurance balance per tax identification number.

All time and demand deposits in any depository of the City shall be insured or collateralized at all times in accordance with this Policy.

Other banking institutions, from which the City may purchase certificates of deposit or place interest bearing accounts, will also be designated as a depository for depository/collateral purposes. All depositories will execute a depository agreement and have the Bank's Board or Bank Loan Committee pass a resolution approving the agreement if collateral is required.

### Security Broker/Dealers

All broker/dealers who desire to transact business with the City must supply the following documents to the Investments Officer(s).

- Financial Industry Regulatory Authority (FINRA) certification and CRD #
- proof of Texas State Securities registration

Each broker/dealer will be sent a copy of the City's investment policy. If material changes are made to the policy, the new policy will be sent to the broker/dealer.

Each local government pool must be provided a copy of the City's current Investment Policy and certify to a review of the Policy stating that the pool has controls in place to assure only Policy approved investments will be sold to the City.

### Security Broker/Dealers

All broker/dealers who desire to transact business with the City must supply the following documents to the Investments Officer(s).

- \* Financial Industry Regulatory Authority (FINRA) certification and CRD #
- \* proof of Texas State Securities registration

Each broker/dealer will be sent a copy of the City's investment policy. If material changes are made to the policy, the new policy will be sent to the broker/dealer.

A list of qualified broker/dealers will be reviewed and approved at least annually by the City Council.

### **PRUDENCE AND CONTROLS**

The standard of prudence to be applied to all City investments shall be the "prudent person" rule, which states:

"Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

### Internal Controls

The Investment Officer is responsible for establishing and maintaining internal controls to reasonably assure that assets are protected from loss, theft, or misuse. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived, and, the valuation of costs and benefits requires ongoing estimates and judgments by management.

The internal controls shall address the following points at a minimum: Control of collusion,

- Separation of transaction authority from accounting and record keeping,
- Safekeeping of owned and pledged securities,
- Clear delegation of authority,
- Competitive bidding on all transactions,
- Written confirmation for all transactions, and
- Review, maintenance and monitoring of security procedures both manual and automated.

Annually the Investment Officer shall perform an internal compliance audit to assure compliance with requirements of this Policy and the Act. Annually, the City's external auditor shall review the quarterly reports.

#### Monitoring Credit Ratings

The Act requires that securities requiring a specific credit rating must be liquidated if the rating falls below the minimum rating. The Investment Officer shall monitor, on no less than a monthly basis, the credit rating on all authorized investments in the portfolio for which the policy requires a credit rating. The rating should be based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer shall notify the City Manager of the loss of rating, and liquidation options within two days with a plan to sell the security on a timely basis.

#### **INVESTMENT POLICY ADOPTION AND REVIEW:**

The City Investment Policy shall be adopted by the City Council by resolution. The City Investment Policy shall be reviewed by the City Council no less than annually and may be amended or replaced by resolution of the City Council at any properly noticed and conducted meeting of the City Council. The adopting resolution will note any changes made to the Policy.

<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: DECEMBER 1, 2022**

**AGENDA ITEM: 8. f.**

**8. Discussion And Possible Action**

Discussion And Possible Action To Appoint Member(s) To The Kirby Senior Center Corporation Board

The Kirby Senior Center Corporation Board is requesting appointment of three new members.

## Monique Vernon

---

**From:** Admin Asst <aa\_ksc2@satx.rr.com>  
**Sent:** Friday, November 11, 2022 8:40 PM  
**To:** Monique Vernon  
**Cc:** Susan Street; David Barboza; jessicabogardus1@gmail.com  
**Subject:** New Board Members  
**Attachments:** Kathy Gomez.pdf; Englan Sanchez.pdf; Alica Castellanos.pdf

Good evening,

The Board of Directors at Kirby Senior Center has elected three new members. I have attached the applications that we received for Alicia Castellanos, Englan Sanches, and Kathy Gomez. We would like you to please put the approval of these board members on the agenda for the upcoming city council meeting.

Thank you,

Elizabeth McLaughlin  
Administrative Assistant  
Kirby Senior Center  
3211 Alan Shepard Drive  
Kirby, Texas 78219  
210-666-5124

---

Total Control Panel

[Login](#)

To: [mvernon@cityofkirby.org](mailto:mvernon@cityofkirby.org)

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

From: aa\_ksc2@satx.rr.com

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

# Kirby Senior Center Corporation

3211 Alan Shepard Dr

Kirby, TX 78219

(210) 666-5124

## APPLICATION FOR BOARD MEMBERSHIP

Name: Alicia R. Castellanos

Date: 11-8-2022

Home Address: 5113 Wheatland Kirby, TX 78219-1924

Home/Cell Number: (210) 386-5379

Business Address: Retired (Early Retirement at 62 years old)

Business Number: N/A

Occupation: N/A

Education (HS and/or college attended, please provide dates and type of degree):

Seguin High School, Seguin, TX 78155 12 years 1965 graduate;  
The Institute of Financial Education, 1 year 1981-1982  
Business Administration

Professional and Social Club Memberships:

Kirby Senior Center

Civic and/or Political appointments/offices held:

Present and past membership on other agency boards:

Union Mutua De Pedros De Farnania 20 years Resigned 2015  
Guadalupanas, St. Joan of Arc

Please attach a copy of your most current resume.

N/A



Kirby Senior Center Corporation  
3211 Alan Shepard  
Kirby, Texas 78219  
(210) 666-5124

APPLICATION FOR BOARD MEMBERSHIP

Name: Kathy Gorce

Date: 10/26/22

Address (Business): \_\_\_\_\_

Tel: \_\_\_\_\_

Address (Home): 3503 Vinecrest Dr

Tel: (210) 884-5734

Occupation: Technical Support

Position: Supervisor

Education: (High School attended, College attended; dates and type of degree received)

John Jay High School - diploma

Membership in Professional association, Service Clubs, Country Clubs, etc. (List offices held, if any)

N/A

Civic or Political appointments/offices held:

N/A

Present and past membership on other agency boards (list offices held, if any):

N/A

Please attach a copy of most current resume'.

Kirby Senior Center Corporation  
3211 Alan Shepard  
Kirby, Texas 78219  
(210) 666-5124

APPLICATION FOR BOARD MEMBER SHIP

Name: Englantina Sanchez-Gomez Date: 10/26/22

Address (Business): \_\_\_\_\_

Tel: \_\_\_\_\_

Address (Home): 3503 Vinecrest Dr

Tel: \_\_\_\_\_

Occupation: Technical Support

Position: Technical Representative

Education: (High School attended, College attended; dates and type of degree received)

Pearsall H.S. (Geo)

Membership in Professional association, Service Clubs, Country Clubs, etc. (List offices held, if any)

N/A

Civic or Political appointments/offices held:

N/A

Present and past membership on other agency boards (list offices held, if any):

N/A

Please attach a copy of most current resume'.

<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: DECEMBER 1, 2022**

**AGENDA ITEM: 8. g.**

**8. Discussion And Possible Action**

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

Members Michael Lawrence-Weden and Thomas Hernandez terms expire December 31,  
2022.

ECONOMIC DEVELOPMENT COMMITTEE  
2022

<u>MEMBER</u>	<u>TERM</u>
CORY A. MOBLEY	DECEMBER 31, 2023
VACANT	DECEMBER 31, 2023
MICHAEL LAWRENCE-WEDEN	DECEMBER 31, 2022
THOMAS HERNANDEZ	DECEMBER 31, 2022
JODY FLYNN	DECEMBER 31, 2023

(COUNCIL LIAISON: Sylvia Leos-Apodaca)

(November 2022)

<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: DECEMBER 1, 2022**

**AGENDA ITEM: 8. h.**

**8. Discussion And Possible Action**

Discussion And Possible Action To Schedule A City Council Retreat

Council voted to conduct a Retreat. We need to schedule a date.

_____	DISCUSSION AND POSSIBLE ACTION ITEMS
_____	SPECIAL CONSIDERATION
_____	CONSENT AGENDA
_____	PUBLIC HEARING
_____	PRESENTATION
_____	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: DECEMBER 1, 2022**

**AGENDA ITEM: 9. a. and b.**

**9. Executive Session**

**The City Council Will Convene In Closed Session Pursuant To Government Code Section 551.071 To Seek The Advice Of Legal Counsel On The Following Matters:**

- a. Legal Criteria And Protocol For City Council Member Requests For Information
- b. Legal Criteria And Protocol For City Council Member Requests For Legal Assistance From The City Attorney

_____	DISCUSSION AND POSSIBLE ACTION ITEMS
_____	SPECIAL CONSIDERATION
_____	CONSENT AGENDA
_____	PUBLIC HEARING
_____	PRESENTATION
_____	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: DECEMBER 1, 2022**

**AGENDA ITEM: 10. a.**

**10.    Reconvene To Open Session**

Following Deliberation In Closed Session And Consultation With Legal Counsel The City Council Will Reconvenes In Open Session To Take Any Final Action Required On The Matters Discussed In Closed Session.