



*Janeshia A. Grider, Mayor*

Sylvia Apodaca  
Christopher Garza  
Joe Molina

Mike Martin  
Sally Hitt  
Maria Lozano

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**CITY COUNCIL AGENDA  
REGULAR MEETING  
THURSDAY, JUNE 22, 2023 - 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

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

Topic: Regular City Council Meeting

Date and Time: June 22, 2023 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 – June 8, 2023

**7. Presentations**

- a. Fire Department Badge Pinning Ceremony

**8. Executive Session**

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

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

**9. Reconvene To Open Session**

Following Deliberation In Closed Session, The City Council Will Reconvene In Open Session To Take Any Final Action Required On The Matters Discussed In Closed Session.

- a. Discussion And Possible Action On Contract Negotiations With City Manager

**10. Discussion And Possible Action**

- a. Discussion And Possible Action On Ordinance No. O-2023-925 An Ordinance Repealing Chapter 151 Of The Code Of Ordinances Of The City Of Kirby, Texas In Regard To Flood Damage Prevention, And Adopting New Chapter 151 Of The Code Of Ordinances Of The City Of Kirby In Regard To Flood Damage Prevention And Providing For A Penalty Of A Fine Of Not More Than \$500.00 For Each Violation (Plus Costs And Expenses) With Each Day A Violation Occurs To Constitute A Separate Offence. This Is The First Reading.
- b. Discussion And Possible Action On Adopting Ordinance No. O-2023-926 An "Ordinance Restricting the Carrying of Firearms, Handguns, And Air Guns On City Property; Amending Chapter 134 Of The Kirby Municipal Code; Creating An Offense; Establishing A Penalty Fr Violations; And Providing An Effective Date. This Is The First Reading.

- c. Discussion And Possible Action To Appoint Member(s) To the Crime Control And Prevention District Board
- d. Discussion And Possible Action To Appoint A Member To The Beautification And Recycle Committee
- e. Discussion And Possible Action Regarding Placement Of Signs Prohibiting Firearms At City Council Meetings.
- f. Discussion and Possible Action On Establishing a Code of Conduct and Ethics for Council Members, Board Members, Commission Members, and Committee Members.
- g. Discussion And Possible Action On Establishing An Open Records Request Policy.
- h. Discussion And Possible Action On Waiving The 6-Month Waiting Period To Apply For A New Special Use Permit Pursuant To Kirby Code of Ordinances §153.116.
- i. Discussion And Update On The Ackerman Road Construction Project
- j. Discussion And Possible Action On Council Meeting Session Time; Any Agenda Items Not Discussed By 10:00 P.M. To Be Placed On Next Scheduled Council Meeting Agenda
- k. Discussion And Possible Action On Austin Bridge And Road Working Day Charges Be Suspended From NTP (January 3<sup>rd</sup>) until April 3<sup>rd</sup> or when the Gas subcontractor mobilizes On The Above Referenced Project.
- l. Discussion And Possible Action For Austin Bridge And Road To Close the Right Turn Lane From Ackerman to Binz Engleman

**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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Roxanne Cardona  
Interim 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: June 16, 2023

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

**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 8, 2023**

**AGENDA ITEM: 6. a.**

**Consideration Of And Action On Minutes**

Regular Minutes – June 8, 2023



*Janeshia A. Grider, Mayor*

Sylvia Apodaca  
Christopher Garza  
Joe Molina

Mike Martin  
Sally Hitt  
Maria Lozano

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**CITY COUNCIL MINUTES  
REGULAR MEETING  
THURSDAY, JUNE 8, 2023 - 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

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

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**1. Call Meeting to Order**

Mayor Grider called the meeting to order at 7:08 P.M.

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

Mayor Grider led the invocation and pledge of allegiance to the flag.

**3. Mission Statement**

"The City of Kirby is dedicated to delivering excellent municipal services to our community in a fiscally responsible manner."

**4. Roll Call**

**PRESENT**

Mayor Grider

**ABSENT**

Council Member Lozano

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

**5. Citizen Participation**

1. Debra Walczyk – She commented the Children’s Entrepreneurial Event was not on the City’s website. Continue to encourage children to learn how to make money doing things for themselves as they grow older. Provide a list of roads to City Manager to be worked on.
2. Tyrone White – He said on Monday on Ackerman Road during a routine traffic stop he felt mistreated. He provided information on his experience.
3. Michael Rios and Cory Mobley – Will speak on agenda item.
4. Kathy Rowe – She provided history on property located at 5458 Seguin Road. She is the current owner and has placed the property on the market for sale.
5. Roger Romens – He said he will speak now and during the agenda item later. He spoke about the City motto and said Mr. Wright shared with him the information he provided Council this evening.

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

a. Special Minutes – May 16, 2023

Mayor Pro-Tem Apodaca moved to accept the Special Minutes – May 16, 2023; seconded by Council Member Hitt. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

b. Regular Minutes – May 25, 2023

Council Member Molina asked for a correction to the minutes. The minutes should reflect, “What appeared to be a handgun was displayed and handed to our police.” The minutes were approved with the correction.

The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Council Member Martin)

**7. Presentation**

- a. Kirby Police Department Promotional Ceremony for Sgt. Donald Lackey

Chief Cardona officiated the Promotional ceremony for Sgt. Donald Lackey.

**8. Executive Session**

- a. The City Council Will Convene In Closed Session Pursuant To Texas Government Code Section 551.074, Personnel, To deliberate Matters Associated With The Impending Vacancy Of The City Manager Position And With Filling Said Vacancy.
- b. Conduct Interviews Of Applicant For The Position Of City Manager

Mayor Grider convened the regular meeting to go into Executive Session at 7:35 P.M.

**9. Reconvene To Open Session**

Mayor Grider reconvened the regular meeting at 9:51 P.M.

- a. Following Deliberation In Closed Session, The City Council Will Reconvene In Open Session To Take Any Final Action Required On The Matters Discussed In Closed Session

Council Member Molina moved to offer Dr. Roland the position of City Manager starting June 20, 2023; seconded by Mayor Pro-Tem Apodaca. The motion carried with a 5-1 vote.

AYES: 5

NAYES: 1 (Council Member Garza)

**10. Discussion And Possible Action**

- a. Discussion And Possible Action on a City Fall Festival

Debra Walczyk provided an update on the City Fall Festival. She explained a specific date must be set in order to get a commitment for funding. All funds will go directly to the City. Also, the event needs a name. She will submit dates on June 22, 2023 Council meeting.



b. Discussion And Possible Action On The Kirby Senior Painting Program

Debra Walczyk and Council Member Martin provided an update on the Kirby Senior Painting Program.

This item will be brought back on the next Council agenda.

c. Discussion And Possible Action On Request From Liberty Fireworks To Provide A Fireworks Display at 2826 Ackerman Road For True Vision Church On June 19, 2023

Michael Rios, Liberty Fireworks, and Pastor Cory Mobley, True Vision Church, presented the safety plans for the Juneteenth fireworks display. Pastor Mobley identified the great historical significance of this date as the emancipation of enslaved African Americans in the United States.

Mayor Grider recognized Ms. Gloria.

Ms. Gloria spoke about the history leading up to the importance of Juneteenth.

Mayor Grider read a letter from Commissioner Tommy Calvert supporting the event.

William Hilburn, Fire Chief, confirmed that Liberty Fireworks submitted all required documents for the event and have been approved to conduct the Fireworks Display at 2826 Ackerman Road for True Vision Church on June 19, 2023.

Council Member Garza moved to approve the request from Liberty Fireworks Display at 2826 Ackerman Road For True Vision Church On June 19, 2023; seconded by Council Member Molina. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

d. Discussion And Possible Action To Accept Resignation Of Alex Ebert From The Planning And Zoning Commission

Council Member Garza moved to accept resignation of Alex Ebert from the Planning and Zoning Commission; second by Mayor Pro-Tem Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

e. Discussion And Possible Action Appoint A Member(s) To Economic Development Committee

Council Member Martin moved to appoint Debra Walczyk to the Economic Development Committee; seconded by Council Member Garza. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- f. Discussion And Possible Action Appoint Member(s) To Planning And Zoning Commission

Council Member Garza moved to appoint Lisa Pierce and Debra Walczyk to the Planning Commission; seconded by Mayor Pro-Tem Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYES: 0

- g. Discussion And Possible Action On Quarterly Financial Report Period Ending March 31, 2023

Interim City Manager Cardona provided information on the Quarterly Financial Report Period ending March 31, 2023.

Council Member Martin moved to accept the Quarterly Financial Report period ending March 31, 2023 seconded by Mayor Pro-Tem Apodaca. The motion carried with a 6-0 vote

AYES: 7

NAYES: 0

- h. Discussion And Possible Action On Quarterly Investment Report Period Ending March 31, 2023.

Interim City Manager Cardona presented the Quarterly Investment Report period ending March 31, 2023.

Council Member Martin moved to accept the Quarterly Investment Report period ending March 31, 2023; seconded by Mayor Pro-Tem Apodaca. The motion carried with a 6-0 vote.

AYES: 6

NAYS: 0

- i. Discussion And Update On The Property Located At 5020 Seguin Road

Council did not discuss this property because of pending investigation.

- j. Discussion And Update On The Ackerman Road Construction Project

Council Member Molina provided an update on the Ackerman Road Construction Project.

k. Discussion And Update On The Kazen Road Construction Project

Armando Marques, Interim Public Works Director, provided information on the Kazen Road Construction Project.

l. Discussion And Update On Future Road Projects For The City Of Kirby

Council discussed streets for future road projects and decided on the following streets: 800 – 900 block of Hickory Hill; Crest between Borchers and Swann; Buzz Aldrin after EZ One Stop; Swann after bridge toward Deer Grove; Thomas Pain; Von Braun.

m. Discussion And Update On The Street Maintenance Of Jaenke Road

Council Member Molina explained condition of Jaenke Road and how to repair.

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

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

Liaisons were provided dates and times of their meetings.

o. Discussion And Possible Action On Council Meeting Session Time; Any Agenda Items Not Discussed By 10:00 P.M. To Be Placed On Next Scheduled Council Meeting Agenda

Mayor Grider explained why she placed this item on the agenda. She said there have been comments made about the length of the meetings. One idea that she heard was end the meetings at 10:00 P.M. Anything left on the agenda goes onto the next Council agenda.

Council discussed pros and cons on this item.

**11. Interim City Manager Announcements**

a. Announcements On City Events And Items Of Community Interest

Interim City Manager Cardona read a letter submitted by BJ Voight letter recognizing Flag Day June 14th. On July 2, 2023 5:00 P.M. – 10:00 P.M. Fireworks in the Park. Mayor Pro-Tem Apodaca will not be available June 10-16.

## **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**

Mayor Pro-Tem Apodaca said she will not able to attend the next meeting or answer emails. She provided an update on Fireworks in the Park.

Council Member Garza said Kids Entrepreneur Day is Saturday at Kirby Baptist Church. He requested gun carry on the next agenda. Mosquito spraying is this Friday and Saturday; the sign at the pool has the wrong hours; Senior Center 30<sup>th</sup> Anniversary is Saturday; City garage sale starts tomorrow; brush & bulk going to start Monday. Do not forget about Flag Day June 17 at the Fire Station. He thanked everyone who attended the Pool party and special thanks to Ms. Walczyk and Ms. Street who were imperative in the planning and execution of the process. He thanked all City staff that attended and helped. It was greatly appreciated. He thanked everyone for staying for working here.

Council Member Molina thanked everyone for staying up, we will try to be more efficient and get out sooner. He welcomed Dr. Rowland and said he is looking forward to working with him. Judson ISD summer meals schedule is on the District's website.

Council Member Hitt welcomed Dr. Rowland.

Council Member Martin thanked staff for doing a great job. He welcomed Dr. Rowland, and Fireworks in the Park is on July 2nd. He does not want to be here later than needed. Things are going to get better.

Mayor Grider said the pool sign is being corrected. Items for the next agenda – Open Record Requests to discuss about council members and open record requests whether official and unofficial capacity because we have new members. She welcomed Dr. Roland. Other agenda items – Code of Conduct; rapid designer – flyers for Kirby events, and ID #361467 CB 5941, B 6, 102 Hedwig.

## **13. Adjournment**

The meeting adjourned at 11:37 P.M.

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Janeshia A. Grider  
Mayor

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Patty Cox, TRMC  
City Secretary

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

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

**DATE: June 22, 2023**

**AGENDA ITEM: 7. a.**

**Presentations**

Fire Department Badge Pinning Ceremony

<input type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<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 22, 2023**

**AGENDA ITEM: 8. a. and 9. a.**

**8. Executive Session**

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

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

**9. Reconvene To Open Session**

Following Deliberation In Closed Session, The City Council Will Reconvene In Open Session To Take Any Final Action Required On The Matters Discussed In Closed Session.

- a. Discussion And Possible Action On Contract Negotiations With City Manager

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input 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 22, 2023**

**AGENDA ITEM: 10. a.**

**Discussion And Possible Action**

Discussion And Possible Action On Ordinance No. O-2023-925 An Ordinance Repealing Chapter 151 Of The Code Of Ordinances Of The City Of Kirby, Texas In Regard To Flood Damage Prevention, And Adopting New Chapter 151 Of The Code Of Ordinances Of The City Of Kirby In Regard To Flood Damage Prevention And Providing For A Penalty Of A Fine Of Not More Than \$500.00 For Each Violation (Plus Costs And Expenses) With Each Day A Violation Occurs To Constitute A Separate Offence. This Is The First Reading.

Greg Wassom, Givler Engineering, will present this item.



ORDINANCE NO. O-2023-925

An Ordinance Repealing Chapter 151 Of The Code Of Ordinances Of The City Of Kirby, Texas In Regard To Flood Damage Prevention, And Adopting New Chapter 151 Of The Code Of Ordinances Of The City Of Kirby In Regard To Flood Damage Prevention And Providing For A Penalty Of A Fine Of Not More Than \$500.00 For Each Violation (Plus Costs And Expenses) With Each Day A Violation Occurs To Constitute A Separate Offence.

WHEREAS, the City Council of the City of Kirby adopted Ordinance No. 435 on March 17, 1988 setting out provisions as to flood damage prevention; and

WHEREAS, Ordinance Number 435 has been codified as **Section 151.01 through 151.99** of Chapter 151 of the Code of Ordinances of the City of Kirby, Texas; and

WHEREAS, in view of the identification of areas of special flood hazard by the Federal Emergency Management Agency in the Flood Insurance Study (FIS) for Bexar County, Texas effective July 13, 2023, the City Council of the City of Kirby believes that **Sections 151.01 through 151.99** of the Code of Ordinances should be repealed effective at 12:00 A.M. on July 13, 2023 and that new **Sections 151.01 through 151.57** of Chapter 151 of the Code of Ordinances of the City of Kirby should be adopted effective at 12:00 A.M. on July 13, 2023.

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

Section 1. **Sections 151.01 through 151.99** of Chapter 151 of the Code of Ordinances of the City of Kirby are hereby repealed effective at 12:00 A.M. on July 13, 2023.

Section 2. New **Sections 151.01 through 151.99** of Chapter 151 of the Code of Ordinances of the City of Kirby are hereby adopted effective 12:00 A.M. on July 13, 2023 to read as follows:

## **ARTICLE II, FLOOD DAMAGE PREVENTION**

### **DIVISION 1. GENERALLY**

#### **Sec. 151.01. Definitions.**

Unless specifically defined below, word or phrases used in this Article shall be interpreted to give them the meaning they have in common usage and to give this Article its most reasonable application. The following words, terms, phrases, when used in this Article, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning.

*ALLUVIAL FAN FLOODING* – means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

*APEX* – means a point on alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

*APPURTENANT STRUCTURE* – means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

*AREAS OF FUTURE CONDITIONS FLOOD HAZARD* – means the land area that would be inundated by the one percent annual change (100 year) flood based on future conditions hydrology.

*AREA OF SHALLOW FLOODING* – means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual change of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*AREA OF SPECIAL FLOOD HAZARD* – means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE A99, AR AR/A1030, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

*BASE FLOOD* – means the flood having a one percent chance of being equaled or exceeded in any given year.

*BASE FLOOD ELEVATION (BFE)* – means the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year – also called the Base Flood.

*BASEMENT* – means any area of the building having its floor subgrade (below ground level) on all sides.

*BREAKAWAY WALL* – means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

*CITY* – means the City of Kirby, Texas.

*CRITICAL FEATURE* – means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

*DEVELOPMENT* – means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*ELEVATED BUILDING* – means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

*EXISTING CONSTRUCTION* – means for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

*EXISTING MANUFACTURED HOME PARK OR SUBDIVISION* – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION* – means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*FLOOD OR FLOODING* – means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

*FLOOD ELEVATION STUDY* – means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazard.

*FLOOD INSURANCE RATE MAP (FIRM)* – means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard area and the risk premium zones applicable to the community.

*FLOOD INSURANCE STUDY (FIS)* – means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

*FLOODPLAIN OR FLOOD-PRONE AREA* – means any land area susceptible to being inundated by water from any source (see definition of flooding).

*FLOODPLAIN MANAGEMENT* – means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

*FLOODPLAIN MANAGEMENT REGULATIONS* – means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*FLOOD PROTECTION SYSTEM* – means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*FLOOD PROOFING* – means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate of improved real property, water and sanitary facilities, structures and their contents.

*FUNCTIONALLY DEPENDENT USE* – means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

*HIGHEST ADJACENT GRADE* – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*HISTORIC STRUCTURE* – means any structure that is:

(1) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(a) by an approved state program as determined by the Secretary of the Interior; or

(b) directly by the Secretary of the Interior in states without approved programs.

*LEVEE* – means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

*LEVEE SYSTEM*- means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*LOWEST FLOOR* – means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

*MANUFACTURED HOME* – means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

*MANUFACTURED HOME PARK OR SUBDIVISION* – means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*MAIN SEA LEVEL* – means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

*NEW CONSTRUCTION* – means, for the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by the City and includes any subsequent improvements to such structures.

*NEW MANUFACTURED HOME PARK OR SUBDIVISION* – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the City.

*RECREATIONAL VEHICLE* – means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the longest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

*REGULATORY FLOODWAY* – means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*RIVERINE* – means relating to, formed by, or resembling a river (including tributaries), stream, brook, or similar waterway.

*SPECIAL FLOOD HAZARD AREA* – means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VA or V.

*START OF CONSTRUCTION* – (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*STRUCTURE* – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as manufactured home.

*SUBSTANTIAL DAMAGE* – means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

***SUBSTANTIAL IMPROVEMENT*** – means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before “starting of construction” of the improvement. This term included structures which have incurred “substantial damage.” Regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

***VARIANCE*** – means a grant of relief by the City from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

***VIOLATION*** – means the failure of a structure or other development to be fully compliant with the City’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c) (4), (c) 10, (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

***WATER SURFACE ELEVATION*** – means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **Sec. 151.02 Statutory authorization.**

In the Flood Control Insurance Act, Texas Water Code, Section 16.315, the Texas Legislature has authorized local governments to take all necessary and reasonable actions that are not less stringent than the requirements and the criteria of the National Flood Insurance Program to adopt regulations designed to minimize flood losses.

#### **Sec. 151.03. Findings of fact.**

(1) The flood hazard areas of the City are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard area by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed or otherwise protected from flood damage.

#### **Sec. 151.04 Statement of purpose.**

It is the purpose of this Article to promote the public health, safety and general welfare to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

**Sec. 151.05. Methods of reducing flood losses.**

In order to accomplish its purposes, this Article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**Sec. 151.06. Lands to which this Article applies.**

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City.

**Sec. 151.07. Basis for establishing the areas of special flood hazard.**



The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled The Flood Insurance Study (FIS) for Bexar County, Texas, effective July 13, 2023, with accompanying Flood Insurance Rate Maps (FIRM) effective July 13, 2023, and any revisions thereto, are hereby adopted by reference and declared to be a part of this Article.

**Sec. 151.08. Compliance with Article provisions.**

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Article and other applicable regulations.

**Sec. 151.09 Abrogation and greater restrictions.**

This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**Sec. 151.10. Interpretation and application of Article.**

In the interpretation and application of this Article, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the City; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

**Sec. 151.11. Warning and disclaimer of liability.**

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City or any official or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

**Secs. 151.12-151.30. Reserved.**

**DIVISION 2. ADMINISTRATION**

**SEC. 151.31 Designation of the floodplain administrator.**

The City Manager or his or her designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Article and other appropriate sections of 44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) pertaining to floodplain management.

**Sec. 151.32. Duties and responsibilities of the floodplain administrator.**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provision of this Article.

(2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonable safe from flooding.

(3) Review, approve or deny all application for development permits required by adoption of this Article.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334( from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which currently is the Texas Water Development Board (TWDB), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in the Flood Insurance Study (FIS) for Bexar County, Texas, effective September 29, 2010, and accompanying Flood Insurance Rate Maps and any revisions thereto, the Floodplain Administrator shall obtain, review and reasonable utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Division 3 of this Article.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by said Section 65.12.

#### **Sec. 151.34. Permit procedures.**

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard along with a fee deposit of \$250.00 the permit application is presented. If the cost of city processing of the application and of application review by the City Engineer exceeds the deposit, such additional costs shall be borne by the developer and shall be paid prior to issuance of the Floodplain Development Permit.

Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be flood-proofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure shall meet the flood-proofing criteria of Section 151.52(2);

(d) The compatibility of the proposed use with existing and anticipated development; vehicles;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

**Sec. 151.35. Variance procedures.**

(1) An Appeal Board, consisting of the City Council, shall hear and render judgment on requests for variances from the requirements of this Article.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Article.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Article.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 151.34(2) of this Article have been fully considered. As the lot size increases beyond the ½ acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this Article, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Article.

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by the City Council for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided the (i) the criteria outlined in Section 151.35(1) – 151.35(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

**Secs. 151.36 – 151.50. Reserved.**

### **DIVISION 3. FLOOD HAZARD REDUCTION**

#### **Sec. 151.51. General Standards**

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### **Sec. 151.52. Specific Standards.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in the Flood Insurance Study (FIS) for Bexar County, Texas, effective September 29, 2010, and accompanying Flood Insurance Rate Maps and any revisions thereto or in Section 151.32(8); or (iv) in Section 151.53(3), the following provisions are required:

(1) *Residential Construction* – new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Section 151.34(1)(a) is satisfied.

(2) *Nonresidential Construction* – new construction and substantial improvements of any commercial, or industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained by the Floodplain Administrator.

(3) *Enclosures* – new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Design for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) *Manufactured Homes* –

(a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but not limited to, use of over-the-

top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A 1-30, AH, and AE on this community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(c) Require that manufactured homes be placed on substantially improved on sites in an existing manufactured home park or subdivision with Zones A 1-30, AH and Ae on the community's FIRM that are not subject to the other provisions of paragraph (4) of this Section be elevated so that either:

(i) the lowest floor of the manufactured home is at or above the base flood elevation,  
or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(5) *Recreational Vehicles* – Require that recreational vehicles placed on sites within Zones A 1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Section 151.34 and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this Section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

#### **Sec. 151.53. Standards for subdivision proposals.**

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Sections 151.03 – 151.05 of this Article.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Sections 151.33 and 151.34 and the provisions of Division 3 of this Article.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty lots or five acres, whichever is lesser, if not otherwise provided pursuant to the Flood Insurance Study (FIS) for Bexar County, Texas effective September 29, 2010, and accompanying Flood Insurance Rate Maps and any revisions thereto, or (iii) Section 151.32(18) of this Article.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

**Sec. 151.54. Standards for areas of shallow flooding (AO/AH zones).**

Located within the areas of special flood hazard established in the Flood Insurance Study (FIS) for Bexar County, Texas effective September 29, 2010, and accompanying Flood Insurance Rate Maps and any revisions thereto, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures;

(a) have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified). Or

(b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 151.34 are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

**Sec. 151.55. Floodways.**

Floodways located within areas of special flood hazard established in the Flood Insurance Study (FIS) for Bexar County, Texas effective September 29, 2010, and accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps and any revisions thereto, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice



that the proposed encroachment would not resulting any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If subsection (1) of this Section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this division.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by said Section 65.12.

**Sec. 151.56. Severability.**

If any Section, clause, sentence, or phrase of this Article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Article.

**Sec. 151.57. Penalties for non-compliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Article and other applicable regulations. Violation of the provisions of this Article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Each day an offense occurs shall constitute a separate offense. Nothing herein contained shall prevent the City Council from taking such other lawful action as is necessary to preventor remedy any violation.

PASSED AND APPROVED on first reading \_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED AND APORVED on second reading the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Janeshia A. Grider, Mayor

ATTEST:

\_\_\_\_\_  
Patty Cox, City Secretary

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input 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 22, 2023**

**AGENDA ITEM: 10. b.**

**Discussion And Possible Action**

Discussion And Possible Action On Adopting Ordinance No. O-2023-926 An "Ordinance Restricting the Carrying of Firearms, Handguns, And Air Guns On City Property; Amending Chapter 134 Of The Kirby Municipal Code; Creating An Offense; Establishing A Penalty Fr Violations; And Providing An Effective Date. This Is The First Reading.

ORDINANCE NO. O-2023-926

AN ORDINANCE RESTRICTING THE CARRYING OF FIREARMS, HANDGUNS, AND AIR GUNS ON CITY PROPERTY; AMENDING CHAPTER 134 OF THE KIRBY MUNICIPAL CODE; CREATING AN OFFENSE; ESTABLISHING A PENALTY FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Texas Penal Code Section 46.035(c) makes it an offense for a handgun license holder to intentionally, knowingly, or recklessly carry a handgun under the authority of Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code (Open Meetings Act), and the entity provides notice as required by that chapter; and

**WHEREAS**, Texas Penal Code Section 46.035(i) provides that the prohibition in Section 46.035(c) does not apply unless the license holder is given effective notice under Penal Code Sections 30.06 and 30.07; and

**WHEREAS**, Texas Penal Code Section 30.06 requires that signage created in accordance with that section be “displayed in a conspicuous manner clearly visible to the public”; and

**WHEREAS**, Section 30.07 adds language that requires that signage be “displayed in a conspicuous manner clearly visible to the public *at each entrance to the property*”; and

**WHEREAS**, the best interpretation of that conflicting language is to display the signage at the entrance to the meeting room; and

**WHEREAS**, it may be difficult for a license holder, without notice provided by signage, to definitively know where he or she can lawfully carry a handgun; and

**WHEREAS**, Texas Local Government Code Section 229.001 allows a municipality to regulate the carrying of firearms and airguns, in a public meeting of a municipality, county, or other governmental body;

**WHEREAS**, the city council of the City of Kirby finds that the most appropriate way to protect the attendees of meetings of the city council or any other board or commission that is subject to Chapter 551, Texas Government Code (Open Meetings Act) is to prohibit the carrying of a firearm, handgun or air gun by license holders and non-license holders in those meetings.

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

**Section 1. Amendments.** The Kirby Municipal Code of Ordinances Chapter 134 is hereby amended as shown in Exhibit A attached hereto and incorporated for all purposes. Deletions are noted as ~~strikethroughs~~ and additions as underlined.

**Section 2. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as part of the judgment and finding of the City Council.

**Section 3. Cumulative Clause.** 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 4. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 5. Public Meeting.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

**Section 6. Effective Date.** This Ordinance is effective immediately upon its passage and any publication requirements.

PASSED AND APPROVED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

PASSED AND APPROVED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
JANESHIA GRIDER  
MAYOR

ATTEST:

\_\_\_\_\_  
Patty Cox, TRMC, City Secretary

# Exhibit A

## CHAPTER 134: POSSESSION OF HANDGUNS

### **134.01 Areas where a concealed handgun and an open carry handgun are prohibited.**

#### **CARRYING OF FIREARMS.**

(A) ~~No person other than a licensed peace officer may possess a concealed handgun or an open carry handgun in the City Council Chambers of the City of Kirby, Texas, or other places at Kirby City Hall when such chambers or other places are being used for a City Council meeting, a Planning and Zoning Commission meeting, or another meeting that is subject to the Texas Open Meetings Act or when such City Council Chambers or other places are used as the Kirby Municipal Courtroom or as the polling place for elections (including early voting).~~ **Definitions.**

BUILDING. Has the same meaning as it has in Chapter 30 of the Penal Code.

CITY PREMISES. A building or real property owned, leased, occupied or controlled by the city. CITY PREMISES does not include streets or sidewalks owned or operated by the city or any city-owned firing range.

ENTER or ENTRY. The intrusion of the entire body.

FIREARM. Means

- (1) A gun, pistol, rifle, or any other device designed, made or adapted to expel a projectile through a barrel by using energy generated by an explosion or burning substance or any device readily convertible to that use; or
- (2) An airgun, air pistol, air rifle, paint ball gun, or any other device using air pressure to propel a projectile through a barrel.

NOTICE. The same meaning as it has in Section 30.05 of the Penal Code.

#### **(B) Carrying Firearms.**

(1) Except as provided in this section, a person carrying a firearm, whether it is concealed or unconcealed, may not enter or remain on city premises. The city staff is directed to:

(a) Provide notice to depart to anyone found carrying a firearm not permitted by this section on city premises.

(2) A sign posted as notice under subsection (1)(a) of this division will include a statement, in English and Spanish, reading substantially as follows:

Entry onto these premises while carrying a firearm, whether it is concealed or unconcealed, is prohibited. Entry onto these premises while carrying a firearm may subject you to prosecution for Criminal Trespass under Section 30.05 of the Texas Penal Code.

(3) This section does not apply to a peace officer or a commissioned security officer hired by or under contract with the city and acting within the scope of that employment, or to a peace officer of another unit of government lawfully acting within the scope of his or her duties.

- (4) A person may transport, demonstrate and display a firearm for purposes of show or sale on city premises in connection with an event approved by the City Council, and subject to such restrictions as the City Council may require.

**134.02 Penalty.** ~~A violation of this chapter shall be punishable in accordance with the provisions of the Texas Penal Code.~~ Any person violating any provision of this chapter will be guilty of a misdemeanor and, upon conviction, will be subject to a fine not to exceed \$2,000. Each day of violation will constitute a separate offense. This penalty will be cumulative and not exclusive of any other rights or remedies the city may have.

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

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

**DATE: JUNE 22, 2023**

**AGENDA ITEM: 10. c.**

**Discussion And Possible Action**

Discussion And Possible Action To Appoint Member(s) To the Crime Control And  
Prevention District Board

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<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 22, 2023**

**AGENDA ITEM: 10. d.**

**Discussion And Possible Action**

Discussion And Possible Action To Appoint A Member To The Beautification And  
Recycle Committee



<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input 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 22, 2023**

**AGENDA ITEM: 10. e.**

**Discussion And Possible Action**

Discussion And Possible Action Regarding Placement Of Signs Prohibiting  
Firearms At City Council Meetings.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input 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 22, 2023**

**AGENDA ITEM: 10. f.**

**Discussion And Possible Action**

Discussion and Possible Action On Establishing a Code of Conduct and Ethics for Council Members, Board Members, Commission Members, and Committee Members.



## **Code of Ethics and Conduct for Board, Commission, and Committee Members**

Members must uphold values of professional and personal ethics that exemplify the highest of standards and demonstrate impartiality, honesty, integrity, respect, and transparency.

**Professionalism** includes behavior befitting a member of any board, commission, or committee as they perform their duties. Specifically, during meetings, board, commission, and committee members will preserve order and decorum, will not interrupt or delay proceedings, and will not refuse to obey the requests of the presiding officer or any procedures and policies adopted by the City of Kirby.

**Impartiality** means neutrality and lack of bias in the application of decision-making by members.

**Honesty** means to be truthful and fair in your dealings with city matters, and free from deceit or fraud.

**Integrity** means that all members agree to uphold the intent of this policy and govern their actions accordingly. This includes nepotism on any board, commission, or committee that receives city funds for budgetary purposes.

**Respect** means members will refrain from rude and disrespectful remarks and will not belittle other members, city staff members, or members of the public, to include social media or other communication entities (phone, text, email, online media).

**Transparency** means that the city provides open access to information concerning actions and funds pertaining to city operations.

Members must incorporate the use of a microphone during all proceedings so that their statements may be clearly heard. No whispering or sharing notes will be allowed during meetings. All meetings of board, commission and committees must be videorecorded, as per the Open Meetings Act.

Members will follow all city ordinances and uphold the laws of the State of Texas.

Members will not condone any unethical or illegal activity. All members agree to uphold the intent of this policy and govern their actions accordingly.

I, \_\_\_\_\_ (print) received the City of Kirby Board, Commission, and Committee Member Code of Ethics and Conduct on \_\_\_\_\_, for the (Board, commission, committee) \_\_\_\_\_. I recognize that any violation of this policy may result in my removal and could prevent future appointments.

X \_\_\_\_\_  
(signature)

City Secretary \_\_\_\_\_  
(signature)

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<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 22, 2023**

**AGENDA ITEM: 10. g.**

**Discussion And Possible Action**

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

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input 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 22, 2023**

**AGENDA ITEM: 10. h.**

**Discussion And Possible Action**

Discussion And Possible Action On Waiving The 6-Month Waiting Period To Apply  
For A New Special Use Permit Pursuant To Kirby Code of Ordinances §153.116.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input type="checkbox"/>	CONSIDERATION OF MINUTES
<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 22, 2023**

**AGENDA ITEM: 10. i.**

**Discussion And Possible Action**

Discussion And Update On The Ackerman Road Construction Project



# Austin Bridge & Road

An Austin Industries Company

8122 Whisper Oak  
San Antonio, TX 78266

3/21/2022

Bain Medina Bain, Inc  
Attn: Lorena Carter, P.E  
7073 San Pedro  
San Antonio, Texas 78216

Re: 2018 Street Bond Projects Phase II

Dear Lorena Carter,

Per article 4.05C.3 of the standard specifications for construction, when the Contractor's performance or progress is delayed, disrupted, or interfered with by unanticipated causes not the fault of and beyond the control of Owner, Contractor, and those for which they are responsible, then Contractor shall be entitled to an equitable adjustment in Contract Time. Outside of setting up some BMP's, ABR has been unable to start the construction activities due to the AT&T duct bank that was supposed to be relocated prior to NTP. ABR and Bain Medina Bain have been working together to evaluate options to minimize the delay of this utility conflict relocation. In January ABR and Bain Median Bain met with AT&T to determine the date this utility relocation would be complete, and we were told sometime in June. There have been follow up meetings and an effort to expedite, but as of this letter the June date provided seems to be likely. To get the project going earlier than June, ABR has scheduled the Gas Subcontractor to start work on April 3<sup>rd</sup>, 2023. The project specifications allow for working day charges to be suspended when conditions not under the control of the contractor prohibit performance of critical activities. Austin Bridge & Road requests that working day charges be suspended from NTP (January 3<sup>rd</sup>) until April 3<sup>rd</sup> or when the Gas subcontractor mobilizes on the above referenced project. Please confirm in writing that the suspension of working day charges is warranted.

Your attention to this matter is greatly appreciated. Please contact me if you have any questions or need further information.

Sincerely,

Humberto Zambrano  
Project Manager  
210-931-7392

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input 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 22, 2023**

**AGENDA ITEM: 10. j.**

**Discussion And Possible Action**

Discussion And Possible Action On Council Meeting Session Time; Any Agenda Items Not Discussed By 10:00 P.M. To Be Placed On Next Scheduled Council Meeting Agenda



<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input 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 22, 2023**

**AGENDA ITEM: 10. k.**

**Discussion And Possible Action**

Discussion And Possible Action On Austin Bridge And Road Working Day Charges Be Suspended From NTP (January 3<sup>rd</sup>) until April 3<sup>rd</sup> or when the Gas subcontractor mobilizes On The Above Referenced Project.

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
<input type="checkbox"/>	SPECIAL CONSIDERATION
<input 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 22, 2023**

**AGENDA ITEM: 10. I.**

**Discussion And Possible Action**

Discussion And Possible Action For Austin Bridge And Road To Close the Right Turn  
Lane From Ackerman to Binz Engleman

**Austin Bridge & Road, LP**

1199 S. Belt Line Road 110  
Coppell TX 75019 USA

**REQUEST FOR INFORMATION****0014****Subject:** Binz-Engleman Rd - Full Closure**Date:** 06/07/2023**Project:** ACKERMAN ROAD - CITY OF KIRBY, TX**Job:** 522012**Address:** ACKERMAN RD  
KIRBY TX**Required:** 06/21/2023**Phone:** **Fax:****Cost Impact:** POTENTIALLY**To:** Lorena Carter**Cost Amount:**

BAIN MEDINA BAIN, INC.

**Schedule Impact:** POTENTIALLY**From:** Alonso Vera**Days:**

Austin Bridge &amp; Road, LP

**Co-Author:****Contact:****Co-Author RFI Number:****Reference:**

<b>Priority</b>	Critical
<b>RFI Posted to Drawing</b>	No

**Discipline**

General

**Request:**

Austin Bridge & Road (ABR) is requesting for the full closure of Bing-Engleman RD during and after working operations. ABR deems a partial closure as unsafe, please provide confirmation for full closure.

**Suggestion:****Answer:****Answered By:** \_\_\_\_\_**Answered Date:****Distribution:**