



Janeshia A. Grider, Mayor

Sylvia Apodaca
Christopher Garza
Joe Molina

Maria Lozano
Mike Martin
Sally Hitt

**CITY COUNCIL AGENDA
REGULAR MEETING
THURSDAY, NOVEMBER 9, 2023 - 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

In accordance with Texas Government Code §551.127 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 by logging into the below web address and submitting a request to address the council via the Zoom chat, prior to the meeting being called to order:

Topic: Regular City Council Meeting
Date and Time: November 9, 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

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 Ensure 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 – July 6, 2023
- b. Regular Minutes – October 12, 2023
- c. Special Minutes – October 16, 2023
- d. Regular Minutes – October 26, 2023

7. **Presentations**

- a. Introduction of New employees.
- b. Badge pinning for Fire and Police
- c. Presentation of Waterworth

8. **Executive Session-** The City Council will meet in Executive Session pursuant to Texas Government Code Sections 551.071, Consultation with Attorney, and 551.074, Personnel Matters to Discuss the following:

- a. Consultation with attorney to receive legal advice and updates regarding the internal affairs investigation related to Council Member Garza complaints

9. **Reconvene to Open Session**

- a. Following deliberation in Closed Session, the City Council will reconvene in Open Session to take any action required on the matters discussed in Closed Session.

10. **Discussion And Possible Action**

- a. Discussion and Update on Binz Engleman Rd and opening timeline.
- b. Discussion and Possible Action on the Ordinance O-2022-911 that outlines the citizen participation policy during City Council Meetings.
- c. Discussion and Possible Action on a Resolution to approve the 2023 Tax Rolls.

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

Katelyn Ueckert
Interim 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 6, 2023

TIME OF POSTING: 5:45 P.M.



Janeshia A. Grider, Mayor

Sylvia Apodaca
Christopher Garza
Joe Molina

Mike Martin
Sally Hitt
Maria Lozano

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, JULY 6, 2023 - 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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

Topic: Regular City Council Meeting
Date and Time: July 6, 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

1. Call Meeting to Order

Meeting called to order at 7:01 P.M.

2. Invocation and Pledge of Allegiance to the Flag

Mayor Grider gives the Invocation and Pledge

3. Mission Statement

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

4. Roll Call

Present

Absent

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

5. **Citizen Participation**

6. **Discussion And Possible Action**

- a. Discuss, consider, and take action on Resolution No. R-2023-756 to remove City Secretary Patty Cox as a Signer on all bank accounts, credit card and legal documents; and take action to add Katelyn Ueckert and Dr. Brian Rowland to all bank accounts, credit cards and legal documents.

Motion Made by Council Member Lozano Seconded by Pro-Tem Apodaca to Accept Resolution No. R-2023-756 to remove City Secretary Patty Cox as a Signer on all bank accounts, credit card and legal documents; and take action to add Katelyn Ueckert and Dr. Brian Rowland to all bank accounts, credit cards and legal documents

AYE:

NAY:

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

Resolution passed with a 6-0 vote

- b. Discuss, consider, and take action on acquiring a credit card for the City of Kirby.

City Manager Brian Rowland Discussed reasons for acquiring a credit card for the City of Kirby

Council Discussed uses and limits on Credit Cards

Motion Made by Mayor Pro-Tem Apodaca Seconded by Council Member Molina to allow City Manager and City Secretary to obtain a Credit Card for the City of Kirby from Schertz bank and trust

AYE:

NAY:

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

Resolution passed with a 6-0 vote

7. Adjournment

Meeting adjourned at 7:19 P.M.

Janeshia Grider,
Mayor

Katelyn Ueckert,
Interim City Secretary

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DATE OF POSTING: July 3, 2023

TIME OF POSTING: 10:45 A.M.

DATE REMOVED



Janeshia A. Grider, Mayor

Sylvia Apodaca
Christopher Garza
Joe Molina

Mike Martin
Sally Hitt
Maria Lozano

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, OCTOBER 12, 2023 - 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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

Topic: Regular City Council Meeting

Date and Time: October 12, 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

1. Call Meeting to Order

Meeting called to order at 7:05 P.M.

2. Invocation and Pledge of Allegiance to the Flag

Mr. Rich lead with the Invocation and Pledge of Allegiance to the Flag

3. Mission Statement

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

4. **Roll Call**

Present

Absent

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

5. **Citizen Participation**

Brian Rowlands- discussed passion for work and employment and addressed complaints against him

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

a. **Regular Minutes – September 7, 2023**

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Hitt to Approve Regular Minutes – September 7, 2023 with spelling correction Resend to rescind

Aye:

Nay:

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

Motion passed with a 7-0 Vote

b. **Regular Minutes – September 14, 2023**

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Molina to Approve Regular Minutes – September 14, 2023

Aye:

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

Nay:

Motion passed with a 7-0 Vote

c. Regular Minutes – September 23, 2023

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Molina to Approve Regular Minutes – September 23, 2023

Aye:

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

Nay:

Motion passed with a 7-0 Vote

d. Regular Minutes – September 27, 2023

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Hitt to Approve Regular Minutes – September 27, 2023

Aye:

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

Nay:

Motion passed with a 7-0 Vote

e. Public Hearing Minutes – September 14, 2023

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Molina to Approve Public Hearing Minutes – September 14, 2023

Aye:

Nay:

Council Member Garza

Council Member Hitt

Council Member Lozano

Council Member Martin

Council Member Molina

Mayor Grider

Mayor Pro-Tem Apodaca

Motion passed with a 7-0 Vote

f. Public Hearing Minutes – September 27, 2023

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Molina to Approve Public Hearing Minutes – September 27, 2023

Aye:

Nay:

Council Member Garza

Council Member Hitt

Council Member Lozano

Council Member Martin

Council Member Molina

Mayor Grider

Mayor Pro-Tem Apodaca

Motion passed with a 7-0 Vote

7. Executive Session

- a. The City Council will meet in Closed Session pursuant to Texas Government Code Section 551.074, Personnel, and 551.071 Consultation with Attorney to receive advice, discuss and address the findings of the investigation on City Managers Suspension.

Regular meeting closed at 7:18 P.M.

8. Reconvene to Open Session

- 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.

Regular meeting reconvened to open session at 9:18 P.M.

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Garza to Put Brian Rowlan on Administrative leave starting October 16th with pay

Aye:

Nay:

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

Motion passed with a 7-0 Vote

Break Taken from 9:20P.M. - 9:41 P.M.

9. Staff/Contractor Reports

- a. Discussion and Update on construction materials left on Gaiety Lane.

Armando and council Discussed Agenda Item 9A

- b. Discussion and Update on placing restrooms at Hugo Lentz Park.

Acting City Manager William Hilburn Discussed Agenda Item 9B and options

- c. Discussion and Update on purchase of Water Cooler for Public Works Department.

Armonda and Council Discussed Agenda Item 9C

- d. Discussion and Update on Ackerman Road Project.

Engineer Bain Medina Bain Discussed Agenda Item 9D

- e. Discussion and Update on law firm cost.

Council Discussed Agenda Item 9E

- f. Discussion and Update on creating budget timeline.

Council Discussed April as a Good time to start Budget Process

- g. Discussion and Update from RRGP on Computer issues.

Council and Acting City Manager William Hilburn Discussed Item 9G

10. Discussion And Possible Action

- a. Discussion and Possible Action Appointing Crime Control Board Members.

Motion made by Council Member Martin seconded by Council Member Garza to Approve Jackie Wyn to the Crime Control Board

Aye:

Nay:

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

Motion passed with a 7-0 Vote

Motion made by Council Member Hitt seconded by Council Member Martin to Approve Glenda Bayer to the Crime Control Board

Aye:

Nay:

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

Motion passed with a 7-0 Vote

- b. Discussion and Possible Action on appointing secondary Acting City Manager in case of Chief Hilburn's absence.

Motion made by Council Member Lozano seconded by Council Member Hitt to Approve appointing Armando Marquez secondary Acting City Manager in case of Chief Hilburn's absence.

Aye:

Nay:

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

Motion passed with a 7-0 Vote

- c. Discussion and Possible Action on Ackerman Road change order 3 and 4.

Motion made by Council Member Martin seconded by Council Member Garza to Approve Change Order 4

Aye:

Nay:

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

Motion passed with a 7-0 Vote

- d. Discussion and Possible Action on permitting process and requirements for home owners and contractors.

Council Discussed Agenda Item 10D

- e. Discussion and Possible Action on 4907 Borchers liens.

Council and Acting City Manager Discussed Agenda Item E

- f. Discussion and Possible Action on extending iWork for Code enforcement purposes.

Motion made by Council Member Garza seconded by Council Member Molina to Approve extending iWork for Code enforcement purposes.

Aye: **Nay:**

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

Motion passed with a 7-0 Vote

- g. Discussion and Possible Action on Chris Garza's resignation from Senior Center Board.

Council Discussed agenda item 10G

- h. Discussion and Possible Action on Resolution R-2023-764 on Cafeteria Plan.

Motion made by Council Member Molina seconded by Council Member Garza to Approve Resolution R-2023-764 on Cafeteria Plan

Aye: **Nay:**

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

Motion passed with a 6-0 Vote

Mayor Absent For vote

- i. Discussion and Possible Action on Resolution R-2023-765 on Mission Square-ICMA Retirement Plan.

Motion made by Council Member Garza seconded by Council Member Lozano to Approve Resolution R-2023-765 on Mission Square- ICMA Retirement Plan.

Aye:

Nay:

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

Motion passed with a 7-0 Vote

j. Discussion and Possible Action on Resolution R-2023-763 on appointment of a City Prosecutor.

Motion made by Council Member Garza seconded by Council Member Molina to Approve Resolution R-2023-763 on appointment of Rafael Antonio Arriaga as City Prosecutor.

Aye:

Nay:

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

Motion passed with a 7-0 Vote

11. City Manager Announcements

Acting City Manager William Hillburn Announced Trunk Or Treat event also announced City Hall Early Closure for training October 23rd
Announced Early Voting from October 23rd-27th

12. Request And Announcements

Council Member Garza thanked everyone who participated and requested everyone follow construction signs

Council Member Molina Thanked everyone for support and announced November 4th
Bexar Hazard Waste drop off
Mayor Pro-Tem Apodaca Via Virtual Meeting and Bexar business meeting in December
Council Member Hitt requested everyone drive safe
Council Member Martin Thanked everyone
Mayor Grider Announced Senior Center is open to surrounding Cities as well as Kirby

13. Adjournment

Meeting Adjourned at 12:07 P.M.

Janeshia Grider,
Mayor

Katelyn Ueckert
Interim 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.

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DATE OF POSTING: October 6, 2023
TIME OF POSTING: 5:30 P.M.



Janeshia A. Grider, Mayor

Christopher Garza
Sylvia Apodaca
Joe Molina

Maria Lozano
Mike Martin
Sally Hitt

**CITY COUNCIL MINUTES
SPECIAL MEETING
MONDAY, OCTOBER 16, 2023 - 5:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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

Topic: Special City Council Meeting

Date and Time: October 16, 2023 at 5:00 P.M. (Central Time)

Join Zoom Meeting:

Video Participation: Join Zoom Meeting

<https://zoom.us>

Meeting ID: 956 855 1663 and Passcode: 1955

1. Call Meeting to Order

Mayor Grider called the meeting order at 5:01 P.M.

2. Invocation and Pledge of Allegiance to the Flag

Mayor Grider lead with the Invocation and Pledge of Allegiance

3. Mission Statement

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

4. Roll Call

Present

Absent

Council Member Garza
Council Member Hitt
Council Member Lozano
Council Member Martin
Council Member Molina
Mayor Grider
Mayor Pro-Tem Apodaca present at 5:11 P.M

5. Citizen Participation

Henery W.- Discussed limitation on speaking time
Tory Reise- Discussed bad legal advice and limiting citizens right to speak discusses rights
Patric White- discussed interview last Thursday during executive session discussed citizen participation and councils time management
Kilm Flynn- Discussed citizen participation and right to speak asked council to review their position on citizens right to speak
Jack Miller- discussed Brian Rowlands contract and time at Prior view discussed citizen participation and open meetings act
Roger Romans- discussed corporate culture discussed personal courage values and discipline

6. Executive Session

- a. The City Council will convene in Closed Session pursuant to Texas Government Code Section 551.074, Personnel, and 551.071 Consultation with Attorney to receive advice, discuss the City Manager's contract and employment status.

Regular meeting closed at 5:30 P.M.

7. Reconvene to Open Session

- a. Following deliberations in Closed Session, the City Council will reconvene in Open Session to take any final action required on the matters discussed in Closed Session.

Regular meeting reconvened at 7:32 P.M.

Council Discussed Agenda Item 7.A

Motion made by Council Member Garza seconded by Council Member Lozano to grant Tory Reise additional time to speak

Aye:

Council Member Garza
Council Member Lozano
Council Member Martin

Nay:

Council Member Hitt
Council Member Molina
Mayor Pro-Tem Apodaca
Mayor Grider

Motion does not pass with a 3-4 vote

Motion made by Council Member Garza seconded by Council Member Martin to grant Jack Miller additional time to speak

Aye:

Council Member Garza
Council Member Lozano
Council Member Martin

Nay:

Council Member Hitt
Council Member Molina
Mayor Pro-Tem Apodaca
Mayor Grider

Motion does not pass with a 3-4 vote

Patric White- discussed updating ordinances discussed 2013 open meeting act expressed disappointment

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Hitt to accept resolution number r-2023-24 a final resolution of the city council of the city of Kirby terminating the city manager's employment agreement providing for severance pay and creating an effective date with corrections to section 2 and 3 (section two the city council and Brian Roland have agreed to discuss to enter into a separation and release agreement and then section three the city council directs the acting city manager William Hilburn to pay Brian Roland a severance consistent with the contract and consistent with the separation and release agreement)

Aye:

Council Member Hitt
Mayor Pro-Tem Apodaca
Mayor Grider

Nay:

Council Member Garza
Council Member Molina
Council Member Martin
Council Member Lozano

Motion does not pass with a 3-4 vote

Regular meeting closed at 7:58 P.M. for Executive session
Regular Meeting Reconvened at 8:32 P.M.

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Hitt to accept resolution number r-2023-24 a final resolution of the city council of the city of Kirby terminating the city manager's employment agreement providing for severance pay and creating an effective date

Aye:

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

Nay:

Council Member Garza

Motion passed with a 6-1 vote

Motion made by Mayor Pro-Tem Apodaca Seconded by Council Member Hitt to appoint acting City Manager Chief Hilburn as Interim City Manager

Aye:

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

Nay:

Motion Passed 7-0 Vote

8. City Manager Announcements

9. Request And Announcements

Council Member Garza request Discussion and Possible Action on ordinance that prevents citizens speaking on agenda items

10. Adjournment

Meeting Adjourned at 8:36 P.M.

Janeshia Grider,
Mayor

Katelyn Ueckert
Interim 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.

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DATE OF POSTING: October 13, 2023
TIME OF POSTING: 5:00 P.M.



Janeshia A. Grider, Mayor

Sylvia Apodaca
Christopher Garza
Joe Molina

Maria Lozano
Mike Martin
Sally Hitt

**CITY COUNCIL MINUTES
REGULAR MEETING
THURSDAY, OCTOBER 26, 2023 - 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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

Topic: Regular City Council Meeting

Date and Time: October 26, 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

1. Call Meeting to Order

Mayor Grider Called Meeting to order at 7:12 P.M.

2. Invocation and Pledge of Allegiance to the Flag

Mr. Rich Led with the Invocation and Pledge of Allegiance

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

Council Member Garza
Council Member Hitt
Council Member Lozano
Council Member Martin
Council Member Molina
Mayor Grider

Absent

Mayor Pro-Tem Apodaca

5. Citizen Participation

Brittany Trevino- Discussed right to be heard.

Joe Ramon- Discussed VFW and community, Discussed Road construction.

Robert Kyle-Discussed citizens' rights to speak Discussed Attorney Generals reasonable time ruling.

Susan Street-Discussed Borchers liens Discussed Ackerman Rd flaggers Discussed Senior Center Halloween event.

Patric White- Discussed council and prior City Manager Brian Rowland

Tory Riese- Discussed council's actions asked council to be reasonable.

Stacy Halton- Discussed water department in City of Kirby

Roger Romans- Discussed agenda item E Discussed VIA and Discussed state law.

Ismael- Discussed rights and control and interest in Kirby discussed apples.

Joseph Anthony- Discussed Council problems

Jeff Eckland- Discussed EDC and funding without a plan

Jack Miller- Discussed council limiting citizens to speak and discussed utilizing rights.

Mark Ruiz- Discussed Roasted Wild Boar Leg

Wayne Kerr- Discussed Citizens right to speak.

Danny Flunker- Discussed first Amendment

Brent McCain-Discussed rights to speak.

Gina Brandes and Michelle Holder- Discussed theft at Deans Auto their family business

6. Consideration Of And Action On Minutes

- a. Regular Minutes – July 6, 2023

Re-evaluate attendance and bring back to next meeting.

- b. Regular Minutes – October 12, 2023

Re-evaluate October 12 minutes for deliberation and vote after executive session and bring back to next meeting.

7. Presentations

a. Givler Engineering introduction presentation

David Givler and Greg Wassom Presented introduction to Givler

b. Beautification and Recycle Committee Yard of the Quarter

Glenda Curtis Accepted award on behalf of Harold and Lilian on Vinecrest

8. Discussion And Possible Action

a. Discussion and Update on correcting the resolution number for the cafeteria plan.

Mr. Riese Request Additional time to speak

Motion made by Council Member Garza seconded by Council Member Martin to give Tory Riese 3 additional minutes to speak on agenda item

Aye :

Council Member Garza
Council Member Martin
Council Member Lozano

Nay:

Council Member Hitt
Council Member Molina
Mayor Grider

Motion does not pass 3-3 vote.

Tory Riese Discussed Vote to speak

Motion made by Council member Garza Second by Council Member Lozano to change the resolution for the Cafeteria plan from R-2023-764 to R-2023-766

Aye :

Council Member Garza
Council Member Hitt
Council Member Martin
Council Member Lozano
Council Member Molina
Mayor Grider

Nay:

Motion Passed with a 6-0 Vote

b. Discussion and Possible Action on releasing 4907 Borchers Liens due to tax sale.

Tory Riese Requested additional time to speak

Motion Made by Council Member Martin Seconded by Council Member Garza to give Tory Riese 3 additional minutes to speak on agenda item

Aye :

Council Member Garza
Council Member Martin
Council Member Lozano

Nay:

Council Member Hitt
Council Member Molina
Mayor Grider

Motion does not pass 3-3 vote.

Patric White Requested additional time to speak

Motion Made by Council Member Martin Seconded by Council Member Garza to give Patric White 3 additional minutes to speak on agenda item

Aye :

Council Member Garza
Council Member Martin
Council Member Lozano

Nay:

Council Member Hitt
Council Member Molina
Mayor Grider

Motion does not pass 3-3 vote.

City Council and Dalia Alvarez Property owner Discussed 4907 Borchers Liens

Motion made by Council Member Garza Seconded by Council Member Molina to table Discussion and Possible Action on releasing 4907 Borchers Liens due to tax sale until Dalia can supply the judgment of foreclosure and further documentation

Aye :

Council Member Garza
Council Member Hitt
Council Member Martin
Council Member Lozano
Council Member Molina
Mayor Grider

Nay:

Motion Passed with a 6-0 Vote

- c. Discussion and Possible Action on Ackerman Rd change order 3 and 5 and update on project.

Tory Riese Requested additional time

Motion Made by Council Member Garza Seconded by Council Member Martin to give Tory Riese 3 additional minutes to speak on agenda item

Aye :

Council Member Garza
Council Member Martin
Council Member Lozano

Nay:

Council Member Hitt
Council Member Molina
Mayor Grider

Motion does not pass 3-3 vote.

Patric White Requested additional time to speak

Motion Made by Council Member Garza Seconded by Council Member Martin to give Patric White 3 additional minutes to speak on agenda item

Aye :

Council Member Garza
Council Member Martin
Council Member Lozano

Nay:

Council Member Hitt
Council Member Molina
Mayor Grider

Motion does not pass 3-3 vote.

Humberto absent for agenda item

Motion made by Council Member Garza seconded by Council Member Martin to table Agenda item C until next meeting

Aye :

Council Member Garza
Council Member Hitt
Council Member Martin

Nay:

Council Member Lozano
Council Member Molina
Mayor Grider

Motion Passed with a 6-0 Vote

Motion made by Council Member Martin seconded by Council Member Garza to take a 10 min Break

Aye :

Nay:

Council Member Garza
Council Member Hitt
Council Member Martin
Council Member Lozano
Council Member Molina
Mayor Grider

Motion Passed with a 6-0 Vote

Break taken at 9:29 to 9:40

- d. Discussion and Possible Action to hire Employment Company for Executive positions such as City Manager, Financial Director/ HR Manager.

Mr. Reise asked for additional time.

Motion made by Council Member Garza Seconded by Council Member Martin to give Tory Riese 5 minutes on Agenda item 8D

Aye :

Nay:

Council Member Garza
Council Member Martin

Council Member Hitt
Council Member Lozano
Council Member Molina
Mayor Grider

Motion does not pass 2-4 vote.

Tory Riese Discussed using outside firm for hiring Executive positions.

Chris from TriStar Discussed company and successes.

Patric White Discussed mayor of Live Oak

Mr. Lunt with T2L Discussed company and methods.

Ms. Gorshing with CPS Hr Consulting Discussed company and successes and work with recruitment services.

Mr. Dickson with Texas First Group Discussed methods and company.

Mr. Boese with Clear Career Professionals Discussed company methods and processes.

Council Discussed options.

Motion made by Council member Lozano Second by Council Member Garza to Hire Texas First Group for interim City Management services after City Attorney reviews the contract.

Aye :

Nay:

Council Member Garza
Council Member Hitt
Council Member Martin
Council Member Lozano
Council Member Molina
Mayor Grider

Motion Passed with a 6-0 Vote

Motion made by Council member Garza Second by Council Member Martin to Hire Clear Career Professional to hire a permanent City Management after City Attorney reviews the contract.

Aye :

Nay:

Council Member Garza
Council Member Hitt
Council Member Martin
Council Member Lozano
Council Member Molina

Mayor Grider

Motion Passed with a 5-1 Vote

- e. Discussion and Possible Action to hire consultant to evaluate the placement of an election for an Economic Development Corporation, dissolve or reduce tax from Crime Control & Prevention District Board, and withdrawal from San Antonio Metropolitan Transit Authority on May 2024 Ballot.

Council Discussed separating Agenda item 8E into three separate items.

Tory Riese Discussed Open Meetings Act

Council Discussed Agenda item 8E

Debra McMillan Discussed Kirby's lack of land discussed inadequate infrastructure and skilled workers discussed VIA contract.

Marina Espinalda Discussed Via and transportation experience and benefits.

Motion made by Council Member Garza second by Council Member Martin to Allow James Keen to speak.

Aye :

Council Member Garza
Council Member Martin
Council Member Lozano

Nay:

Mayor Grider
Council Member Hitt
Council Member Molina

Motion Failed with a 3-3 vote

Mr Marx and Mr Herrera with Via Discussed Via benefits and contract.

Roger Romans Discussed Agenda item 8E

Mr. Riese requested more time to speak on Agenda Item 8E

Motion Made by Council Member Garza Seconded by Council Member Martin to allow Tory Riese three minutes to speak.

Aye :

Council Member Garza
Council Member Martin
Council Member Lozano

Nay:

Mayor Grider
Council Member Hitt
Council Member Molina

Motion Failed with a 3-3 vote

No action taken on agenda item 8E

- f. Discussion and Possible Action on approving members for economic development committee.

Motion Made by Council Member Garza Seconded by Council Member Martin to appoint Hernandez Puente to the Economic Development committee.

Aye :

Nay:

Council Member Garza
Council Member Martin
Council Member Hitt
Council Member Lozano
Council Member Molina
Mayor Grider

Motion Passed With a 6-0 Vote

Motion Made by Council Member Garza Seconded by Council Member Martin to appoint Jaun Cantu to the Economic Development committee.

Aye :

Nay:

Council Member Garza
Council Member Martin
Council Member Lozano

Mayor Grider
Council Member Hitt
Council Member Molina

Motion Failed with a 3-3 vote

Motion Made by Council Member Garza Seconded by Council Member Lozano to appoint Tangela Dove to the Economic Development committee.

Aye :

Nay:

Council Member Garza
Council Member Martin
Council Member Lozano

Mayor Grider
Council Member Hitt
Council Member Molina

Motion Failed with a 3-3 vote.

- g. Discussion and Possible Action to change November and December Council dates due to holiday schedule.

City Council discussed agenda item G

Motion Made by Council Member Garza Seconded by Council Member Hitt to Change November and December Council dates due to holiday schedule to November 16th and December 7th and create an ordinance

Aye :

Nay:

Council Member Garza
Council Member Martin
Council Member Hitt
Council Member Lozano
Council Member Molina
Mayor Grider

Motion Passed With a 6-0 Vote

- h. Discussion and Possible Action to Purchase Holiday Decorations for City of Kirby Christmas Tree Lighting.

Council discussed agenda item H

Council discussed other options and planning for next year

No action taken

- i. Discussion and Possible Action to contract an outside law enforcement agency to assist Kirby Police Department due to officer vacancies.

Glenda Curtis discussed theft and safety discussed needing more of a police presence

Council discussed agenda item I

Chief Cardona discussed agenda item I

No action taken

- j. Discussion and Possible Action to organize a petition to amend the charter for board and commissions qualifications and/or disqualifications.

Council and City Attorney discussed agenda item J

No action taken

- k. Discussion and Possible Action on support for City of Kirby Halloween community events.

Council discussed agenda item K

9. City Manager Announcements

Acting City Manager William Hilburn Announced early voting and Community Garage sale November 17-19th

10. Request And Announcements

Council Member Lozano thanked everyone who came, Requested the Citizen Participation time limit be added to next agenda, announced October is Breast cancer awareness month, announced St Joan Of Ark Festival

Council Member Garza requested he would like ordinance on citizen participation looked into for lawfulness and if it suits City of Kirby meetings, request zooms sound looked into, announced fall festivals for St Joan of ark and Baptist church, request update on Binz Engleman opening, Announced via link

Council Member Molina Thanked everyone who came out and city staff

Council Member Hitt Announced Beautification and Recycle Committee change of meeting date to November 14

11. Adjournment

Janeshia Grider,

Mayor

Katelyn Ueckert
Interim 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: October 23, 2023

TIME OF POSTING: 6:00 P.M.

<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: November 9, 2023

AGENDA ITEM: 10 a.

Discussion and Update on Binz Engleman Rd and opening timeline.

<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: November 9, 2023

AGENDA ITEM: 10 b.

Discussion and Possible Action on the Ordinance O-2022-911 that outlines the citizen participation policy during City Council Meetings.

AN ORDINANCE REPEALING SECTIONS 30.01 – 30.10 OF THE CODE OF ORDINANCES OF THE CITY OF KIRBY RELATING TO THE CITY COUNCIL AND ITS RULES OF PROCEDURE AND RULES FOR CITIZEN PARTICIPATION AT MEETINGS AND ADOPTING NEW SECTIONS 30.01 – 30.10 OF THE CODE OF ORDINANCES OF THE CITY OF KIRBY RELATING TO THE RULES OF PROCEDURE FOR THE CITY COUNCIL AND RULES FOR CITIZEN PARTICIPATION AT CITY COUNCIL MEETINGS AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Sections 30.01 – 30.10 of the Code of Ordinances of the City of Kirby, Texas include provisions as to the Rules of Procedure for the City Council and as to citizen participation at meetings of the City Council; and

WHEREAS, the 2019 amendment to Section 551.007 of the Texas Government Code provided that a governmental body is to provide an opportunity for direct public participation at meetings; and

WHEREAS, in opinion No. KP-0300, the Attorney General of Texas stated that "A county may satisfy subsection 551.007(b)'s requirements by having a single public comment period at the beginning of an open meeting to address all items on the agenda;" and

WHEREAS, the City Council believes that persons who wish to address the City Council must sign up to do so prior to the start of a meeting and must specify whether they will speak during the Citizen Participation portion of a City Council meeting or during a specific agenda item; and

WHEREAS, the City Council also believes that designating a location for camera recording of meetings will reduce the risk of potential disruption of a meeting; and

WHEREAS, the City Council believes that revisions should be made to portions of Sections 30.01 – 30.10 of the Code of Ordinances to ensure consistency as to what vote of the City Council is needed to extend time for citizen comment during City Council meetings; and

WHEREAS, the City Council believes that current Sections 30.01 – 30.10 of the Code of Ordinances should be repealed and that new Sections 30.01 – 30.10 of the Code of Ordinances should be adopted to revise provisions regarding citizen comments, to designate location of cameras for recording of meetings, and revised for consistency as to extending time for citizen comments and for consistency with the City Charter as to the number of votes of the City Council needed to take action.

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

Section 1. Sections 30.01 – 30.10 of Chapter 30 of the Code of Ordinances are hereby repealed.

Section 2. New Sections 30.01 – 30.10 of Chapter 30 of the Code of Ordinances are hereby adopted to read as follows:

§ 30.01 RULES OF PROCEDURE ADOPTED.

The following Rules of Procedure (the "Rules") are adopted by the City Council (the "Council") in accordance with Section 2.11 of the City Charter of the City of Kirby which states that the Council shall, by ordinance, determine its own rules and order of business and rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.

All meetings of the City Council of the City of Kirby shall be conducted in accordance with this chapter and Texas Open Meetings Act, Government Code Chapter 551.

Meetings shall be conducted in accordance with Roberts Rules of Order, unless such rules shall conflict with this chapter or state law, in which case this chapter or state law shall control.

(Ord. No. O-2015-769 , § 1.0, 6-11-2015; Ord. No. O-2016-804 , §§ 1, 2, 12-15-2016)

§ 30.02 PURPOSE AND GUIDING PRINCIPLES.

These rules are simple, and meant to be kept simple. Strict technical rules tend to impede rather than advance the legislative process. Reason, common sense, and cooperation must prevail in the conduct of City business. Dissent and debate are essential and beneficial elements of our system of free and open government, but rules should not be used to hinder the process however the ultimate outcome is viewed by an individual or group.

(Ord. No. O-2015-769 , § 2.0, 6-11-2015)

§ 30.03 MEETINGS.

- (A) *Regular meetings.* In accordance with Section 2.09 of the City Charter, the Council shall hold at least 2 regular meetings each month and as many called meetings as it deems necessary to transact the business of the City and its citizens. The Council shall fix, by ordinance, the day and time of the regular meetings. Emergency meetings of the Council shall be held on the call of the Mayor or on the request of 3 of the Council members, and upon no less than 2 hours posted notice to each member subject to the requirements of the Texas Open Meetings Act.

Any time a regular meeting date falls on a holiday observed by the City of Kirby the Council shall take action in advance to reschedule such meeting.

All regular meetings shall begin promptly at 7:00 p.m. (See Workshop meetings below).

Regular meetings shall be held at the City Hall as required by the Charter.

- (B) *Special meetings.* Special meetings may be called upon written request of the Mayor or any 3 Council members.

Special meetings may be called to address and act on matters which should not be delayed until a regular meeting.

Special meetings shall be called to begin promptly at 7:00 p.m., unless circumstances reasonably require a different starting time.

Except in unusual circumstances, which shall be stated on the meeting agenda, special meetings will be held at the City Hall.

- (C) *Workshop meetings.* Workshop meetings may be called upon written request of the Mayor or any 3 Council Members.

The purpose of workshop meetings is to give the City Council the opportunity to discuss in depth or explore in detail subjects of interest to the City.

No action item(s) shall be placed on the agenda for a workshop meeting.

Except in unusual circumstances, which shall be stated on the meeting agenda, workshop meetings will be held at the City Hall.

- (D) *Public meetings: Executive sessions.* All meetings of the City Council are open to the public, in compliance with the Texas Open Meetings Act, provided that the City Council may conduct closed executive sessions in compliance with the Texas Open Meetings Act.

(Ord. No. O-2015-769 , § 3.0, 6-11-2015)

§ 30.04 AGENDA.

- (A) *Items on the agenda.* An item may be placed on the agenda by the Mayor or City Manager. The City Manager, working in conjunction with the Mayor, will exercise his or her best judgment in determining what other items of City business should come before the Council. City staff seeking to have an item placed on an agenda shall submit that item to the City Manager's office for consideration. If 2 or more of the City Council members make a request in writing that an agenda item be placed on the agenda for any subsequent meeting, then such item shall be placed on the agenda for discussion and/or action as requested. A City Council member, in accordance with Section 551.042 of the Texas Government Code, may propose an item be placed on the agenda for a subsequent meeting, and any deliberation or decision on such item shall be limited to the proposal to place the item on the agenda for a subsequent meeting.

If a Council member has a question regarding an agenda item, the Council member should contact the City Manager no later than 2 days prior to the scheduled meeting for clarification.

A sufficient number of copies of City Council agendas shall be available to the public in advance of every council meeting both at City Hall and in council chambers immediately preceding the meeting. In no event, however, shall failure to provide any copy of any ordinance or resolution in any way affect the validity of said ordinance or resolution as passed by the City Council.

No agenda item shall be worded in such a manner as to imply approval or disapproval of the action sought. Wording shall be neutral in character while giving the public full notice of the subject matter under consideration.

- (B) *Submission of items and backup materials.* Items to be placed on the agenda, including the materials to be distributed to Council in connection with the items, must reach the City Secretary's office at the City Hall before noon on the Wednesday of the week preceding the Council meeting.
- (C) *Packets.* The agenda packets for all Regular meetings will be emailed after 4:00 p.m. on the Monday preceding the Thursday meeting. This should afford ample time for all Council members to inquire into the nature of each matter to be discussed.

(Ord. No. O-2015-769 , § 4.0, 6-11-2015; Ord. No. O-2016-804 , §§ 3, 7, 12-15-2016)

§ 30.05 COUNCIL PROCEEDINGS.

In accordance with Section 2.10 of the City Charter, 4 persons holding Council positions shall constitute a quorum for the purpose of transaction of business and no action of the Council except as provided in Section 2.06 of the City Charter, shall be valid or binding unless adopted by the affirmative vote of 4 or more persons holding Council positions.

(Ord. No. O-2015-769 , § 5.0, 6-11-2015)

§ 30.06 PARLIAMENTARY PROCEDURES.

In all City Council meetings the following 17 rules of parliamentary procedure will be followed. In the event that conflict results in gridlock and reasonable compromise fails to move the Council forward in the conduct of City business, or if a situation arises that is not covered by the 17 rules of parliamentary procedure below, then Robert's Rules of Order will be followed as necessary, subject to the City Charter, City ordinances, and State law. After the Council has heard all of the facts, reviewed the supporting data, and listened to the arguments for and against each agenda item, it acts by approving or disapproving a motion. In the event that there is no motion or no second to a motion, no action will be deemed taken. While Robert's Rules of Order would require a motion to act prior to any discussion of any item on the agenda, this policy permits introduction of an item and discussion prior to making a motion for action. There may be situations in which the presiding officer concludes that there is a consensus among the Council and that the issue is one that would not require an official vote and states for the record the determination of the Council (e.g., hearing no objection, so ordered).

The rules of parliamentary procedure are as follows:

- (1) *Questions to contain one subject.* All questions (motions) submitted for a vote shall contain only 1 subject. If a question contains 2 or more points under 1 subject, any member may require a division, if the question reasonably admits of a division.
- (2) *Main motion.* A subject is introduced by a main motion. Once seconded, no other topics should be taken up until after the motion is disposed of.
- (3) *Second.* Any motion requires a second or it dies for lack of a second.
- (4) *Motion to amend.* This motion is used when the intention is to change, add, or omit some part of a main motion. This motion is debatable and requires a vote of at least 4 members of the City Council for passage. A motion to amend is not amendable. First a vote is held on the motion to amend. If that vote is affirmative, the second vote is held on the main motion as amended.
- (5) *Motion to table or postpone to a certain time.* This motion would require that consideration of a main motion be delayed until a certain, stated time—for, among other reasons, to obtain more information. A future date certain should be set when the subject would be considered. This motion is debatable and requires a vote of at least 4 of the members of the City Council for passage.
- (6) *Motion to move the question or call the question.* This motion is made to end discussion that has become lengthy or repetitious. When seconded, the presiding officer immediately moves or calls the vote on the question of closing the discussion. This motion is not debatable and requires a two-thirds vote of the members present for passage.
- (7) *Motion to reconsider.* A vote may be reconsidered during the same meeting on a motion made by a member who votes on the prevailing (winning) side of the issue. This motion is debatable and requires a vote of at least 4 members of the City Council for passage. First a vote is held on the motion to reconsider. If that vote is affirmative, the second vote is held on the issue to be reconsidered.
- (8) *Reconsideration of a subject when defeated.* When an ordinance, resolution, motion, or other measure has been placed on the agenda, voted on, and defeated, the same question shall not again be placed on the agenda for a subsequent meeting to be considered by the Council until a lapse of 90 days, unless at least 4 members of the Council vote, at a public meeting, that the question be placed on the agenda of a subsequent meeting, stating the date.
- (9) *Suspension of rules or order of agenda.* Subject to compliance with the Texas Open Meetings Act and the City Charter, any one or all of these rules of parliamentary procedure may be suspended in order to allow a particular consideration of a subject or matter, provided at least 4 of the members of the City Council vote in favor of such suspension; provided further, the order of business on an agenda may also be modified by such vote. A motion to suspend the rules or to modify the order of business on an agenda is debatable and requires a vote of at least 4 members of the City Council for adoption.
- (10) *Voting.* Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes.

All votes by the City Council, except on procedural motions, shall be by roll call and ending with the mayor.

All members of the Council present, including the Mayor, may vote upon every resolution or ordinance, except where there is a conflict of interest, the reason for which shall be stated concisely in the records.
- (11) *Frivolous or delaying motions.* The presiding officer shall not entertain any motion which is frivolous or clearly made for the purpose of delay. In the event a conflict develops, any member may call for a vote (requiring the affirmative vote of at least 4 members of the City Council for adoption) to consider the matter or to move to the next item of business.
- (12) *Point of order.* A point of order can be raised at any time and supersedes any issue being discussed at the time. A member who believes the rules are not being followed may use this mechanism to call

attention to the problem. The presiding officer must rule on the point of order before proceeding. When the presiding officer makes a ruling on a point of order and one of the Council members states, "I appeal the ruling of the chair," or words to such effect, no other business shall be transacted until the question, "Shall the ruling of the chair be sustained?" is voted on. The presiding officer shall immediately put such question to vote without debate, and, if the presiding officer fails to do so immediately, any member of the City Council may put the question to a vote.

- (13) **Questions and Inquiries.** A member may ask about correct procedures, ask for facts, ask to speed things along, ask for a recess for comfort and convenience, or other relevant questions and inquiries. The presiding officer shall respond to the question or refer it to the proper person.
- (14) **Limit debate.** The Council may agree to limit debate on any subject before it is discussed or debated. The agreement to limit debate should be formalized by a vote of at least 4 members of the City Council.
- (15) **Recessed meetings.** Recessing a meeting is not a favored practice. However, if circumstances require, any meeting of the Council may be recessed to a later time or date, provided that no recess shall be for a longer period than until the next scheduled meeting. Prior to the recess the presiding officer shall announce the time, date, and subject(s) of the meeting to be reconvened. Except for a meeting recessed to the following regular business day, a new agenda shall timely be posted for the reconvened meeting, making clear reference to the recessed meeting and otherwise in compliance with the Texas Open Meeting Act. The presiding officer may declare the meeting recessed without waiting for a motion. A member may make a motion to recess the meeting. When the meeting is recessed, the meeting is immediately halted. The motion to recess made by a member is not debatable and a vote of at least 4 members of the City Council is required for passage.
- (16) **Motion to adjourn.** If the time set for adjournment has arrived or if there is no further business, the presiding officer may declare the meeting adjourned without waiting for a motion. A member may make a motion to adjourn. When the meeting is adjourned, the meeting is immediately halted. The motion to adjourn made by a member is not debatable and a vote of at least 4 of the members of City Council is required for passage.
- (17) **Procedural summary.** The following summary of these procedural rules is included for ease of reference. In the event of an interpretation conflict between this summary and the narrative provisions of these procedural rules, the narrative procedural rules shall control.

MOTION	DEBATABLE	AMENDABLE	VOTE OF MEMBERS NEEDED
Main Motion	yes	yes	4
Motion to Amend	yes	no	4
To a Certain Time	yes	yes	4
Move or Call Question	no	no	two-thirds
Reconsider	yes	yes	4
Suspend Rules	yes	yes	4
Point of Order	no	no	(Presiding Officer)
Limit Debate	no	no	4
Recess	no	no	4
Adjourn	no	no	4

(Ord. No. O-2015-769 , § 6.0, 6-11-2015; Ord. No. O-2016-804 , § 6, 12-15-2016)

§ 30.07 CITY COUNCIL MEMBERS DECORUM AND DEBATE.

When a measure is presented for consideration to the Council, the presiding officer shall recognize the appropriate individual to present the matter. When 2 or more members wish to speak, the presiding officer shall name the member who is to speak first. No member of the Council shall interrupt another while speaking, except to make a point of order. The presiding officer shall not be obligated to recognize any Council member for a second comment on the subject or amendment until every Council member wishing to speak has been allowed a first comment. Council members shall also have the right to yield the floor to another member.

If, during debate upon any ordinance, resolution, motion or other matter before the Council, any member moves that the subject under discussion be put to a vote without further debate, and the motion is seconded, the presiding officer shall immediately and without debate put the question, "Shall the subject being discussed be put to a vote?" to a vote of the Council, and if two-thirds of the Council members present vote in favor of ordering the vote, debate on the question shall be closed and a vote on the ordinance, resolution, motion or other measure shall be taken immediately.

Council members should not indulge in personal attacks, use personally offensive language, arraign motives of Council members or staff, charge deliberate misrepresentation, or use language tending to hold a member of the City Council or staff up to contempt.

If a Council member is transgressing the rules of the Council, the presiding officer shall, or any Council member may call such member to order, in which case such member shall immediately be quiet unless permitted to explain. The Council shall, if appealed to, decide the matter by a vote of at least 4 members of the City Council without debate. If the decision is in favor of the member called to order, such member shall then be at liberty to proceed, but not otherwise, and in any event only in compliance with these rules.

No member shall speak more than 5 minutes on any question or amendment to the question except as further provided in this rule.

No member shall speak more than the time limits provided on any subject or amendment, but such member may use such member's time in any combination, in separate speech or comments totaling the number of minutes permitted.

Any member deciding to speak more than 5 minutes on any question or more than 5 minutes on any amendment to the question shall be accorded the privilege only upon motion supported by a vote of at least 4 members of the Council.

If a member is speaking without being recognized or otherwise violating any of the rules of the Council, the presiding officer shall, or any Council member may, call such member to order in which case such member shall immediately be quiet unless permitted to explain. The Council shall, if appealed to, decide the matter without debate. If the decision is in favor of the member called to order, such member shall be at liberty to proceed, but not otherwise, and if the disruption continues, such member shall be liable to censure or to such punishment as the Council deems proper and consistent with applicable State statutes or city ordinances.

In accordance with Robert's Rules of Order, the City Council may override any decision of the presiding officer regarding the conduct and handling of the Council meeting. In order for a decision of the presiding officer to be overruled, there must be a motion, a second, and a vote by at least 4 members of the City Council overruling the decision of the presiding officer.

(Ord. No. O-2015-769 , § 7.0, 6-11-2015)

§ 30.08 DUTIES OF PRESIDING OFFICER.

At all meetings it is the responsibility of the presiding officer to use the rules of procedure appropriately so that good order and reasonable decorum are maintained and the business of the meeting goes forward. The presiding officer's duties include:

- (1) Calling the meeting to order at the time set.
- (2) Following the agenda and clarifying to the members what is being voted on at all times.
- (3) Ensuring that the rules and procedures for the conduct of meetings are followed.
- (4) Dealing firmly with whispers, commotion, disruptions, and frivolous motions.
- (5) Ensuring that debate is confined to the merits of the question and that personal comments are avoided.
- (6) Ensuring that the rules for citizen participation are followed.
- (7) Remaining calm and dealing fairly with all sides of an issue, regardless of personal opinion.
- (8) Ensuring that City business is handled expeditiously during Council meetings.

(Ord. No. O-2015-769 , § 8, 6-11-2015)

§ 30.09 CONDUCT OF MAYOR AND COUNCIL MEMBERS.

Any member of the City Council including the Mayor, who fails to observe decorous and orderly behavior during a meeting or who disturbs a meeting of Council with such disorderly conduct is subject to being expelled from such meeting upon motion passed by a vote of at least 4 members of the City Council at such meeting. Any member reprimanded by motion or expelled from a meeting by motion who thereafter commits another breach of decorous and orderly behavior during a subsequent meeting and again disturbs any meeting of the Council by such disorderly conduct shall be subject to the same power of Council to reprimand him/her, expel him/her from the meeting, or submit such member to complaint or investigation of official misconduct.

No member of the Council, including the Mayor, shall be permitted to address the Council during a public hearing held by the Council or to address any Board or Commission of the City during a public hearing held by such Board or Commission.

A Council member prevented from voting by a conflict of interest shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council's deliberation of the matter in any way, shall not attend executive sessions regarding the matter, and shall otherwise comply with the State law and city ordinances concerning conflicts of interest including Chapter 171 of the Texas Local Government Code.

(Ord. No. O-2015-769 , § 9, 6-11-2015)

§ 30.10 CITIZEN PARTICIPATION AT MEETINGS.

- (A) *Rules for speakers.* Citizens will be allowed to speak at a meeting; provided, however, before a member of the public may address City Council or speak at a meeting, the presiding officer must first recognize the member of the public who wishes to speak and announce that the person may proceed. All guests and other persons who are to speak to the City Council, including staff members, other than the City Manager, City Attorney, or City Secretary, shall wait in the audience until recognized. When called by the presiding officer for an opportunity to be heard, that person shall move immediately to the podium and make their comments.

No placards, banners, or signs will be permitted in the City Council chamber or in any other room in which the City Council is meeting. Exhibits, displays, and visual aids used in connection with presentation to the City Council are permitted.

- (B) *Time limit.* The presiding officer, or the City Council by a vote of at least 4 members of the City Council, may set a reasonable time limit for any citizen or person in attendance who desires to address the Council or speak at a meeting.

Total time for public comment on any subject under Citizen Participation shall be 5 minutes per speaker except as indicated in Subparts H and I hereof. All persons are only allowed to speak once and their time

- allotted shall not be transferred to another individual to accumulate their speaking time. By an affirmative vote of at least 4 members of the City Council, the time limitations of this rule may be extended.
- (C) *Identification.* All members of the public speaking before Council shall preface their statements with their name and home address for the record.
 - (D) *Speaking from the podium.* The speaker shall remain at the podium until the Mayor has dismissed the speaker. Speaking from the podium will assure that the recording equipment picks up the presentation.
 - (E) *Spokesperson.* Speakers with similar or common interests are encouraged to select someone to act as a spokesperson in order to move the proceedings along. The presiding officer may urge the implementation of this rule at any time.
 - (F) *Public comments and receipt of petition.* Any person desiring to be heard by the City Council on any matter shall be heard during that part of the meeting reserved for Citizen Participation or public comments, presentation of a petition or, on matters related to the subject of a public hearing, during the time scheduled for a public hearing.
 - (G) *Scheduled speakers.* Speakers may request, in writing, an opportunity to be placed on the agenda to speak at a meeting concerning a specific matter, as identified in their written request. A written request to be placed on the agenda to speak must be delivered to the City Secretary, or the City Secretary's designee, by noon on Wednesday the week preceding the regular, special, or workshop meeting of the City Council. In the event that the number of speakers who request to be scheduled on the agenda indicates that the comments will be lengthy or repetitious, the presiding officer may schedule such matter for a public hearing or make other appropriate arrangements to ensure that the conduct of the City's business is not unduly impeded. The City Manager or the Mayor shall determine whether to put a specific item on an agenda as requested by a speaker.
 - (H) *Citizen participation.* Citizen comments may be made either (1) during the "citizens participation" portion of the meeting or (2) during the specific agenda item that the citizen wishes to address. Any person wishing to address the council must sign the register which will be provided and must specify whether they will speak during "citizen participation" portion of the meeting or during a specific agenda item. Citizen comments shall be limited to 5 minutes per speaker unless otherwise specified by the chair. Notwithstanding the foregoing, so long as the City does not have simultaneous translation equipment that allows the governmental body to hear translated testimony simultaneously, the time limit for a member of the public who requires the assistance of a translator to address the governmental body and addresses the governmental body through a translator shall be limited to 10 minutes. Time allotted per speaker may not be transferred to another individual to accumulate their speaking time.
 - (I) The time limitations set forth herein for remarks by citizens may be extended only by the affirmative vote of at least 4 of the members of the City Council.
 - (J) *Public criticism.* The City Council may not prohibit criticism of the City Council, including criticism of any act, omission, policy, procedure, program, or service. This subsection does not apply to public criticism that is otherwise prohibited by law.
 - (K) *Camera Recordings.* Citizens may record proceedings of the City Council. To avoid disruption of proceedings, persons recording meetings using camcorders, tripods, or similar equipment shall do the recording from the first row of the right side of the audience area of the City Council Chambers being the area behind the railing separating the audience area from the area where members of the City Council are seated. Persons recording meetings using a handheld cell phone may record from other parts of the public seating area at City Hall so long as they do not obstruct the view of others attending the Council meeting.
 - (L) *Persons Needing a Translator.* Persons needing a translator must notify the City Secretary in writing of their request for a translator at least 48 hours prior to the start time of the meeting at which they intend to speak to the City Council. The request must specify the language that is to be translated into English. The City is not obligated to provide a translator.

Section 3. This Ordinance shall supersede and replace Ordinance Numbers 0-2015-769, 0-2016-804, and 0-2019-863.

Passed on first reading on the 14th day of April, 2022.

Passed and adopted on second reading on the 28th day of April, 2022.

Kimberly McGehee Aldrich, Mayor

ATTEST:

Patty Cox, Secretary

ARTICLE III. - RULES OF DECORUM

Sec. 23-15. - Decorum.

- (a) *By council members.* While the council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council nor disturb any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.
- (b) *By attendees.* Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by the presiding officer, subject to loss of speaking privileges unless permission to continue be granted by a majority vote of the council.
 - (1) Reactions from the audience following the recognition and rewarding of citizens and special guests is considered appropriate and encouraged. Disruptive verbal and/or non-verbal reactions from the audience during staff presentations to the council and during debate between councilpersons are inappropriate and are not permitted. The presiding officer will ensure that the decorum of the meeting is maintained and is appropriate.
 - (2) It is not the intention of the city council to provide a public forum for the demeaning of any individual or group. Neither is it the intention of the city council to allow a member (or members) of the public to insult the honesty and/or integrity of the city council as a body, the proceedings of the city council, or any member or members of the city council, individually or collectively. The mayor and council will endeavor to ensure that meetings are conducted in a courteous manner, and in an atmosphere free of defamation, intimidation, personal affronts, profanity, or threats of violence.
 - (3) Members of the public shall not engage in any of the following in the meeting room during a city council meeting:
 - a. Shouting, unruly behavior, distracting side conversations, or speaking out when another person is talking.
 - b. Defamation, intimidation, personal affronts, profanity, or threats of violence.
 - c. Use of phones, pagers, radios, computers or other electronic equipment.

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- d. Booing, hissing, foot stomping, ripping of paper, parading, signing or other similar behavior that impedes or disrupts the orderly conduct of the meeting.
 - (4) Members of the public shall not attempt to provide direction regarding rules of procedure, order of business, or otherwise direct the city council on how to properly conduct a meeting. The mayor and the city council are the formal authority to determine what is, or is not: in order, out of order, or the correct way to conduct business of the city. The mayor, any city council member, the city manager, and the city secretary are the only individuals permitted to call a point of order or make recommendations as to how a meeting will be conducted. Outbursts and shouts to direct the meeting are unacceptable and will not be tolerated.
 - (5) No offensive, vulgar, or distracting placards, banners, signs, or apparel shall be permitted to be erected or displayed by persons in attendance in city council chambers or in any other room in which the city council is holding a meeting. Exhibits, displays, and visual aids used in connection with presentations to the city council are permitted.

(Ord. No. 2021-11-01, § I(Exh. A), 11-16-21)

Sec. 23-16. - Enforcement of decorum.

- (a) Disturbances, transgressions of the rules or disorderly conduct in the council chamber may cause the transgressor to be removed from the meeting. The presiding officer of the meeting, shall exercise control over persons who disrupt the meeting in the following ascending order of action:
 - (1) Call the person to order, advising that person of the infraction.
 - (2) Advise the person that the infraction must cease immediately or the person will be ordered to leave the meeting.
 - (3) Order the person to leave the meeting. If the offending person is a member of council, the presiding officer shall call for a vote on the expulsion of that member from the meeting, and such vote requires a majority for adoption.
 - (4) A police officer may remove an individual or individuals for disrupting a meeting as authorized by V.T.C.A., Penal Code § 42.05.
- (b) The chief of police, or such member or members of the police department as he may designate, shall be sergeant-at-arms of the council meetings. He/she shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining

3

order and decorum at the council meeting. Upon instructions of the presiding officer unless otherwise directed by a majority vote of the council, it shall be the duty of the designated sergeant(s)-at-arms to remove any person who violates the order and decorum of the meeting.

(Ord. No. 2021-11-01, § I(Exh. A), 11-16-21)

Sec. 23-17. - Audience participation.

At meetings of the city council, the business of the city is conducted between the members of the city council and by those members of the staff, elected officials, department heads, consultants, experts and/or members of the public requested to be present and participate. While the public is invited and encouraged to attend all meetings of the city council, excluding executive sessions, and to ensure that meetings of the city council are conducted in a way that allows the business of the city to be effectively conducted, the public's participation therein is to be governed by the following:

- (1) Audience participation is limited to the role of observers except for during the public comment portion or public hearing portion of the meeting.
- (2) Members of the public in attendance at any regular, special, emergency, and/or workshop meeting of the city council shall conduct themselves with proper respect and decorum in speaking to and/or addressing the city council, in participating in public discussions before the city council, and in all actions in the presence of the city council. Members of the public speaking during comment periods or invited to speak shall remain behind the podium while speaking. Attendees must be physically present at a meeting to address the city council. Comments by proxy are not allowed.
- (3) City council members shall not have discussions during the public comment and public hearing portions of the agenda, nor take any action thereon other than to refer the item to city staff for research and possible future action.
- (4) It is the intention of the city council to provide open access to the resident and affected persons of the city to address the city council and express themselves on issues under consideration by the city council. In accordance with such, members of the public in attendance at city council meetings must be respectful of individuals making public comments before, during, and after such comments are made.

- 7
- (5) Persons may present printed material to be included in the council agenda packets one week prior to a meeting. Persons may present printed material to the city secretary to distribute to the council during a meeting, subject to the same deadline.

(Ord. No. 2021-11-01, § I(Exh. A), 11-16-21)

Sec. 23-18. - Addressing the city council.

- (a) *Public comments.* Before each meeting of city council the city secretary shall make citizen comment forms available, on which any city taxpayer or resident may sign his/her name, ward (district) and indicate the agenda item on which he/she wishes to speak. Members of the public that live outside of the city limits may make comments at the discretion of the presiding officer if time permits. Only public comments regarding agenda items will be allowed. Individuals must be physically present to address the city council. Comments by proxy are not allowed.
- (1) Individuals may address the council by oral communication by completing all requested information on the citizen comment form and placing it at the city secretary's desk on the dais, not later than five minutes before commencement of the meeting.
- (2) Each person addressing the council shall step up to the podium, shall give his/her name and ward (district) for the record, and, unless further time is granted by the council, shall limit his/her address to three minutes. Unused public comment time may not be "designated" or "yielded" to other attendees. All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than the council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked to a councilperson except through the presiding officer. Any such question shall be referred by city council to the city manager, for further handling.
- (3) Persons wishing to address the council on more than one agenda item or topic in a single meeting must speak on all such agenda items or topics during their three-minute presentation. Additional time is not given for additional items (however, emailing, writing, calling, or visiting with council members outside of meetings is, of course, unlimited). This requirement does not restrict anyone from also speaking at any public hearing (see additional information below).

(b) *Public hearings.* Public hearings provide municipal residents and affected parties an opportunity to be heard, typically on certain land use items, final ordinance readings, the annual adoption of the municipal budget, and the annual adoption of the tax rate.

- (1) There is not a form or sign up requirement for public hearings at city council meetings. Only comments regarding a public hearing agenda item may be made during the public hearing portion of the meeting. Each person that wishes to address the council during the public hearing portion of the meeting must be in attendance physically and shall raise their hand to notify the presiding officer that they would like to speak. Once acknowledged by the presiding officer, the person shall step up to the podium and shall give his/her name and ward (district) for the record. Unless further time is granted by the presiding officer, the person addressing the council shall limit his/her address to three minutes. Individuals must be physically present to address the city council. Comments by proxy are not allowed. All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than the council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the council, without the explicit permission of the presiding officer. No question shall be asked to a councilperson except through the presiding officer. Any such question shall be referred by city council to the city manager for further handling.

(Ord. No. 2021-11-01, § I(Exh. A), 11-16-21; Ord. No. 2022-01-01, § I(Exh. A), 1-18-22)

<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: November 9, 2023

AGENDA ITEM: 10 c.

Discussion and Possible Action on a Resolution to approve the 2023 Tax Rolls.

RESOLUTION NO. R-2023-767

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRBY
CERTIFYING AND APPROVING THE TAX ASSESSMENT ROLLS OF
THE CITY OF KIRBY FOR THE YEAR 2023**

WHEREAS, Section 36.09(e) of the State Property Tax Code requires the tax roll to be approved by the taxing unit's governing body.

WHEREAS, the Bexar County Tax Assessor reflects a total tax levy for the City of Kirby of \$3,217,887.63.

WHEREAS, a summary of the assessment rolls for the tax year 2023 as of October 1, 2023 is attached hereto and made a part hereof.

NOW, THEREFORE, be it RESOLVED by the City Council of the City of Kirby that:

Section 1. That the tax assessment rolls of the City of Kirby, Texas for the year 2023 as submitted by the Bexar County Tax Assessor – Collector are hereby approved and certified.

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

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

Section 4. It is officially found, determined, and declared that the meeting at which this Resolution 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 Final Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 5. This Resolution is effective immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 20__

ATTEST:

Janeshia A. Grider, Mayor

Katelyn Ueckert,
Interim City Secretary



Albert Uresti, MPA, PCC
Office of the Tax Assessor - Collector

October 25, 2023

Ms. Roxanne Cardona, Interim City Manager
City of Kirby
112 Bauman
Kirby, Texas 78219

RE: City of Kirby – 2023 Tax Roll

Dear Ms. Cardona:

Enclosed is a summary of values and levies taken from the initial Tax Roll for the City of Kirby.

Section 26.09(e) of the State Property Tax Code requires the Tax Roll to be approved by the taxing unit's governing body. Please notify this office, at your earliest convenience, when the tax roll is approved by your governing body.

If you have any questions, please contact Mr. Carlos Gutierrez at 210-335-6600.

Sincerely,

A handwritten signature in black ink, appearing to read "Z/AS", is positioned above the typed name of the sender.

Albert Uresti, MPA, PCAC
Tax Assessor-Collector
Bexar County

AU:JAA/sb SA

Enclosure

2023 CERTIFIED TAX ROLL AS OF OCTOBER 1, 2023

TAX ASSESSMENT ROLLS OF KIRBY FOR THE YEAR 2023 SHOW THE FOLLOWING SUMMARIES:

ROLL	NUMBER ACCTS	MARKET VALUE	TAXABLE VALUE	FREEZE LOSS	TOTAL LEVY
REAL PROPERTY	2,996	584,876,618	494,379,867	.00	2,922,991.38
PERSONAL PROPERTY	236	50,753,954	49,679,247	.00	294,896.25
MOBILE HOME PROPERTY	0	0	0	.00	.00
MINERAL PROPERTY	0	0	0	.00	.00
OTHER PROPERTY	0	0	0	.00	.00
TOTAL	3,232	635,630,572	544,059,114	.00	3,217,887.63

RATE OF TAXATION ASSESSMENT RATIO 100%
TOTAL TAX RATE 00.591244

ALBERT URESTI, MPA, PCAC
TAX ASSESSOR-COLLECTOR BEXAR COUNTY

BY:

