



*Janeshia A. Grider, Mayor*

Christopher Garza  
Sylvia Apodaca  
Joe Molina

Maria Lozano  
Mike Martin  
Sally Hitt

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**CITY COUNCIL AGENDA  
REGULAR MEETING  
THURSDAY, MARCH 14, 2024 - 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

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This notice is posted pursuant to the Texas Open Meetings Act. The location where a quorum of the governmental body will be physically present is Kirby City Hall, City Council Chambers at 112 Bauman Street, Kirby, Texas 78219 and it is the intent to have a quorum present at that location and for the member of the governmental body presiding over the meeting to be physically present at that location. A member of the public who wishes to speak may do so by signing the participation sheet prior to the meeting being called to order.

Topic: Regular City Council Meeting

Date and Time: March 14, 2024 at 7:00 P.M. (Central Time)

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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**

Citizen's participation is for the City Council to receive information on issues that may be of concern to the public. Citizen's participation is limited to five (5) minutes per speaker. The 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 – February 8, 2024
- b. Regular Minutes – February 22, 2024

**7. Presentation**

- a. Badge Pinning and Swearing-In of New Police Officer Employee – Chief Cardona
- b. Badge Pinning and Swearing-In of New Fire Employee – Chief Hilburn

**8. Interim City Manager Reports**

- a. Update: Fire Department
- b. Update: Finance Department- Water Utility Update
- c. Update: Police Department Report
- d. Update: Public Works

**9. Action Items**

- a. Public Hearing, Discussion and Possible Action directing the Interim City Manager to proceed with legal guidance to dissolve the non-profit Kirby Senior Center and Board and discussion on creation of city department to be assigned under the City of Kirby City Manager for FY25. (City Attorney)
- b. Discussion and Possible Action regarding the settlement agreement with Dr Rowland. (City Attorney)
- c. Discussion and Possible Action on the Interim City Manager appointing an Acting City Manager within 60 days in accordance with the City Charter. (Mayor Grider)
- d. Discussion and Possible Action authorizing the Interim City Manager to issue Request for Qualifications (RFQ) for City Attorney. (Councilmember Garza & Councilmember Martin)
- e. Discussion and Possible Action to direct the Interim City Manager to enter into an agreement with a law enforcement auditor to conduct an audit of the policy and procedures and departmental operations of the Kirby Police Department. (Mayor Grider)
- f. Discussion and Possible Action to direct the Interim City Manager to authorize enter an agreement with Bain Medina Bain for an updated evaluation of

pavement management road services – evaluation of city streets.

(Councilmember Molina)

- g. Discussion and Possible Action to authorize Interim City Manager to enter into a contract with Advance Water Well Technologies to replace new valves on quotation. (Armando Marquez)
- h. Discussion and Possible Action providing Council direction to the Interim City Manager to negotiate an Agreement between the City of Kirby and the Greater Northeast Little League. (The Council)
- i. Discussion and Possible Action authorizing the Interim City Manager to seek a County CDBG Grant for improvements to the Senior Citizen Center, Parks, and Roads. (Councilmember Hitt & Councilmember Molina)
- j. Discussion And Possible Action on adopting an Ordinance Amending Code of Ordinances Title III, Administration, Article I, Sections 30.04, 30.07 and 30.10, Agenda, Meetings Regarding Decorum and Debate, Citizen Participation, and Section 30.11 related to Carrying of Firearms on City Owned Premises. (Chief Cardona, Mayor Grider & Mayor Pro-Tem Apodaca)
- k. Discussion and Possible Action to approve a plat for Bubble Bath, Lot 24 CB 5865. (Katelyn Ueckert)
- l. Discussion and Possible Action to authorize the Interim City Manager to seek proposals for new inspector services. (Katelyn Ueckert)
- m. Discussion and Possible Action on the Kirby Senior Center Contract – Resolution R-2023-759. (Councilmember Garza & Councilmember Martin)
- n. Discussion and Possible Action on the Removal of City Council Members from the Kirby Senior Center Board. (Councilmember Garza & Councilmember Martin)
- o. Discussion and Possible Action on the Mayor and Councils disregard and or violation for the Charter and its rules of policy and procedure. (Councilmember Garza)
- p. Discussion and Possible Action on the police policies in regards to equal access to city services. (Councilmember Garza)

10. **Closed Session:** Pursuant to Texas Government Code Section 551.074 (Personnel Matters) and 551.071(1) (Consultation with City Attorney): the city of Kirby City Council will convene in executive session on the following items:

- a. Discussion on seeking outside legal counsel to conduct an investigation of a personnel complaint. (Mayor Grider & Councilmember Lozano)
- b. Discussion and Possible Action approving the separation and release agreement with former City Manager Dr. Brian Rowland. (Mayor Grider)

11. **Open Session:** The City Council will reconvene into Regular Session upon conclusion of the Closed Session and may recall any item posted for Closed Session for action, as necessary.

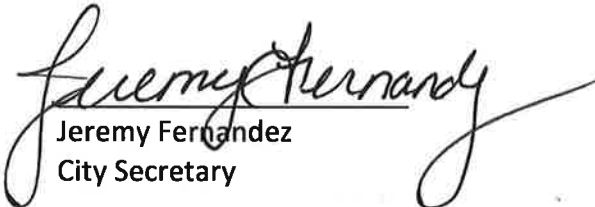
**12. City Manager Announcements**

- a. Announcements on City Events and Items of Community Interest.

**13. 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.

**14. Adjournment**



Jeremy Fernandez  
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: March 11, 2024

TIME OF POSTING: 6:00 P.M.

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

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

**DATE: March 14, 2024**

**AGENDA ITEM: 6. a.**

- a. Regular Minutes – February 8, 2024



*Janeshia A. Grider, Mayor*

Christopher Garza  
Sylvia Apodaca  
Joe Molina

Maria Lozano  
Mike Martin  
Sally Hitt

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**CITY COUNCIL AGENDA  
REGULAR MEETING MINUTES  
THURSDAY, FEBRUARY 8, 2024 - 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

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Topic: Regular City Council Meeting

Date and Time: February 8, 2024 at 7:00 P.M. (Central Time)

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1. **Call Meeting to Order**
2. **Invocation and Pledge of Allegiance to the Flag**

Mr. Rish lead the Invocation and Mayor Grider lead the 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**

Mayor Pro-Tem Apodaca  
Council Member Garza (via Zoom)  
Council Member Hitt  
Council Member Martin  
Council Member Molina  
Council Member Lozano  
Mayor Grider

**ABSENT:**

5. **Citizen Participation**

- Susan Street – Discussed the volume on the videos as well as the podium volume, citizens can't hear what is being talked about. Discussed of sections items on the agenda 8e, 8f, 8g, 8i and 8j.
- Roger Roman – Discussed the senior center to council, stating they have no authority to dissolve and also discussed the meeting minutes from the senior center board meetings in regards to dissolving the board.
- Jack Miller – Discussed about an email stating that it's not illegal to bring a knife, also discussed the email stating to press charges on him for doing it. Discussed the law firm, they don't do nothing about the 1<sup>st</sup> amendment. Stated will not poke at anyone's appearances.

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

- a. Regular Minutes – January 25, 2024

Council requested item be brought back to February 22<sup>nd</sup> Council meeting.

7. **Updates by staff and City Partners**

- a. Police Department – Update on Racial Profiling Report.

Chief Cardona gave Council an update on traffic stops, discussed what kind of stops, race, gender percentages.

- b. Public Works Department – Armando gave an update to Council about Foxcross, Carl Bain said going over plans, will submit package plans by the end of March.

**8. Action Items**

- a. Discussion Update and possible action on an Ordinance amending Code of Ordinances Title III, Administration, Article I, Meetings regarding decorum and debate and citizen participation and additions of Sections 30.11 and 30.12 related to carrying firearms on City owned Premises.

Chief Cardona discussed with Council, Council tabled item for February 22<sup>nd</sup> agenda. No action taken.

- b. Update on project, discussion and possible action on change order number 5 and extend the project completion date related to Austin Bridge and Road contract.

Councilmembers discussed the change order 5 and needed more information on costs, pipes, time frames to open. Council tabled item to February 22<sup>nd</sup> agenda.

- c. Discussion and Possible Action on ARPA Funds balance, recommended uses and provide direction to staff on use of funds.

Councilmembers discussed how to use the funds; how much is left. Council tabled item to February 22<sup>nd</sup> agenda to have all the information gathered.

Council asked for a 5 min break. Break at 8:30 returned at 8:35.

- d. Discussion and Possible Action in dissolving the Kirby Senior Center nonprofit and Board and placing under the City of Kirby.

Mayor Grider asked to have this item tabled for February 22<sup>nd</sup> to get a step-by-step process and have a legal memo on this.

- e. Discussion and Possible Action on maintenance operations the city swimming pool and provide direction to staff.

Councilmembers discussed contract and maintenance on pool. Mayor Grider discussed the water being green and discussed about a check she signed in December for maintenance. Councilmember Garza asked City Attorney if it is a breach of contract if pool is not maintenance on the days listed? City Attorney said yes if it's in the contract and not done. Mayor Pro-Tem Apodaca said that there is different maintenance during different seasons. No action taken.

- f. Discussion and Possible Action on the Agreement between the City of Kirby and the Greater Northeast Little League to renew the contract.

Motion made by Councilmember Martin 2<sup>nd</sup> by Councilmember Molina to keep the contract same as last year at \$750 a year, \$100 per month for electricity up to 5 months.

Motion did not pass with a 3-4 Vote

**Aye:**

Council Member Hitt  
Council Member Martin  
Council Member Molina

**Nay:**

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Lozano  
Mayor Grider

Councilmembers asked for this item to be tabled to February 22<sup>nd</sup> agenda with a new contract

- g. Discussion and Possible Action on creating new Variance/Specific use application.

Councilmembers asked for this item to be tabled to February 22<sup>nd</sup> agenda.

- h. Discussion and Possible Action on Certificate of Appointment for a Health Authority.

Motion made by Councilmember Lozano 2<sup>nd</sup> by Councilmember Martin to sign the Certificate of Appointment for Health Authority.

Motion Passed with a 4-3 Vote

**Aye:**

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

**Nay:**

Mayor Pro-Tem Apodaca  
Council Member Hitt  
Mayor Grider

- i. Discussion and Possible Action to create a Department of Parks and Recreation.

Item was tabled for February 22<sup>nd</sup> agenda.

- j. Discussion and Possible Action for the City to pay for Fitness Instructors.

Item was tabled for February 22<sup>nd</sup> agenda.

**9. Closed Session:** The City Council will recess its open meeting and reconvene in Closed Session:

Regular meeting closed at 9:16 p.m.

- a. Pursuant to Texas Government Code Section 551.074 (Personnel Matters) and 551.071(1) (Consultation with City Attorney): Consultation with City Attorney on the Charter and its rules of policy and procedure.
- b. Pursuant to Texas Government Code Section 551.074 (Personnel Matters) and 551.071(1) (Consultation with City Attorney): Discussion and Possible Action on personnel matters regarding policy and procedures.
- c. Pursuant to Texas Government Code Section 551.074 (Personnel Matters) and 551.071(1) (Consultation with City Attorney): To deliberate the appointment, employment, evaluation, duties of the position of Interim City Manager.

- 10. Open Session:** The City Council will reconvene into Regular Session upon conclusion of the Closed Session and may recall any item posted for Closed Session for action, as necessary.

Regular meeting open back up at 10:42 p.m.

Motion was made to accept Interim City Manger, Ken Roberts, letter of resignation effective immediately by Mayor Pro-Tem Apodaca and second by Councilmember Hitt.

Motion passed with a 7-0 Vote

**Aye:**

**Nay:**

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

A motion was made to appoint Chief William Hilburn as Interim City Manager with pay to commerce rate with position appointment Mayor Pro-Tem Apodaca and second by Councilmember Hitt.

Motion passed with a 7-0 Vote

**Aye:**

**Nay:**

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

**11. City Manager Announcements**

- a. Announcements on City Events and Items of Community Interest.

No announcements discussed.

**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

Council Member Garza - thanked everyone for coming out to the meeting. Requested a water update on citizens complaints on no refunds and wants the agenda item form on the next agenda.

Council Member Lozano – Thanked staff, citizens and council members. Reminded the community about RiverCity produce will be out on February 2<sup>nd</sup> from 3-5 p.m. and John Sterling Park. Senior Center Commodities February 15<sup>th</sup> from 8:30 – 11:00 a.m. and volunteers are needed for it.

Council Member Molina – Thanked everyone for coming out and staff. Requested updates on water connection with Saws and also wants updates on Ackerman Road Construction.

Mayor Pro-Tem Apodaca – Had no comments. Thanked everyone for coming out and to have a safe weekend.

Council Member Hitt – Announced the Senior Center Mardi Gras February 13<sup>th</sup> 10:30 to 11:30 a.m. at Guerrero Park.

Council Member Martin – Thanked everyone for coming out to the meeting. Requested that his items on the Senior Center be put back on the agenda.

Mayor Grider – Thanked everyone for coming out to the meeting. Requested that the appointment of the City Secretary be put on the next agenda.

**13. Adjournment**

Meeting Adjourned at 11:06 P.M.

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Janeshia A. Grider  
Mayor

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Jeremy Fernandez  
Interim City Secretary

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DATE OF POSTING: February 5, 2024

TIME OF POSTING: 5:00 P.M.

<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: March 14, 2024**

**AGENDA ITEM: 6. b.**

b. Regular Minutes – February 22, 2024



*Janeshia A. Grider, Mayor*

Christopher Garza  
Sylvia Apodaca  
Joe Molina

Maria Lozano  
Mike Martin  
Sally Hitt

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**CITY COUNCIL AGENDA  
REGULAR MEETING MINUTES  
THURSDAY, FEBRUARY 22, 2024 - 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

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Topic: Regular City Council Meeting

Date and Time: February 22, 2024 at 7:00 P.M. (Central Time)

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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**

**PRESENT**

Mayor Pro-Tem Apodaca  
Council Member Garza (via Zoom)  
Council Member Hitt  
Council Member Martin  
Council Member Molina  
Council Member Lozano  
Mayor Grider

**ABSENT:**

**5. Citizen Participation**

- John Roberts – Discussed about opening up a business in the City, a mini mart. Asked what the procedure was. Mayor asked for Chief to get with him on the procedures.
- Armand Bicket – Discussed a stop by the Kirby Police Department. Also discussed about 18 wheelers being on the roads and discussed if there was an ordinance. Discussed safety at nights, need more patrolling by Police Department in neighborhood.
- Roger Roman – Discussed items on agenda. Item 9 & 10, closed/open session needs to be removed if there is nothing to be discussed. Discussed about item 8g, Parks & Recs, asked about staff, cost, how much for department and job duties.
- Susan Street – Discussed about fixing the microphone for the podium for the public, discussed about items 8a, 8b, 8f, 8g, 8h & 8i.
- Raul Martinez – Discussed about item 8h, specific use application. Wanted to know about the variance application. Will have to wait a time frame to reapply? What were the issues on the applications

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

a. Regular Minutes – January 25, 2024

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Hitt to approve the Regular Minutes January 25, 2024.

Motion Passed with 7-0 Vote.

**AYE:**

**NAY:**

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

**7. Updates by staff and City Partners**

- a. Update/Discussion/Action on water department regarding utility billing errors and related policy matters.

Mariana gave update on Agenda Item 7A. Discussed that she took over. Discussed about due dates, cutoffs and number of adjustments. Payments as of yesterday were all processed.

- b. Update/Discussion/Action on water connection with SAWS and related contract matters.

Armando discussed the water connections with SAWS & meeting to be held to finalize plans. Discussed that the contract will be done by SAWS and that there is a connection fee and the City will have to pay for it.

- c. Update on Ackerman Road construction.

Council discussed about storm drainage, now doing 3<sup>rd</sup> segment, crew working on slaughter road drains. Will finish next week and start doing asphalt on March 11. 3<sup>rd</sup> crew will start sewer at Gibbs Sprawl and Hedwick. Also discussed road closure and access to business.

**8. Action Items**

- a. Discussion and Possible Action on appointing Jeremy Fernandez as City Secretary.

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Hitt to approve to appoint Jeremy Fernandez as City Secretary.

Motion Passed with 5-0 Vote with Council Members Garza and Martin abstaining.

**AYE:**

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

**NAY:**

**ABSTAIN:**

Council Member Garza  
Council Member Martin

- b. Discussion and Possible Action on the Agreement between the City of Kirby and the Greater Northeast Little League to renew the contract.

No action taken. Tabled for March 14<sup>th</sup> agenda.

- c. Discussion and Possible Action on approving a debit card with a cap amount of funds with the Bank of Schertz for the City of Kirby.

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Molina to approve a debit card with a cap of \$10k funds with the Bank of Schertz for the City of Kirby.

Motion Passed with 7-0 Vote.

**AYE:**

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

**NAY:**

Mayor Grider

- d. Discussion and Possible Action on approval of use of Agenda Item Request Form as a form of compliance with Code of Ordinances section 30.04.

No action taken.

- e. Discussion Update and possible action on an Ordinance amending Code of Ordinances Title III, Administration, Article I, Meetings regarding decorum and debate and citizen participation and additions of Sections 30.11 and 30.12 related to carrying firearms on City owned Premises.

No action taken. Tabled item for March 14<sup>th</sup> agenda.

- f. Discussion and Possible Action on ARPA Funds balance, recommended uses and provide direction to staff on use of funds.

Motion made by Council Member Martin seconded by Council Member Hitt to put remaining ARPA funds to Foxcross street.

Motion Passed with 4-3 Vote.

**AYE:**

Council Member Hitt  
Council Member Martin  
Council Member Molina  
Mayor Grider

**NAY:**

Mayor Pro-Tem Apodaca  
Council Member Garza  
Council Member Lozano

- g. Discussion and Possible Action to create a Department of Parks and Recreation.

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Hitt to direct the Interim City Manager to create an organizational chart plan and create a Parks and Recreation Department.

Motion Passed with 5-2 Vote.

**AYE:**

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

**NAY:**

Council Member Garza  
Council Member Lozano

- h. Discussion and Possible Action on creating new Specific use application.

No action taken. Tabled for March 14<sup>th</sup> agenda.

- i. Discussion and Possible Action for the City to hire or contract with Fitness Instructors to provide fitness classes as part of the City services related to pool and parks.

Motion made by Council Member Lozano seconded by Mayor Pro-Tem Apodaca to hire a fitness instructor.

Motion Passed with 5-2 Vote.

**AYE:**

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

**NAY:**

Council Member Garza  
Council Member Martin

- j. Discussion and Possible Action on upcoming city events, Egg Hunt, Youth Programs and Women's History and provide direction to staff.

Motion made by Council Member Lozano seconded by Council Member Hitt to approve the City to go through with egg hunt, youth programs & women history and that they use a city facility that will accommodate it.

Motion Passed with 6-1 Vote.

**AYE:**

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

**NAY:**

Council Member Garza

**9. City Manager Announcements**

- a. Announcements on City Events and Items of Community Interest.

No announcements

**10. Request And Announcements**

- a. Requests By Mayor and Council Members for Items to Be Placed on Future City Council Agendas and Announcements on City Events/Community Interest

Council Member Garza – Wants to see about doing a special meeting for City Manager applicants, go over contract. City Attorney is not giving good advice and wants RFP for new city attorney. Thanked everyone for coming out.

Council Member Lozano – Thanked city staff, residents and council members. Mentioned river city produce was here yesterday and had a lot of transactions and were very satisfied and also wants to see about doing it monthly and will see about getting with the Beautification & Recycle committee on it.

Council Member Molina – Thanked everyone and staff. Wants a follow up on pavement management road services, evaluation of streets and an evaluation of it.

Mayor Pro-Tem Apodaca – Asked for an email to be sent out to candidates with campaign dates on it, when to put out signs, mentioned that the water clerk is doing a good job and is a good fit.

Council Member Hitt - Thanked everyone for coming out.

Council Member Martin – Thanked the city and staff. Wants RFP for new city attorney. Wants attorney charges from February 2023 to present for senior center advise. Wants his agenda items given to Interim City Manager.

Mayor Grider – April 8<sup>th</sup> will the solar eclipse, glasses can be picked up at city hall. Mentioned the water cut offs and late fees.

**11. Adjournment**

Meeting adjourned at 10:50 p.m.

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Janeshia A. Grider  
Mayor

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Jeremy Fernandez  
Interim City Secretary

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DATE OF POSTING: February 16, 2024  
TIME OF POSTING: 5:00 P.M.

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

**DATE: March 14, 2024**

**AGENDA ITEM: 7. a.**

- a. Badge Pinning and Swearing-In of New Police Officer Employee – Chief Cardona

<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

**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: March 14, 2024**

**AGENDA ITEM: 7. b.**

b. Badge Pinning and Swearing-In of New Fire Employee – Chief Hilburn

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

**DATE: March 14, 2024**

**AGENDA ITEM: 8. a.**

a. Update: Fire Department



City of Kirby Fire  
Department  
5560 Duffek Drive  
Kirby, Tx 78219



Staffing Needs: 1 Paramedics.

10 days of the month of February, there was no Paramedic on the Ambulance, however the EMS units were up and running as a Basic Life Support Vehicles, and Mutual Aid Services were being utilized for patients that needed Advances Life Support Measures.

Medic 131B remains out of service, due to heater in patient compartment went out, and the replacement heater core is on back order.

Engine 131B went into shop for air brake alarm not working, was informed that if a few major parts go out, there is no replacement for the 30-year-old apparatus.

All shifts have been doing classroom, and hands on training at the Kirby Station.

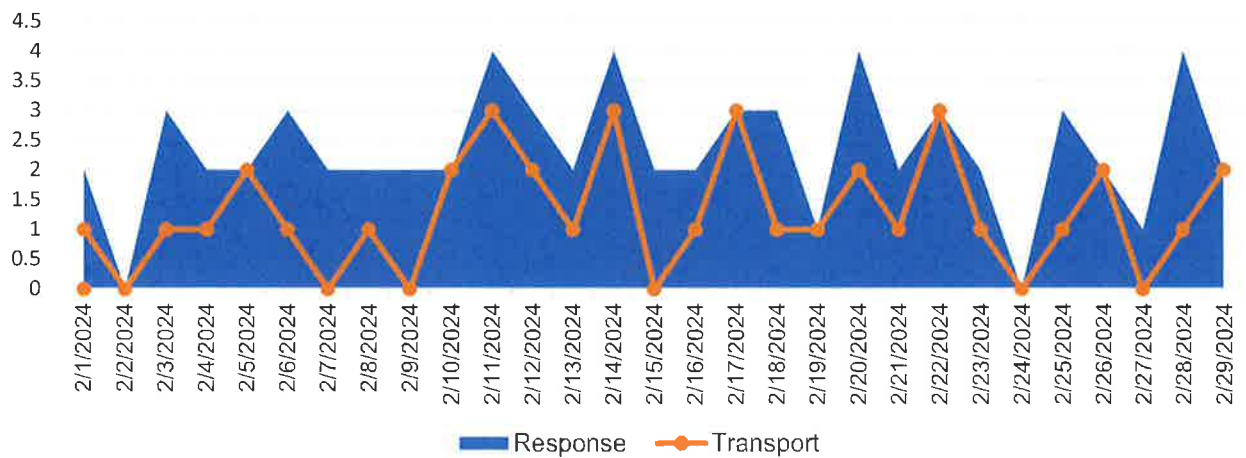
# Kirby Fire Department Monthly Report

Month of February 2024

## Call Volume:

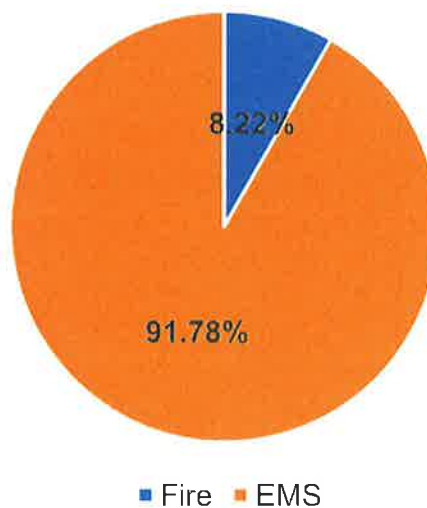
Medical: 67

Abdominal Pain	2
Active Shooter	0
Allergic Reaction	1
Animal Bite	0
Assaults	2
Back Pain	0
Breathing Problems	7
Burns	0
Cardiac Arrest	0
Cardiac Problems	4
Childbirth	0
Choking	0
COVID-19 Response	0
Deceased Party	0
Diabetic Problems	5
Electrocution	0
EMS Mutual Aid	0
Eye Injury	0
Fall	7
Fire Response	2
General Bleeding	1
Headache	0
Lift Assistance	5
Medical Alarm	0
Motor Vehicle Accident	4
Nausea / Vomiting	0
Possible Drowning	0
Possible Stroke	0
Pregnancy Complications	0
Psychiatric Problems	3
Seizure	4
Sick Person	14
Toxic Ingestion	2
Traumatic Injury	0
Unresponsive / Unconscious	1
Unknown Medical	1
Weak and Dizzy	2



Fire: 6

Fire Alarm	1
Grass Fire	0
Haz-Mat Response	0
Mutual Aid	0
Motor Vehicle Accident Response	3
Rescue	0
Service / Odor / Smoke	0
Structure Fire	0
Unauthorized Burning	1
Vehicle Fire	1



City Avg Response Time: **5.57 Minutes.**

Staffing Needs: 1 Paramedics.

Employment opportunities continued to be advertised on City Website, Texas Municipal League, the Texas Commission of Fire Protection, and Texas EMS Job website, for Paramedic.

10 days of the month of February, there was no Paramedic on the Ambulance, however the EMS units were up and running as a Basic Life Support Vehicles, and Mutual Aid Services were being utilized for patients that needed Advances Life Support Measures.

Mr. Ruiz has joined the Kirby Fire Department as a Part-Time FF / EMT-B. Is currently in school for his Paramedic.

Mr. Polen has joined the Kirby Fire Department as a Part-Time FF / EMT-P.

Mr. Arguello has joined the Kirby Fire Department as a Part-Time FF / EMT-B.

Mrs. Garner was able to meets TxDPS standards to receive her Class "B" driver's license.

Medic 131B remains out of service, due to heater in patient compartment went out, and the replacement heater core is on back order.

Engine 131 and majority of the full-time staff was out of the city on the 24<sup>th</sup> of February 2024 for live fire training at San Antonio College Regional Fire Academy. Chief and two part-time staff remained in the City of Kirby to provide fire protection, during the training hours.

Engine 131B went into shop for air brake alarm not working, was informed that if a few major parts go out, there is no replacement for the 30-year-old apparatus.

All shifts have been doing classroom, and hands on training at the Kirby Station.

Respectfully Submitted,

Chief William R. Hilburn Jr

<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

**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: March 14, 2024**

**AGENDA ITEM: 8. b.**

b. Update: Finance Department- Water Utility Update

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

**DATE: March 14, 2024**

**AGENDA ITEM: 8. c.**

c. Update: Police Department Report

<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

**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: March 14, 2024**

**AGENDA ITEM: 8. d.**

d. Update: Public Works

### Public Works Report Item 8. D.

Plans were being made with SAWS and Givler engineering to set up an emergency interconnect for an emergency source of water in case our well 3 went down while well 2 is off for repairs. These are the City's only wells and water sources at the moment.

Myself, Greg Wassom from Givler engineering and representatives from SAWS had a meeting today March 7, 2024 at 1:00PM to discuss details. During the meeting it was brought up by Greg from Givler that Kirby may need more than just an emergency interconnect because the one well may not provide enough water for the city on its own. SAWS does have provisional connection agreements but it will cost more since there would be actual water use rather than just a connection in place for emergencies. I have not seen cost estimates yet.

The concern is based on the calculation that the city should be supplied with a water source that can deliver a combined amount of water at 1600 gallons per minute. Currently well 3 delivers about 700 gpm and well 2 delivers about 1100 gpm. So, with well 2 down Kirby would only get 700 gpm.

Well 3 has supplied water on its own before while we had some other repairs on well 2.

Each well fills up both water towers even when the 2<sup>nd</sup> is off. The main worry is this does not leave a lot of room for emergency water use for fires, water main breaks and the like. Also when running well 3 by itself last summer it was noticed that it was running almost nonstop, 16-20 hours a day to fill up the towers.

SAWS has been asked to draft up a **provisional** agreement for water use for the city to review.

Also, the connection location is still being considered because the proposed locations provided connected to an 8 inch line in Kirby and this may not allow enough water flow.

I am looking into a few possible locations that would allow connection to a 12 inch line, which is the largest size that Kirby has, but we would have to have some water line installed to span the connection at each location.

Thank you.



City of Kirby  
Armando Marquez  
Interim Public Works Director  
Email: [amarquez@cityofkirby.org](mailto:amarquez@cityofkirby.org)

<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: March 14, 2024**

**AGENDA ITEM: 9. a.**

- a. Public Hearing, Discussion and Possible Action directing the Interim City Manager to proceed with legal guidance to dissolve the non-profit Kirby Senior Center and Board and discussion on creation of city department to be assigned under the City of Kirby City Manager for FY25. (Mayor Grider)

<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: March 14, 2024**

**AGENDA ITEM: 9. b.**

- b. Discussion and Possible Action regarding the settlement agreement with Dr Rowland. (Mayor Grider)

<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: March 14, 2024**

**AGENDA ITEM: 9. c.**

- c. Discussion and Possible Action on the Interim City Manager appointing an Acting City Manager within 60 days in accordance with the City Charter. (Mayor Grider)

<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: March 14, 2024**

**AGENDA ITEM: 9. d.**

- d. Discussion and Possible Action authorizing the Interim City Manager to issue Request for Qualifications (RFQ) for City Attorney. (Councilmember Garza & Councilmember Martin)

**REQUEST FOR  
QUALIFICATIONS (RFQ)**

**FOR  
CITY ATTORNEY/LEGAL SERVICES FOR THE CITY OF  
KIRBY, TEXAS**

On or before 3:00 p.m. on Monday, April 8<sup>th</sup>, 2024, the City of Kirby will receive qualification statements from interested attorneys or law firms for services related to providing legal assistance to the City. No late responses will be accepted.

Interested individual/firms should submit eight (8) copies of their statement of qualifications to:

**City of Kirby Texas  
Attn:  
Bobby J Martinez  
Interim City Manager  
112 Bauman Street Kirby Texas 78219-1098**

Further information may be obtained by contacting the City Manager's office at:

**City of Kirby  
112 Bauman Street Kirby Texas 78219-1098  
(210)- 661-3198  
citymanager@cityofkirby.org**

Request for Qualifications Release Date: March 15, 2024

Request for Qualifications Due: April 8<sup>th</sup>, 2024, 3:00 p.m.

Presentation for Appointment: To Be Announced

One complete set of the response must be received no later than this date and time in a sealed envelope or email indicating that its contents are in response to the "City of Kirby" – Statement of Qualifications for Professional Services – Legal."

**PLEASE NOTE:** The selection of an attorney or firm to provide the described scope of services will not be made on cost alone but may be made based on the consideration of qualifications- related factors contained in this Request for Qualifications. If selected as a finalist, you will be asked to make a presentation/introduction to the City Council. There is no expressed or implied obligation on the part of the City of Kirby to reimburse responding firms for any expenses incurred in preparing or presenting a Request for Qualifications in response to this request.

## **I. PURPOSE**

The City of Kirby as a home-rule municipality, with a population of approximately 8,765, operates under the city manager form of government. City services include but are not limited to police, fire, public works, code compliance, building inspection, parks, swimming pool. The City Manager directly reports to the Mayor and City Council and is responsible for the day-to-day business and operation affairs of the City.

The city charter, in part states: "the City Council shall appoint a competent and duly licensed attorney practicing law in the State of Texas, who shall be the City Attorney... and shall hold office at the pleasure of the City Council. The City Attorney, or such other attorney selected by him or her with the approval of the City Manager, shall represent the City in all litigation. He or she shall be the City Attorney and counsel for the City and all officers and departments thereof."

In order to be considered, responses must address each of the points requested in this document, including rates and fees.

The individual or firm will be tasked with providing general municipal counsel, basic legal services, advice on special projects, and advice to the Mayor and City Council and City Manager. The city requests that one attorney be designated as the point of contact or lead attorney. Accessibility to and a timely response from the attorney to the City Manager on behalf of the Mayor and City Council is essential.

## **II. SERVICE REQUIRED**

The individual(s) selected must have a Juris Doctorate from an accredited law school, a license to practice law in the State of Texas and be a member in good standing of the State Bar of Texas. Also, evidence experience with Texas municipalities and knowledge of Texas Municipal Law, Texas Open Meetings Act, personnel law, utility law, election law and land use and zoning regulations. Because the City is insured by the Texas Municipal League, the City Attorney represents the City in litigation and/or coordinates the representation of the City by legal specialist or TML- IRP appointed attorney.

Per the city charter Section 3.04: "The City Attorney, or such other attorney selected by him or her with the approval of the City Manager, shall represent the City in all litigation."

Based on the policy direction of the City Council, as recommended by the City Manager, in reviewing and drafting ordinances, resolutions, contracts, agreements, deeds, easements, and addressing other legal issues, basic legal services required include:

- A. Providing advice regarding government operations, elections, open meetings, public information, City Ordinances, State law, personnel matters, property matters, and real estate matters, including annexation, zoning, and condemnation.
- B. Reviewing agendas and materials for the City Manager for Council meetings, anticipating, and preparing legal advice on items to be addressed at the Council meeting, and attending Council meetings. Regular meetings are at 7:00 p.m. on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday day of each month plus special meetings upon request. Arrive by 6:00 pm on the day of each council meeting.
- C. Providing legal opinions upon request by the City Manager on behalf of the Mayor and City Council or City Secretary related to Open Records Requests.
- D. Assisting in preparing requests for any necessary Attorney General opinions through an authorized Requestor.
- E. Representing the City as City Attorney in legal matters.

- F. Serving as the City Attorney by prosecuting violations of municipal ordinances when needed.
- G. Upon council policy direction may assist the City Manager with contract negotiations or disputes.
- H. Maintaining an appropriate professional, ethical working relationship with the Mayor, City Council, and City Manager.

In order to avoid any misunderstandings, legal services are billable only upon phone authorization, written request, or directive by the Mayor on behalf of the City Council, the City Manager, or by the City Secretary when an issue is related to Open Records Requests. The firm will be required to provide a detailed, itemized billing monthly to the City Manager for review and approval.

Toward that end, a standing request exists for legal review of contracts, ordinances and resolutions presented to Council for consideration at its Regular Council or Special called meetings in addition to anticipating and preparing legal advice on prospective issues. Attendance at the Regular and Special Called Council meetings is required.

All other requests must have City Manager approval prior to commencement of the service, including citizens' inquiries. Counsel will be required to generally familiarize himself/herself with general municipal law, keep abreast of legislation affecting cities outside the scope of billable services. Pre-authorized reference materials and on-going training and travel expenses will be reimbursable in accordance with City policy.

### III. FORMAT FOR STATEMENT OF QUALIFICATIONS

- All pages of the response must be numbered consecutively. The responses shall not exceed fifteen (15) pages in length. Resumes, licenses and work examples shall not count against this page limit.
  - The responses must be organized in accordance with the list of contents.
  - Responses should include the following items herein described. All items must fall within the maximum page count.
- A. **Letter of Transmittal.** All responses must include a cover letter addressed to the Mayor and City Council and City Manager signed by a duly constituted official. The cover letter must include name, address and telephone number of the proposer, and name, title, address, telephone number, fax number and email address of the person, or persons, to contact who are authorized to represent the proposer and to whom correspondence should be directed by the City Manager.
  - B. **Table of Contents.** Include a clear identification of the material by section and by page number.
  - C. **Executive Summary.** The responses shall use this section to introduce the scope of the proposal; (i.e. full city attorney services; general counsel services only; or city prosecutor services only) and to summarize the key provisions of the qualifications. Provide a statement describing why you or the firm is qualified to perform this work. Provide a summary detailing the experience and understanding of the role of providing consulting legal services, including how the City Attorney balances the relationship between the City Manager and City Council. The summary should also include the Firm/Individuals Mission Statement and a Statement of Values.
  - D. **Service Delivery:** A description of how you or your firm propose to provide legal services to the city. This should also address issues such as office location; accessibility to Mayor, Council and City Manager; attendance at city council meetings and occasional other meetings; services, if any, that you would expect to receive from the city; and if a firm, how you propose to manage the firm's provision of services to the city—for example, would there be a lead attorney and, if so, who would that attorney be

and how would other attorneys be involved and related fees.

E. **Proposed Attorney(s), Paralegals and Qualifications.** The responses should include:

- **Background:** Summarize your, or the firm's, background and history; include number of years in business and scope of services you or your firm have provided.
- **Experience:** Describe your municipal legal services, training, experience, and current government clients; include number of years.
- **Responsiveness:** Provide a statement describing the capability to respond to the City Manager regarding time-sensitive or short notice requests and/or complicated issues.
- **Policy Issue Management:** Provide at least two examples of complex issues you or your firm have successfully handled for municipal or other public agency clients.
- **Availability:** Provide the date you would be able to begin providing legal services to the city; including how you propose to familiarize yourself with the laws, rules, regulations, and operating procedures relative to the conduct of business for the city in order to efficiently and effectively assume responsibilities.
- **Resources:** Provide the name and summary of experience of those who will provide legal support and fees for each attorney, paralegal etc. and other fees.
- **Location/Hours:** Identify the address of your office where most services will be rendered; b) provide what days of the week and hours of the day you or your firm will be available for phone conversations and or office visits.

F. **Work Examples.** The response should:

- Provide examples of two memos and letters explaining, interpreting, or applying the law to a client (preferably municipal or public entity).
- Provide two recent examples of filed legal briefs regarding a matter under litigation, preferably litigation involving a municipal or public entity.
- Provide two examples of an ordinance, resolution or other public policy document or rule drafted by you or your firm.

G. **References.** Provide contact information for three municipal clients, current and/or prior, so reference checks can be conducted.

1. **Additional Information.** Any other information that the responder feels applicable to the evaluation of the response or of their qualifications for accomplishing the legal services should be included in this section. You may use this section to address those aspects of your services that distinguish you or your firm from others.

H. **Summary.** Each submittal should also provide a summary detailing the experience and understanding of the role of providing consulting legal services, including how the City Attorney balances the relationship between the City Manager and City Council. The summary should also include the Firm/Individuals Mission Statement and a Statement of Values.

#### IV. SUBMITTAL INSTRUCTIONS AND DEADLINE

Sealed submittals are required. Eight (8) copies and one (1) original of the response are to be delivered as described below. Responses may be mailed to:

**City of Kirby**

**Attention: City Attorney RFQ**

**c/o Interim City Manager, 112 Bauman Street Kirby Texas 78219-1098**

The deadline for submission of responses is by **3:00 pm on Monday April 8<sup>th</sup>, 2024.**

Responses received via mail or hand delivered after the deadline will be returned to the sender unopened.

## **V. EVALUATION**

The City Manager on behalf of Mayor and City Council reserves the right to seek clarification of each response submitted. The city also reserves the right to require other evidence of technical, managerial, financial, or other abilities prior to selection.

The city manager will receive all submitted responses. An evaluation committee will be created to review all submitted responses and may select one or more finalists for interviews. Additionally, the city manager on behalf of the evaluation committee may require submission of supplemental materials.

The successful attorney(s) or firm(s) will be the one that in the judgment of the evaluation committee best demonstrates the ability to cover the broadest range of legal services in the most cost-effective manner while demonstrating an understanding of the role of providing consulting legal services, including how the City Attorney balances the relationship between the City Manager and City Council.

Upon completion of the evaluation process by the evaluation committee, the City Council will consider the recommendations of the evaluation committee. The City Council may review responses and conduct interviews with finalists in executive session. No final decision will be made in executive session. Upon completion of the evaluation process, a member designated by the City council will advise the responders of the selection and negotiate the appropriate agreements(s).

The agreement(s) will define the extent of services to be rendered, method and amount of compensation. The city reserves the right to direct the City Manager to negotiate a final contract that is in the best interest of the city. The response to this RFQ will become a part of the agreement. The city attorney serves at the pleasure of the City Council. The contract may be terminated at any time by the City Council. Once a proposed agreement is prepared, it will be presented to the City Council for consideration.

## **VI. NOTICE/RESERVATION OF RIGHTS**

In addition to all other rights granted to it under Texas law, the city reserves the right to waive formalities in the response process; to accept or reject any or all proposals received as a result of this request; to request additional information concerning any proposal; to accept or negotiate modifications to any proposal; to negotiate with qualified attorneys; to interview any proposer; to cancel, in part or in its entirety, the request for qualifications; or to waive any irregularities in any response following the response submission deadline date in order to serve the best interests of the city. The city also reserves the right to negotiate separately with any responder whatsoever, in any manner necessary to serve the best interests of the city. This request for qualifications does not commit the city to pay any costs incurred in the preparation of a response.

- A. **Statement:** The attorney or firm, by submitting a response, certifies that to the best of its knowledge or belief, no elected or appointed official of the City is financially interested, directly or indirectly, in their firm or in the purchase of services as described in this RFQ. They also certify that the information contained in the Statement of Qualifications is correct and complete to the best of their knowledge.

<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: March 14, 2024**

**AGENDA ITEM: 9. e.**

- e. Discussion and Possible Action to direct the Interim City Manager to enter into an agreement with a law enforcement auditor to ensure policy and procedures are adhered to in the Kirby Police Department. (Mayor Grider)

<u>  X  </u>	DISCUSSION AND POSSIBLE ACTION ITEMS
<u>      </u>	SPECIAL CONSIDERATION
<u>      </u>	CONSIDERATION OF MINUTES
<u>      </u>	PUBLIC HEARING
<u>      </u>	PRESENTATION
<u>      </u>	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: March 14, 2024**

**AGENDA ITEM: 9. f.**

- f. Discussion and Possible Action to direct the Interim City Manager to authorize enter an agreement with Bain Medina Bain for an updated evaluation of pavement management road services – evaluation of city streets.  
(Councilmember Molina)

<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: March 14, 2024**

**AGENDA ITEM: 9. g.**

- g. Discussion and Possible Action to authorize Interim City Manager to enter into a contract with Advance Water Well Technologies to replace new valves on quotation. (Armando Marquez)



# City Of Kirby

112 Bauman Street, Kirby, Texas 78219-1098

(210)661-3198

Armando Marquez

Interim Director of Public Works

## **Well #3 Repair update**

Advanced Water Well Technologies has provided a quote to repair some valves at the site of well #3. The well itself does not need repair as it was repaired not long ago. The problem lies in valves leading from the bottom of the ground storage tank to booster pumps that transfer the water to the elevated storage tank. While working on mechanical/electrical issues with the booster pumps, it was noticed that said valves did not properly shut off water from the ground storage tank. These valves do seem to be old and over time they corrode or build up material like calcium which does not allow them to operate properly.

The valves are necessary to stop the flow of water from the ground storage tank if there is maintenance needed on the booster pumps or that section of pipe. Advanced Water Well Technologies had provided good service in the past while working on various issues with both wells. We did have another company out to help diagnose an issue with the booster pumps but they seemed to have trouble continuing work on schedule and they had misdiagnosed the problem. So, we called Advanced well in and they were able to resolve the issue and based on how they are able to plan and execute their work they seem best suited for this repair.



# City Of Kirby

112 Bauman Street, Kirby, Texas 78219-1098

(210)661-3198

Armando Marquez

Interim Director of Public Works

## **Well #3 Repair update**

Advanced Water Well Technologies has provided a quote to repair some valves at the site of well #3. The well itself does not need repair as it was repaired not long ago. The problem lies in valves leading from the bottom of the ground storage tank to booster pumps that transfer the water to the elevated storage tank. While working on mechanical/electrical issues with the booster pumps, it was noticed that said valves did not properly shut off water from the ground storage tank. These valves do seem to be old and over time they corrode or build up material like calcium which does not allow them to operate properly.

The valves are necessary to stop the flow of water from the ground storage tank if there is maintenance needed on the booster pumps or that section of pipe. Advanced Water Well Technologies had provided good service in the past while working on various issues with both wells. We did have another company out to help diagnose an issue with the booster pumps but they seemed to have trouble continuing work on schedule and they had misdiagnosed the problem. So, we called Advanced well in and they were able to resolve the issue and based on how they are able to plan and execute their work they seem best suited for this repair.



14394 E INTERSTATE HWY 10  
CONVERSE, TX 78109  
OFFICE: (830) 865-2362

## QUOTATION

PROJECT NAME / NUMBER: City of Kirby Well#3 (3) - Split Case Pumps  
QUOTATION NUMBER: 20240220-CB2  
DATE: 2/20/2024  
CUSTOMER P.O. NUMBER: \_\_\_\_\_  
CUSTOMER NAME: City of Kirby  
ADDRESS (LINE 1): \_\_\_\_\_  
ADDRESS (LINE 2): \_\_\_\_\_  
PHONE NUMBER: \_\_\_\_\_  
EMAIL ADDRESS: \_\_\_\_\_

		SALES REP: Clint Block		
No.	DESCRIPTION	Unit	Price	Line Total
1	Field labor hours to mobilize to site with service truck, 3 - man crew, remove existing discharge - suction valves and replace with new valves, remove existing dodge couplings and replace with new couplings, run and test systems, clean site and demobilize including ( 3 ) 6" Matco Flanged X Flanged Gate Valves, ( 3 ) 4" Matco Flanged X Flanged Gate Valves, ( 3 ) 9HS Sleeve Dodge Couplings, all necessary hardware to install properly, miscellaneous shop supplies, shop labor hours to load out for transport to site, freight for all parts/materials from suppliers to AWWT facility and fuel surcharge to complete scope of work described above	1	\$ 11,320.97	\$ 11,320.97
2	Please Note: All hours are estimated any additional hours above and beyond the 8 hours allotted will be billed at a rate of \$300.00/Hr. upon completion of this scope of work and on final invoice. The customer will only be billed for the actual hours worked plus or minus.			
3	Please Note: If any additional parts/materials are required other than what is described above will be quoted at time of need and installed upon the customers approval.			
4		1		\$ -
5		1		\$ -
6		1		\$ -
7		1		\$ -
8		1		\$ -
9		1		\$ -
10		1		\$ -
11		1		\$ -
12		1		\$ -
13		1		\$ -
14		1		\$ -
15		1		\$ -
Taxable (Yes/No) : TBD Tax Rate: TBD % Applicable sales tax will be charged when invoiced.				
			Subtotal:	\$ 11,320.97
			Sales Tax:	\$ -
			Total:	\$ 11,320.97

### ALTERNATES:

Alt. 1		\$ -	\$ -
Alt. 2		\$ -	\$ -

Regulated by:  
Texas Department of Licensing and Regulation  
PO Box 12157 Austin, TX 78157 1-800-803-9202

Subtotal with Alternate: \$ 11,320.97  
Sales Tax with Alternate: \$ -  
Total with Alternate: \$ 11,320.97

### SHIPMENT:

#### SHIPPING DETAILS:

Proposed Start Date:

All prices above are subject to Federal, State and Local Sales Taxes.

This quotation will automatically expire if Purchaser does not deliver

a written acceptance to this contract by: 30 DAYS

Advanced Water Well Technologies  
14394 E INTERSTATE HIGHWAY 10  
CONVERSE, TX 78109  
(Contractor)

**ACCEPTANCE OF THIS CONTRACT:** The above prices, specifications, and conditions are satisfactory to the purchaser and are hereby accepted with signature below, Fax, Email, or verbal confirmation. Purchaser authorizes Advanced Water Well Technologies ("AWWT") and its subcontractors to do the work as specified. All work is to be completed as specified and according to standard industry practices. Any additional work or materials required due to unknown well conditions will result in an extra charge over and above the estimate. Our workers are fully covered by Workman's Compensation Insurance. We warrant our craftsmanship against craftsmanship defects for one year; defects to be determined on a case by case basis by AWWT. There is a manufacturer's warranty on equipment for one year. The manufacturer determines if the equipment will be warranted or not on a case by case basis. Payment is due upon receipt of invoice and balances past due after 30 days are subject to 15% interest per annum.

PURCHASER: \_\_\_\_\_

ADDRESS (LINE 1): \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

ADDRESS (LINE 2): \_\_\_\_\_

DATE: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_



14394 E INTERSTATE HWY 10  
CONVERSE, TX 78109  
OFFICE: (830) 865-2362

## QUOTATION

PROJECT NAME / NUMBER: City of Kirby Well #3 GST Valve  
QUOTATION NUMBER: 20240220-CB1  
DATE: 2/20/2024  
CUSTOMER P.O. NUMBER: \_\_\_\_\_  
CUSTOMER NAME: City of Kirby  
ADDRESS (LINE 1): \_\_\_\_\_  
ADDRESS (LINE 2): \_\_\_\_\_  
PHONE NUMBER: \_\_\_\_\_  
EMAIL ADDRESS: \_\_\_\_\_

		SALES REP: Clint Black		
No.	DESCRIPTION	Unit	Price	Line Total
1	Field labor hours to mobilize to site with crane truck, service truck, 3 - man crew, rig up, remove existing GST discharge valve and replace with new valve, rig down, run and test system, clean site and demobilize including ( 1 ) 12" Matco Flanged X Flanged Gate Valve - all necessary hardware to install properly, miscellaneous shop supplies, shop labor hours to load out for transport to site, freight for all parts/materials from suppliers to AWWT facility and fuel surcharge to complete scope of work described above	1	\$ 5,998.05	\$ 5,998.05
2	Please Note: All hours are estimated any additional hours above and beyond the 4 hours allotted will be billed at a rate of \$300.00/Hr. upon completion of this scope of work and on final invoice. The customer will only be billed for the actual hours worked plus or minus.			
3	Please Note: If any additional parts/materials are required other than what is described above will be quoted at time of need and installed upon the customers approval.			
4		1		\$ -
5		1		\$ -
6		1		\$ -
7		1		\$ -
8		1		\$ -
9		1		\$ -
10		1		\$ -
11		1		\$ -
12		1		\$ -
13		1		\$ -
14		1		\$ -
15		1		\$ -

Taxable (Yes/No): TBD Tax Rate: TBD % *Applicable sales tax will be charged when invoiced.*

Subtotal: \$ 5,998.05  
Sales Tax: \$ -  
Total: \$ 5,998.05

#### ALTERNATES:

Alt. 1		\$ -	\$ -
Alt. 2		\$ -	\$ -

Regulated by:

Texas Department of Licensing and Regulation  
PO Box 12157 Austin, TX 78157 1-800-803-9202

Subtotal with Alternate: \$ 5,998.05  
Sales Tax with Alternate: \$ -  
Total with Alternate: \$ 5,998.05

#### SHIPMENT:

SHIPPING DETAILS:  
Proposed Start Date:

All prices above are subject to Federal, State and Local Sales Taxes.

This quotation will automatically expire if Purchaser does not deliver

a written acceptance to this contract by: 30 DAYS

Advanced Water Well Technologies  
14394 E INTERSTATE HIGHWAY 10  
CONVERSE, TX 78109  
(Contractor)

**ACCEPTANCE OF THIS CONTRACT:** The above prices, specifications, and conditions are satisfactory to the purchaser and are hereby accepted with signature below, Fax, Email, or verbal confirmation. Purchaser authorizes Advanced Water Well Technologies ("AWWT") and its subcontractors to do the work as specified. All work is to be completed as specified and according to standard industry practices. Any additional work or materials required due to unknown well conditions will result in an extra charge over and above the estimate. Our workers are fully covered by Workman's Compensation Insurance. We warrant our craftsmanship against craftsmanship defects for one year; defects to be determined on a case by case basis by AWWT. There is a manufacturers warranty on equipment for one year. The manufacturer determines if the equipment will be warrantied or not on a case by case basis. Payment is due upon receipt of invoice and balances past due after 30 days are subject to 15% interest per annum.

PURCHASER: \_\_\_\_\_

ADDRESS (LINE 1): \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

ADDRESS (LINE 2): \_\_\_\_\_

DATE: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

<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: March 14, 2024**

**AGENDA ITEM: 9. h.**

- h. Discussion and Possible Action providing Council direction to the Interim City Manager to negotiate an Agreement between the City of Kirby and the Greater Northeast Little League. (The Council)

## LICENSE AGREEMENT

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

**1. License:** City hereby grants a non-exclusive license to Licensee for the use of a tract of land, including all ball fields and concession stand, owned by the City of Kirby and located within the corporate limits of the City and described as follows:

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

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

The City has the right to schedule tournaments and functions throughout the year and will give Licensee a notice in advance of one month. The City will not schedule a tournament on a date that interferes with a previous scheduled little league event.

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

**IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT LICENSEE SHALL INDEMNIFY AND HOLD CITY HARMLESS FROM ANY LIABILITY FOR PAYMENT OF ANY OBLIGATIONS DUE TO ANY IMPROVEMENTS OR OTHER THINGS PLACED IN OR UPON SAID PREMISES BY LICENSEE. LICENSEE SHALL NOT ENCUMBER, IN ANY MANNER, NOR PERMIT A LIEN OF ANY TYPE TO BE PLACED ON SAID PREMISES, AND LICENSEE AGREES TO INDEMNIFY AND HOLD HARMLESS CITY CONCERNING ANY SUCH FINANCIAL OBLIGATIONS, LIENS, OR ENCUMBRANCES OF ANY KIND.**

**3. Term and Utilities:** The term of this License is for 1 year beginning January 1, 2023 and terminating December 31, 2023, provided that City may at any time terminate this License and take possession of the Property without being guilty in any manner of trespass; and every claim for damages for and by reason of such re-entry are hereby expressly waived by Licensee. It is understood that if the City terminates this Agreement for any reason, Licensee shall be given a hearing before the City Council prior to the effective date of such action to discuss such termination.

**4. Rent:** Licensee shall pay City rent in the amount of \$750.00 per year, payable annually on or before January 15<sup>th</sup> of each year during the term of this License. During the five months the fields and concession stand are in use by the Licensee, Licensee shall pay City \$100.00 per month for electricity. This amount may be paid monthly or in a lump sum at the time the annual rent payment is made.

**5. Improvements to Property:** It is further agreed that the City Council shall gave the right to approve all plans and specifications before any improvements are made to the Property by

each year. Said financial statement shall contain the same information as is furnished in Licensee's Annual Report to the National Little League Headquarters. If said annual report is not submitted, said financial statement shall contain the following information:

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


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

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

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

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

	<u>Total</u>
<b>Revenue</b>	
Concessions Income	14,983.45
Fundraiser	6,080.88
Interest Income	49.62
Registration	34,211.31
Sponsorships	5,705.00
<b>Total Revenue</b>	<u>\$ 61,030.26</u>
<b>Gross Profit</b>	<u>\$ 61,030.26</u>
<b>Expenditures</b>	
Advertising & Marketing	3,640.63
Awards & Trophies	2,141.44
Concessions	5,550.41
Fundraiser Expense	1,250.00
Insurance	2,308.51
Office Supplies & Software	1,289.32
Registration Expense	638.30
Rent & Lease	1,514.22
Repairs & Maintenance	10,619.50
Shipping	60.56
Supplies & Equipment	11,017.06
Tournament Fees	2,404.58
Umpires	7,801.90
Uniforms	10,225.52
Utilities	2,630.02
<b>Total Expenditures</b>	<u>\$ 62,891.97</u>
<b>Net Revenue</b>	<u>-\$ 1,861.71</u>

CERTIFICATE OF LIABILITY INSURANCE						DATE (MM/DD/YY) 01/04/23		
<b>PRODUCER</b> <b>Keystone Risk Managers, LLC</b> <b>1995 Point Township Drive</b> <b>Northumberland, PA 17867</b>				<b>CERTIFICATE #:</b> 3431907-2023-1		9 43 19		
				<b>INSURERS AFFORDING COVERAGE:</b>				
<b>ADDITIONAL NAMED INSURED:</b> GREATER NORTHEAST LL 2255 THOUSAND OAKS #403 SAN ANTONIO, TX 78232				<b>INSURER A:</b> Lexington Insurance Company				
				<b>INSURER B:</b> National Union Fire Insurance Company of (Non-Liability) Pittsburgh, PA				
				<b>INSURER C:</b> AIG Specialty Insurance Company				
<b>COVERAGES</b> <small>THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.            * SUBJECT TO \$5,000,000 AGGREGATE SUBLIMIT OF LIABILITY FOR ALL LEAGUES, COMBINED, UNDER THE MASTER D&amp;O POLICY, FOR ALL LOSS ARISING FROM ALL CLASS ACTION CLAIMS AND COMMON LEAGUE CLAIMS, AS MORE FULLY DESCRIBED IN ENDORSEMENT #34 OF THE MASTER D&amp;O POLICY.            ** SUBJECT TO \$5,000,000 AGGREGATE SUBLIMIT OF LIABILITY FOR ALL LEAGUES, COMBINED, UNDER THE MASTER CYBER POLICY, FOR SPECIFIED DEFENSE COSTS, AS MORE FULLY DESCRIBED IN ENDORSEMENT #14 OF THE MASTER CYBER POLICY.</small>								
INSR LTR	ADD'L NAMED INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS		
A	X	<b>GENERAL LIABILITY</b>	011405746	01/01/2023	01/01/2024	EACH OCCURRENCE	\$1,000,000	
		X OCCURRENCE				GENERAL AGGREGATE	\$2,000,000	
		X INCL PARTICIPANTS	<b>Property Damage Deductible: \$250</b>				PRODUCTS/COMP OPS AGGREGATE	\$1,000,000
		X SEXUAL ABUSE				Sexual Abuse OCCURRENCE	\$1,000,000	
						Sexual Abuse AGGREGATE	\$1,000,000	
		MEDICAL PAYMENTS				Any One Person		
C	X	<b>DIRECTORS &amp; OFFICERS</b>	015454400	01/01/2023	01/01/2024	EACH LOSS	\$1,000,000 *	
						AGGREGATE	\$1,000,000	
C	X	<b>CYBER LIABILITY COVERAGE</b>	015440383	01/01/2023	01/01/2024	LIMIT OF LIABILITY CLAIMS MADE	\$100,000 PER LEAGUE AGGREGATE	
	S&P	SECURITY AND PRIVACY LIABILITY INSURANCE	\$100,000 PER LEAGUE SUBLIMIT OF LIABILITY ** \$1,000 PER LEAGUE RETENTION			RETROACTIVE DATE	CONTINUITY DATE	
		REGULATORY ACTION SUBLIMIT OF LIABILITY	\$100,000 PER LEAGUE SUBLIMIT OF LIABILITY \$1,000 PER LEAGUE RETENTION			POLICY INCEPTION	POLICY INCEPTION	
	EM	EVENT MANAGEMENT INSURANCE	\$100,000 PER LEAGUE SUBLIMIT OF LIABILITY ** \$1,000 PER LEAGUE RETENTION			NOT APPLICABLE	POLICY INCEPTION	
A	X	<b>CRIME COVERAGE</b>	9472683	01/01/2023	01/01/2024	EACH LOSS	\$35,000	
			<b>Crime Deductible: \$250 Property/\$1,000 Money</b>			AGGREGATE	NONE	
B	X	<b>SPORTS EXCESS ACCIDENT</b>	SRG9105434	01/01/2023	01/01/2024	As in Master Policy: Med. Max. \$100,000 Deductible \$50	As in Master Policy Excess	
<b>"X" INDICATES COVERAGE(S) SELECTED FOR ADDITIONAL NAMED INSURED</b>								
<b>ADDITIONAL INSURED</b> Who is an Insured (SECTION II) of the General Liability policy is amended to include as an insured the person or organization shown in the schedule, but only with respect to liability arising out of the above named Little League's maintenance or use of ball fields, or other premises loaned, donated, or rented to that Little League by such person or organizations and subject to the following additional exclusions: 1. Structural alterations, new construction, maintenance, repair or demolition operations performed by or on behalf of the person or organization designated in the Schedule and/or performed by the above named Little League; and 2. That part of the ball field or other premises not being used by the above named Little League.								
<b>NAME AND ADDRESS OF PERSON OR ORGANIZATION:</b>  City of Kirby 112 Bauman Kirby, TX 78219								
<b>INSURED</b>  Little League Baseball Risk Purchasing Group, Incorporated 539 U.S.RT. 15 Highway South Williamsport, PA 17702				<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.   AUTHORIZED REPRESENTATIVE				



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/4/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Keystone Risk Managers, LLC 1995 Point Township Drive  Northumberland PA 17867		<b>CONTACT NAME:</b> David Irwin <b>PHONE (A/C, No, Ext):</b> (570) 473-2150 <b>E-MAIL:</b> Dirwin@Keystoneinsgrp.com <b>ADDRESS:</b> Lexington Insurance Company <b>INSURER A:</b> Lexington Insurance Company <b>INSURER B:</b> AIG Specialty Insurance Company <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>		<b>FAX (A/C, No):</b> (570) 473-2151 <b>NAIC #</b> 19437 26883
<b>INSURED</b> Little League Baseball Risk Purchasing Group, Incorporated GREATER NORTHEAST LL 2255 THOUSAND OAKS #403 SAN ANTONIO TX 78232				

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input checked="" type="checkbox"/> OTHER: Per League	X		011405746	01/01/2023	01/01/2024	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000						
	MED EXP (Any one person) \$ Excluded						
	PERSONAL & ADV INJURY \$ 1,000,000						
	GENERAL AGGREGATE \$ 2,000,000						
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRE AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						PRODUCTS - COMP/OP AGG \$ 1,000,000
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						SEXUAL ABUSE OCC/AGG \$ 1M/\$1M
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input type="checkbox"/> N/A						COMBINED SINGLE LIMIT (Ea accident) \$
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							EACH OCCURRENCE \$
							AGGREGATE \$
							\$
							PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
							E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder is named as Additional Insured per form CG 2026 (04/13)

**CERTIFICATE HOLDER****CANCELLATION**

City of Kirby

112 Bauman

Kirby

TX 78219

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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# Inventory List

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

Infield Rascal

ABI

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



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/9/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Marsh & McLennan Agency LLC 131 Interpark Blvd. San Antonio TX 78216		<b>CONTACT NAME:</b> Enola Barton <b>PHONE (A/C, No, Ext):</b> 210-223-9171 <b>FAX (A/C, No):</b> <b>E-MAIL ADDRESS:</b> enola.barton@marshmma.com	
		<b>INSURER(S) AFFORDING COVERAGE</b>	
		<b>INSURER A :</b> Texas Mutual Insurance Company	
		<b>INSURER B :</b> Obsidian Specialty Insurance Company	
		<b>INSURER C :</b>	
		<b>INSURER D :</b>	
		<b>INSURER E :</b>	
		<b>INSURER F :</b>	

**INSURED**  
 TRK Construction, Inc. dba  
 Southwest Metal Roofing Systems  
 11919 Rail Drive, #1  
 San Antonio TX 78233

TRKCONST1

## COVERAGES

CERTIFICATE NUMBER: 1307D52144

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:			PTCGL000002547	2/9/2024	2/9/2025	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED \$ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N	N / A	0001148372	8/25/2023	8/25/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

See Attached...

## CERTIFICATE HOLDER

## CANCELLATION

City of Kirby  
 112 Bauman  
 Kirby TX 78219

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

AGENCY CUSTOMER ID: TRKCONST1

LOC #:

**ADDITIONAL REMARKS SCHEDULE**

Page 1 of 1

AGENCY Marsh & McLennan Agency LLC		NAMED INSURED TRK Construction, Inc. dba Southwest Metal Roofing Systems 11919 Rail Drive, #1 San Antonio TX 78233	
POLICY NUMBER			
CARRIER	NAIC CODE	EFFECTIVE DATE:	

**ADDITIONAL REMARKS****THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,****FORM NUMBER:** 25 **FORM TITLE:** CERTIFICATE OF LIABILITY INSURANCE

Additional Insured form #CG2010 and CG2037 edition date 04/13 applies to the General Liability policy.  
Additional Insured form #CG2034 edition date 07/07 applies to the General Liability policy.  
Waiver of Subrogation form #CG2404 edition date 05/09 applies to the General Liability policy.  
Primary Non-contributory form #CG2001 edition date 04/13 applies to the General Liability policy.  
Designated Construction Project General Aggregate form #CG2503 edition date 05/09 applies to the General Liability policy.  
Notice of Cancellation form #CG0205 edition date 12/04 applies to the General Liability policy.  
Waiver of Subrogation form #WC420304A edition 01/00 applies to the Workers Compensation policy.

POLICY NUMBER: PTC-GL-000002547

COMMERCIAL GENERAL LIABILITY  
CG 20 10 04 13**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.****ADDITIONAL INSURED – OWNERS, LESSEES OR  
CONTRACTORS – SCHEDULED PERSON OR  
ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

**SCHEDULE**

<b>Name Of Additional Insured Person(s) Or Organization(s)</b>	<b>Location(s) Of Covered Operations</b>
Blanket as required by written contract.	All locations as required by written contract.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

**A. Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

**B.** With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

POLICY NUMBER: PTC-GL-000002547-00

COMMERCIAL GENERAL LIABILITY  
CG 20 37 04 13**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.****ADDITIONAL INSURED – OWNERS, LESSEES OR  
CONTRACTORS – COMPLETED OPERATIONS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART  
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART**SCHEDULE**

Name Of Additional Insured Person(s) Or Organization(s)	Location And Description Of Completed Operations
Blanket as required by written contract.	All locations as required by written contract.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

**A. Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the Schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

**B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

PTCGL000002547

Southwest Metal Roofing Systems

**COMMERCIAL GENERAL LIABILITY  
CG 20 01 04 13****THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.****PRIMARY AND NONCONTRIBUTORY –  
OTHER INSURANCE CONDITION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART  
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

The following is added to the **Other Insurance** Condition and supersedes any provision to the contrary:

**Primary And Noncontributory Insurance**

This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under your policy provided that:

**(1)** The additional insured is a Named Insured under such other insurance; and

**(2)** You have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured.

Southwest Metal Roofing Systems  
PTCGL000002547

**COMMERCIAL GENERAL LIABILITY  
CG 20 34 07 04**

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**ADDITIONAL INSURED – LESSOR OF LEASED  
EQUIPMENT – AUTOMATIC STATUS WHEN  
REQUIRED IN LEASE AGREEMENT WITH YOU**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART**

**A. Who Is An Insured (Section II)** is amended to include as an additional insured any person or organization from whom you lease equipment when you and such person or organization have agreed in writing in a contract or agreement that such person or organization be added as an additional insured on your policy. Such person or organization is an insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person or organization.

A person's or organization's status as an additional insured under this endorsement ends when their contract or agreement with you for such leased equipment ends.

**B.** With respect to the insurance afforded to these additional insureds, this insurance does not apply to any "occurrence" which takes place after the equipment lease expires.

Southwest Metal Roofing Systems

POLICY NUMBER: PTCGL000002547

COMMERCIAL GENERAL LIABILITY  
CG 24 04 05 09**WAIVER OF TRANSFER OF RIGHTS OF RECOVERY  
AGAINST OTHERS TO US**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART  
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART**SCHEDULE****Name Of Person Or Organization:**

ANY PERSON OR ORGANIZATION THAT REQUIRED YOU TO WAIVE YOUR RIGHTS OF RECOVERY, IN A WRITTEN CONTRACT OR AGREEMENT WITH THE NAMED INSURED THAT IS EXECUTED PRIOR TO THE ACCIDENT OR LOSS.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph 8. **Transfer Of Rights Of Recovery Against Others To Us** of Section IV – Conditions:

We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only to the person or organization shown in the Schedule above.

Southwest Metal Roofing Systems

POLICY NUMBER: PTCGL000002547

COMMERCIAL GENERAL LIABILITY  
CG 25 03 05 09**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.****DESIGNATED CONSTRUCTION PROJECT(S)  
GENERAL AGGREGATE LIMIT**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

**SCHEDULE****Designated Construction Project(s):**

A GENERAL AGGREGATE LIMIT APPLIES TO EACH CONSTRUCTION PROJECT WHERE THE NAMED INSURED IS PERFORMING OPERATIONS; HOWEVER, ONLY ONE GENERAL AGGREGATE LIMIT WILL APPLY TO ALL CONSTRUCTION PROJECTS WHERE THE NAMED INSURED IS PERFORMING OPERATIONS THAT ARE INSURED UNDER A WRAP UP OR ANY OTHER COMBINED, CONSOLIDATED OR SIMILAR INSURANCE PROGRAM.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

**A.** For all sums which the insured becomes legally obligated to pay as damages caused by "occurrences" under Section I – Coverage A, and for all medical expenses caused by accidents under Section I – Coverage C, which can be attributed only to ongoing operations at a single designated construction project shown in the Schedule above:

1. A separate Designated Construction Project General Aggregate Limit applies to each designated construction project, and that limit is equal to the amount of the General Aggregate Limit shown in the Declarations.
2. The Designated Construction Project General Aggregate Limit is the most we will pay for the sum of all damages under Coverage A, except damages because of "bodily injury" or "property damage" included in the "products-completed operations hazard", and for medical expenses under Coverage C regardless of the number of:
  - a. Insureds;
  - b. Claims made or "suits" brought; or
  - c. Persons or organizations making claims or bringing "suits".

3. Any payments made under Coverage A for damages or under Coverage C for medical expenses shall reduce the Designated Construction Project General Aggregate Limit for that designated construction project. Such payments shall not reduce the General Aggregate Limit shown in the Declarations nor shall they reduce any other Designated Construction Project General Aggregate Limit for any other designated construction project shown in the Schedule above.

4. The limits shown in the Declarations for Each Occurrence, Damage To Premises Rented To You and Medical Expense continue to apply. However, instead of being subject to the General Aggregate Limit shown in the Declarations, such limits will be subject to the applicable Designated Construction Project General Aggregate Limit.

**B.** For all sums which the insured becomes legally obligated to pay as damages caused by "occurrences" under Section I – Coverage A, and for all medical expenses caused by accidents under Section I – Coverage C, which cannot be attributed only to ongoing operations at a single designated construction project shown in the Schedule above:

1. Any payments made under Coverage A for damages or under Coverage C for medical expenses shall reduce the amount available under the General Aggregate Limit or the Products-completed Operations Aggregate Limit, whichever is applicable; and
2. Such payments shall not reduce any Designated Construction Project General Aggregate Limit.

**C.** When coverage for liability arising out of the "products-completed operations hazard" is provided, any payments for damages because of "bodily injury" or "property damage" included in the "products-completed operations hazard" will reduce the Products-completed Operations Aggregate Limit, and not reduce the General Aggregate Limit nor the Designated Construction Project General Aggregate Limit.

**D.** If the applicable designated construction project has been abandoned, delayed, or abandoned and then restarted, or if the authorized contracting parties deviate from plans, blueprints, designs, specifications or timetables, the project will still be deemed to be the same construction project.

**E.** The provisions of Section III – Limits Of Insurance not otherwise modified by this endorsement shall continue to apply as stipulated.

Southwest Metal Roofing Systems

POLICY NUMBER: PTCGL000002547

COMMERCIAL GENERAL LIABILITY  
CG 02 05 12 04**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.****TEXAS CHANGES – AMENDMENT OF CANCELLATION  
PROVISIONS OR COVERAGE CHANGE**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART  
LIQUOR LIABILITY COVERAGE PART  
OWNERS AND CONTRACTORS PROTECTIVE LIABILITY COVERAGE PART  
POLLUTION LIABILITY COVERAGE PART  
PRODUCT WITHDRAWAL COVERAGE PART  
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART  
RAILROAD PROTECTIVE LIABILITY COVERAGE PART

In the event of cancellation or material change that reduces or restricts the insurance afforded by this Coverage Part, we agree to mail prior written notice of cancellation or material change to:

**SCHEDULE**

<b>1. Name:</b>	Any person or organization as evidenced by a certificate of insurance issued on the company's behalf by its licensed agent.
<b>2. Address:</b>	
<b>3. Number of days advance notice:</b>	30
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

Southwest Metal Roofing Systems

**WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE POLICY**

**WC 42 03 04 A**

(Ed. 1-00)

**TEXAS WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT**

This endorsement applies only to the insurance provided by the policy because Texas is shown in Item 3.A. of the Information Page.

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule, but this waiver applies only with respect to bodily injury arising out of the operations described in the Schedule where you are required by a written contract to obtain this waiver from us.

This endorsement shall not operate directly or indirectly to benefit anyone not named in the Schedule.

The premium for this endorsement is shown in the Schedule.

Schedule

1. ( ) Specific Waiver

Name of person or organization

X Blanket Waiver

Any person or organization for whom the Named Insured has agreed by written contract to furnish this waiver.

2. Operations:

3. Premium:

The premium charge for this endorsement shall be \_\_\_\_\_ percent of the premium developed on payroll in connection with work performed for the above person(s) or organization(s) arising out of the operations described.

4. Advance Premium:

This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated.

(The information below is required only when this endorsement is issued subsequent to preparation of the policy.)

Insurance Company

Countersigned by \_\_\_\_\_



**WC 42 03 04 A**  
(Ed. 1-00)

<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: March 14, 2024**

**AGENDA ITEM: 9. i.**

- i. Discussion and Possible Action authorizing the Interim City Manager to seek a County CDBG Grant for improvements to the Senior Citizen Center, Parks, and Roads. (Councilmember Hitt & Councilmember Molina)

## CDBG, HOME & ESG

### Federal Grant Funds

Public Hearing was held March 7 at the Grasp Senior Center 250 Donalan Dr, Converse, TX

The Grant opening is from March 18, 2024, to April 1, 2024

Allocations fund for 2024 will be approximate \$3.4 Million

CDBG-Community Development Block Grant

HOME-Home Investment Partnerships Program

ESG- Emergency Solutions Grant

### CDGG Eligible Activities

- Infrastructure
- Public Facility Improvements
- Investments in Public Services

#### Infrastructure:

1. Ackerman Rd to improve the south entrance to Kirby (by Hopkins Elementary)
2. the sink hole on the 5400 block of Boatmen along with the drainage.

#### Public Facility Improvement:

1. Kirby Senior Center Improvements

#### Investment in Public Service:

1. Friendship Park lighting and water

Meeting with Mr. Robert H. Reyna MBA Community Development Director on March 11, 2024



# CDBG, HOME, & ESG

## Public Hearing (Fiscal Year 2024)

PRESENTED BY  
COMMUNITY DEVELOPMENT DIVISION

# FEDERAL GRANT FUNDS



The Community Development Division administers three grants through the U.S. Department of Housing and Urban Development (HUD):

**CDBG** - Community Development Block Grant

**HOME** - Home Investment Partnerships Program

**ESG** - Emergency Solutions Grant

# FEDERAL ALLOCATIONS



Funding Source	Fiscal Year 2021	Fiscal Year 2022	Fiscal Year 2023
Community Development Block Grant (CDBG)	\$2,374,828	\$2,379,662	\$2,470,541
HOME Investment Partnerships Program	\$702,066	\$737,531	\$745,092
Emergency Solutions Grant (ESG)	\$204,107	\$199,629	\$209,147
<b>Total</b>	<b>\$3,281,001</b>	<b>\$3,316,822</b>	<b>\$3,424,780</b>

# CDBG OVERVIEW



The Community Development Block Grant (CDBG) develops viable urban communities and expands economic opportunity for low-to-moderate income people.

## CDBG Eligible Activities

- Infrastructure
- Public Facility Improvements
- Investments in Public Services



# MEALS ON WHEELS (CDBG-CV)



**MEALS on WHEELS**  
**SAN ANTONIO**

Commissioner Calvert delivers senior meals in Precinct 4

# CDBG PARTICIPATING CITIES



- |                     |                    |
|---------------------|--------------------|
| 1. Alamo Heights    | 8. Live Oak        |
| 2. Balcones Heights | 9. Sandy Oaks      |
| 3. Elmendorf        | 10. Schertz        |
| 4. Grey Forest      | 11. Somerset       |
| 5. Helotes          | 12. Universal City |
| 6. Kirby            | 13. Von Ormy       |
| 7. Leon Valley      |                    |

# HOME OVERVIEW



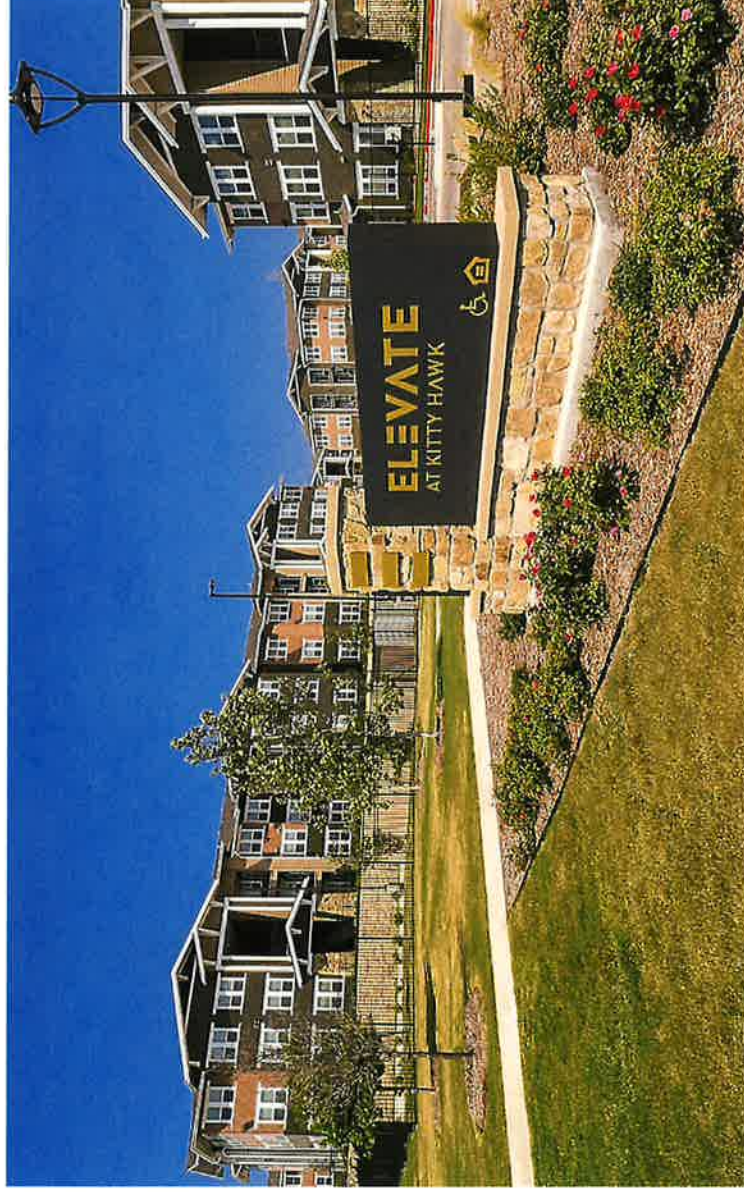
The HOME Investment Partnerships Program develops and expands the supply of decent, affordable housing for low to moderate income families.

## HOME Eligible Activities

- Construction of New Housing
- Rehabilitation of Existing Housing Units
- Demolition of Dilapidated Structures



# THE NRP GROUP



# ESG OVERVIEW



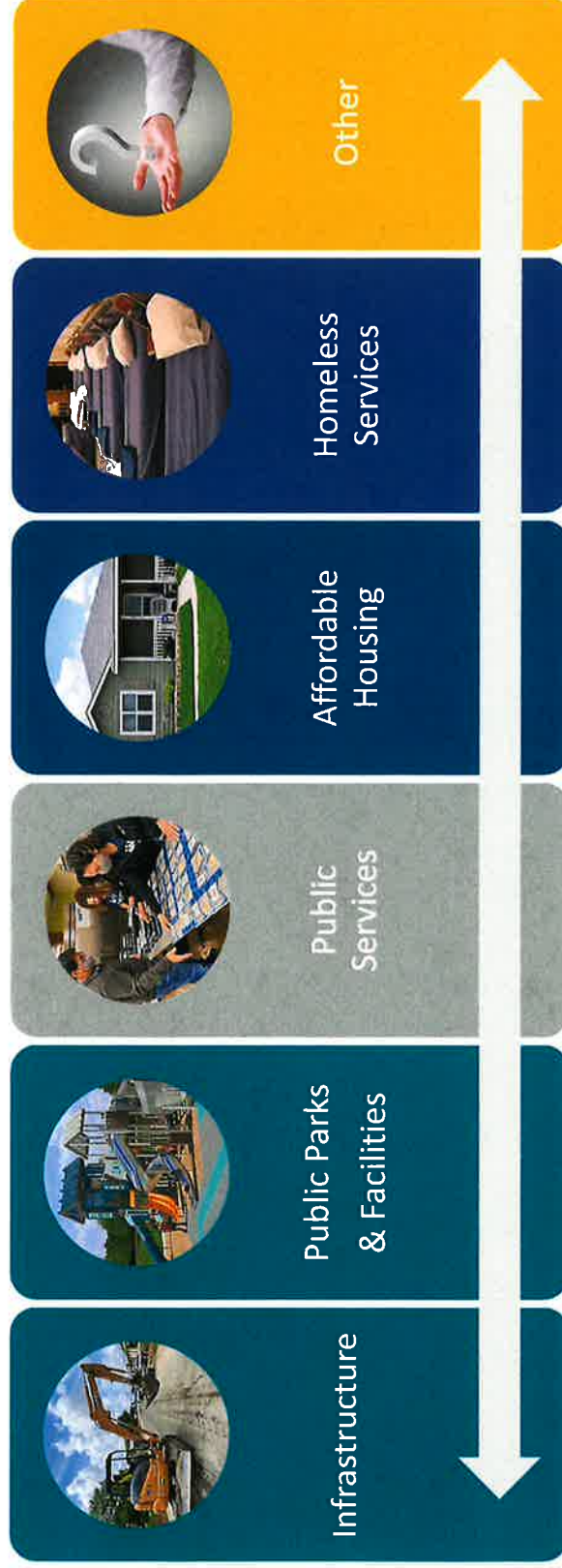
The Emergency Solutions Grant (ESG) assists homeless or individuals at risk of homelessness to regain housing stability.

## ESG Eligible Activities

- Emergency Shelter
- Homeless Management Information System
- Homelessness Prevention
- Rapid Re-housing
- Street Outreach



# WHAT TYPE OF PROJECTS WOULD BENEFIT YOUR COMMUNITY?



# TAKE OUR ONLINE SURVEY!



<https://www.bexar.org/2739/Community-Development>



THANK YOU!

BEXAR COUNTY COMMUNITY DEVELOPMENT DIVISION

<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: March 14, 2024**

**AGENDA ITEM: 9. j.**

- j. Discussion And Possible Action on adopting an Ordinance Amending Code of Ordinances Title III, Administration, Article I, Sections 30.04, 30.07 and 30.10, Agenda, Meetings Regarding Decorum and Debate, Citizen Participation, and Section 30.11 related to Carrying of Firearms on City Owned Premises. (Chief Cardona, Mayor Grider & Mayor Pro-Tem Apodaca).

TITLE III: - ADMINISTRATION  
CHAPTER 30: - CITY COUNCIL  
ARTICLE I. MEETINGS

## ARTICLE I. MEETINGS

### § 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; Ord. No. O-2022-911 , § 2, 4-28-2022)

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### § 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; Ord. No. O-2022-911 , § 2, 4-28-2022)

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### § 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; Ord. No. O-2022-911 , § 2, 4-28-2022)

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#### § 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. The Mayor or City Manager have authority to not accept agenda items that are incomplete or non-specific to the discussion and/or action being requested. It is the intention of the City Council to ensure city business is appropriately researched and presented prior to being placed on an agenda.

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.

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(Supp. No. 5)

( Ord. No. O-2015-769 , § 4.0, 6-11-2015; Ord. No. O-2016-804 , §§ 3, 7, 12-15-2016; Ord. No. O-2022-911 , § 2, 4-28-2022)

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### § 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; Ord. No. O-2022-911 , § 2, 4-28-2022)

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### § 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 1 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 1 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  $\frac{2}{3}$  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

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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 1 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 1 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

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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	¾
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; Ord. No. O-2022-911 , § 2, 4-28-2022)

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### § 30.07 CITY COUNCIL MEMBERS DECORUM AND DEBATE.

In support of and respect for open, fair, and informed decision-making process, the City Council, Committees and Boards recognize that:

- Civil, respectful, and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and
- Uncivil discourse and/or discourteous and inappropriate behavior have a negative impact on character and productivity of the decision-making process.
- In an effort to preserve the intent of open government and maintain a positive environment for citizen input and City Council, Boards, Commission, Committees decision-making, the following Meeting Protocol and Rules of Decorum have been adopted.

Compliance with the meeting protocol is expected and will be enforced. A printable version of the Meeting Protocol will be made available on the City of Kirby website.

A.) *Speaking.* 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

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member wishing to speak has been allowed a first comment. Council members shall also have the right to yield the floor to another member.

A.) Motion to Move The Question. 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  $\frac{2}{3}$  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.

B.) Etiquette. Council members ~~should not shall not~~ indulge or engage in anger, rudeness, ridicule, personal attacks, use ~~personally offensive language obscene or profane language~~, arraign motives of Council members or staff, charge deliberate misrepresentation of the City or staff, or use language tending to hold a member of the City Council or staff up to contempt.

C.) Seating. All persons attending a Public Meeting shall remain seated in the seats provided, unless addressing the body at the podium or entering or leaving the meeting.

~~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.~~

D.) Council Addressing City Business. No member shall speak more than 5 minutes on any question or amendment ~~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.

All Council Members will be required to be present during all meetings.

E.) Enforcement. 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.

~~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.~~

~~If a City Council member continues to disrupt or fails to follow the rules of decorum, the council member may be ejected from the meeting by the Mayor or by a vote of at least 4 members of the City Council without debate.~~

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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; Ord. No. O-2022-911 , § 2, 4-28-2022)

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### **§ 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; Ord. No. O-2022-911 , § 2, 4-28-2022)

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### **§ 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; Ord. No. O-2022-911 , § 2, 4-28-2022)

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## § 30.10 CITIZEN PARTICIPATION AT MEETINGS.

(A) *Rules for speakers.* Citizens will be allowed to speak at a meeting; ~~provided, provided, they have signed the Citizen Participation form utilizing their first and last name, home address including City and State, and listed the specific agenda items to be addressed,~~ 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. ~~If the Citizen Participation Form is found to be incomplete, the citizen shall not be recognized to speak at the podium during Citizen's Participation.~~

1. 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. ~~Impromptu personal points of order, comments, objections or questions shall not be recognized, and if they persist, after the Presiding Officer has warned of the offense, a member of the public engaging in such conduct shall, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from the meeting.~~
2. ~~The purpose of addressing the City Council is to formally communicate to the Council on matters relating to City business or citizen concerns. Persons addressing the City Council on an agenda item shall confine the subject matter of their remarks to the particular matter before the Council.~~
3. ~~No person except City Officials shall be permitted within the platform area in front of Council dais without the prior consent of the Presiding Officer or City Manager.~~

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3. Behavior. No person attending Public Meetings shall engage in disorderly or boisterous conduct including but not limited to applause, whistling, stomping of feet, booing, or making any loud, threatening, profane, abusive, racist, sexist, obscene, personal, impertinent, or slanderous utterance—that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting. No person shall engage in defamation, intimidation, personal affronts, or threats of violence.

4. Remarks. All remarks by members of the public shall be addressed to the council or the governmental body and not to any specific Council, Board or Commission Member.

(B) *Noise in the Lobby or Outside.* Noise emanating from the lobby outside the City Council Chambers which is audible within the City Council Chambers shall not be permitted. The Kirby Police Department is authorized to enforce this rule by requesting those in the lobby to remain silent or leave the area.

(C) *Electronics Noise.* Within the City Council Chambers, all cell phone and pager ringers shall be turned off; no talking on cell phones is allowed; and all electronic equipment or electronic devices shall be operated in a manner which does not emit sound or disturb other members of the public or disrupt the orderly conduct of the meeting.

(D) *Signs.* 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.

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(E) *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

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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.

- (FC) *Identification.* All members of the public speaking before Council shall preface their statements with their name and home address for the record.
- (GD) *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.
- (HE) *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 anytime.
- (IF) *Public comments and receipt of petition.* ~~The public comment period will not be used to air personal grievances, nor to make political endorsements or for political campaign purposes. Speakers shall address all comments to the government body and not to individual council members. Discussions between speakers and members of the audience shall not be allowed.~~ 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.
- (JG) *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.
- (KH) *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 35 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.
- (LI) 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.
- (MJ) *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.
- (NK) *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; last row to the left side~~ 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.

- (O) **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.

(P) **Enforcement of the Rules of Decorum for Meetings**

1. The Presiding Officer shall be responsible for Maintaining the decorum at the Public Meeting and uniformly enforcing the Rules of Decorum.

2. Breach of Decorum. In the event that any person breaches the Rules of Decorum in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting, The Presiding Officer shall first request that a person violating the rules cease such conduct. If, after receiving a request from the Presiding Officer, the person persists in violating these rules, the Presiding Officer shall order a recess, whereupon the Kirby Police Department shall have the authority to order the person ejected from the meeting, or be placed under arrest per Texas Penal Code.

5. If any person threatens by their actions or verbal utterance the safety of the public meeting, the Presiding Officer may order that person to leave the Public Meeting and shall also be removed from City Property.

6. Clearing the Room. In the event that any meeting is willfully interrupted by a group of groups of persons as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, The presiding officer may order the council chambers to be cleared and the meeting shall continue in session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session.

7. Authority of Mayor. The Mayor and City Council have the authority to remove an individual from a public meeting that poses a public safety threat to the council and/or the public.

a) The Mayor or majority-rule of City Council can prohibit an individual from participating in an in person open government meeting or a city-owned property if they are found to pose a public safety threat.

b) An individual that poses a public safety threat can be prohibited by the Mayor or a majority-rule of City Council, from entering an open government meeting and any city-owned property for a period of 90 days to not exceed 2 years.

c) If the Mayor or a majority-rule of City Council rules in favor of the prohibition, the individual has 5 business days to appeal the ruling with the City.

d) The individual prohibited will be given an opportunity to address an open government meeting virtually as to not impose on the right of the individual to address the open meeting.

8. Authority of Law Enforcement. Law Enforcement have authority to remove any person from city-owned property that pose a public safety threat.

(Q) **Violation of Texas Penal Code.**

A person or persons who willfully and intentionally impair or impede the conduct of a City Council meeting by violating these rules of decorum may be prosecuted under Texas Penal Code Section 30.05 Criminal Trespass and/or 42.05 Disrupting Meeting or Procession.

( Ord. No. O-2019-863, § 2, 8-22-2019 ; Ord. No. O-2022-911 , § 2, 4-28-2022)

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Ord. No. O-2019-863 , § 1, adopted Aug. 22, 2019, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. O-2015-769, § 10, 6-11-2015; Ord. No. O-2016-804, §§ 4, 5, 12-15-2016.

**§30.11 CARRYING OF A FIREARM AND OTHER PROHIBITED WEAPONS INTO THE ROOM OR ROOMS IN WHICH ANY MEETING OF THE CITY COUNCIL OR ANY OTHER CITY BOARD OR COMMISSION IS TAKING PLACE THAT IS SUBJECT TO CHAPTER 551, TEXAS GOVERNMENT CODE (OPEN MEETINGS ACT) IS PROHIBITED**

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(A) Pursuant to Section 46.03(14), Texas Penal Code, the City prohibits firearms, handguns, location-restricted knives, clubs, and prohibited weapons listed in Section 46.05(a) and as defined in Section 46.01, of the Texas Penal Code in the room or rooms where the city council or any other board or commission are holding meetings, if the meeting is an open meeting subject to Chapter 551, Government Code, and if the entity provided notice as required by that chapter.

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(B) The city council hereby directs the City Manager and City Staff to post such signage and appropriate notice in accordance with Texas Penal Code Sections 30.06 and 30.07, outside the door to the room or rooms in which any meeting of the city council or any other board or commission that is subject to Chapter 551, Texas Government Code (Open Meetings Act) is taking place prior to the meeting, and to remove the signage upon the conclusion of the meeting.

**§ 30.1234 QUALIFICATIONS FOR CANDIDATES FOR MAYOR OR FOR A PLACE ON THE CITY COUNCIL OR TO SERVE AS MAYOR OR ON THE CITY COUNCIL.**

In addition to any other qualifications to be a candidate for Mayor or for a place on the City Council or to serve on the City Council, a person who has been convicted of a felony, a child abuse related offense, family violence related offense, a misapplication of fiduciary property offense, or a sexually-related offense and has not been pardoned is declared ineligible to be a candidate for a place on the City Council or to serve on the City Council.

(Ord. No. O-2021-903 , § 1, 9-23-2021)

Editor's note(s)—Ord. No. O-2021-903 , § 1, adopted Sept. 23, 2021, set out provisions adding § 30.07. Inasmuch as there was already a section so designated, said provisions have been codified herein as § 30.11 at the discretion of the editor.

<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: March 14, 2024**

**AGENDA ITEM: 9. k.**

- k. Discussion and Possible Action to approve a plat for Bubble Bath, Lot 24 CB 5865.  
(Katelyn Ueckert)

NET AREA NOTE:

THE TOTAL NET AREA FOR THE LOTS ON THIS SUBDIVISION PLAT IS 1.000 ACRES.

FINISHED FLOOR HOTEL.

REMAINING PORTION OF LOT 23 IS BEING REPLATED.

DO NOT NOTES:

- 1. FOR RECORDATION AND RECORDATION PURPOSES, THE DEEDS SHALL BE RECORDED FOR ADEQUATE SET-BACK AND/OR SET-ASIDE REQUIREMENTS FOR STAIRS AND ELEVATION.
- 2. IF SET-BACKS ARE REQUIRED BY APPLICABLE CITY ORDINANCE, A SEVERAL PERMIT MUST BE OBTAINED FROM THE CITY OF BEAR COUNTY, TEXAS, PRIOR TO CONSTRUCTION WITHIN STATE RIGHT-OF-WAY. LOCATIONS OF SET-BACKS WITHIN STATE RIGHT-OF-WAY SHALL BE DIRECTED BY THE CITY OF BEAR COUNTY, TEXAS.
- 3. MAINTENANCE OF THE SET-BACKS SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY. THE SET-BACKS SHALL BE MAINTAINED AT ALL TIMES AND SHALL BE REPAIRED OR REPLACED AS NECESSARY. THE SET-BACKS SHALL BE MAINTAINED AT ALL TIMES AND SHALL BE REPAIRED OR REPLACED AS NECESSARY.
- 4. THE SET-BACKS SHALL BE MAINTAINED AT ALL TIMES AND SHALL BE REPAIRED OR REPLACED AS NECESSARY.

ADD CROSS ACCESS EASEMENT NOTE

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<input type="checkbox"/>	SPECIAL CONSIDERATION
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<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: March 14, 2024**

**AGENDA ITEM: 9. I.**

- I. Discussion and Possible Action to authorize the Interim City Manager to seek proposals for new inspector services. (Katelyn Ueckert)

<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: March 14, 2024**

**AGENDA ITEM: 9. m.**

- m. Discussion and Possible Action on the Kirby Senior Center Contract – Resolution R-2023-759. (Councilmember Garza & Councilmember Martin)

ARTICLES OF INCORPORATION  
OF  
KIRBY SENIOR CENTER CORPORATION

We, the undersigned natural person, each of whom is eighteen (18) years of age or older, a resident and a qualified voter of the City of Kirby, Texas (the "City"), and a citizen of the State of Texas (the "State"), acting as incorporators of a corporation under the provisions of Texas Revised Civil Statutes Annotated Article 1528(1) ("Article 1528(1)") and Local Government Code Chapter 394, as amended ("Chapter 134"), hereby adopt the following Articles of Incorporation for Kirby Senior Center Corporation (the "Corporation"):

ARTICLE I

The name of the corporation is Kirby Senior Center Corporation.

ARTICLE II

The Corporation is a public non-profit corporation.

ARTICLE III

The Corporation's period of duration is perpetual.

ARTICLE IV

The purposes for which the Corporation is organized are as follows:

1. to aid, assist and act on behalf of the City in accomplishing a governmental purpose of the City by establishing a senior citizen center for educational, recreational, health, and nourishment programs to benefit senior citizens;
2. to receive, hold, administer, and disburse any money, securities, or other property which may be transferred to the Corporation by gift, devise, bequest, or otherwise, for any of the uses or purposes set forth above, and to invest, lend, conserve, use, and disburse such money, securities, or other property, and the income derived therefrom, for the uses and purposes herein specified, in accordance with the judgment and discretion of the board of directors;
3. to purchase, exchange, contract for, lease, rent, and in any and all other ways acquire, take, own, improve, and hold, and to sell, convey, mortgage, lease, rent to others, or otherwise dispose of real estate, improvements in real estate, interests in real estate, and personal property of every kind, character, and description;

4. to borrow money or raise money and to issue notes, bills, bonds, and other obligations and to mortgage, pledge, hypothecate, or otherwise encumber any and all of the assets of the Corporation as security therefor for the purpose of carrying out the goals of the Corporation; and
5. to do any and things necessary or convenient to the accomplishment of any of the purposes or for the exercise of any of the powers herein set forth, whether herein specified or not, either alone or in connection with other firms, individuals, or corporations, whether in the State or throughout the United States, and elsewhere, if not inconsistent with the laws under which this Corporation is organized.

The Corporation is formed pursuant to the provisions of Article 1528(1) and Chapter 394, which authorize the Corporation to assist and act on behalf of the City and to engage in activities in the furtherance of the purpose for its creation.

The Corporation shall have and exercise all the rights, powers, privileges, authority, and functions given by the general laws of the State to non-profit corporations incorporated under Article 1528(1) the Act including, without limitation, those permitted under Texas Revised Civil Statutes Annotated Article 1396-1.01, et seq., as amended.

The Corporation shall have all other power of a like or different nature not prohibited by law which are available to non-profit corporations in the State and which are necessary or useful to enable the Corporation to perform the purposes for which it is created.

#### ARTICLE V

The Corporation shall have no members.

#### ARTICLE VI

All powers of the Corporation shall be vested in a board of directors (the "Board") consisting of nine (9) persons, each of whom shall be appointed by resolution of the City Council of the City, Directors of the Corporation (individually, a "Director" or collectively, the "Directors") shall be appointed by position to the Board. Each initial Director named in Article VIII hereof shall service for the term expiring On the date set forth in Article VIII. Each subsequent Director shall serve for a term of three (3) years or until his or her successor is appointed by the City Council of the City; provided, however, that any Director may be removed from office at any time, with or without cause, by the City Council. The number of Directors may only be increased or decreased by an amendment to these Articles of Incorporation.

To be qualified to serve as a Director, a person must be a resident of the City and at least eighteen (18) years old.

Not less than sixty (60) prior to the expiration date of the term of office of a Director, or as soon as possible after a vacancy occurs on the Board, because of death, resignation, removal, or other cause,

the Board shall make a recommendation to the City Council of the City of a qualified person or persons to be appointed for a new term, or to fill the vacancy on the Board for the remaining term, and deliver such recommendation to the Mayor of the City. The City Council will appoint a person or persons to serve the new term or to complete any term. The person or persons recommended by the Board may be appointed by the City Council, or the City Council may appoint any other person who is qualified to serve on the Board. If, for any reason, any person or persons recommended by the Board is not acceptable to the City Council, the City council may request the Board to provide an additional recommendation of a qualified person or persons for appointment to the Board.

All other matters pertaining to the internal affairs of the Corporation shall be governed by the Bylaws of the Corporation, so long as such Bylaws are not inconsistent with these Articles of Incorporation, or the laws of the State.

#### ARTICLE VII

The street address of the initial registered office of the Corporation is 112 Bauman St., Kirby, Texas 78219, and the name of its initial registered agent at such address is Kirby City Hall.

#### ARTICLE VIII

The number of Directors constituting the Board is nine (9). The names, addresses, positions, and terms of office of the initial Directors, each of whom resides within the City, are as follows:

<u>Pos.</u>	<u>Name</u>	<u>Address</u>	<u>Term</u>
1.	Joe Goodman	4210 Ackerman Rd., Kirby, Texas 78219	December 1, 1995
2.	Mary Kidd	5011 Frank Borman, Kirby, Texas 78219	December 1, 1995
3.	Mary Hollis	5431 Starfire Lane, Kirby, Texas 78219	December 1, 1995
4.	Francis Sutton	5401 Sir Robert, Kirby, Texas 78219	December 1, 1995
5.	Ramiro Pena	4034 Kirby Drive, Kirby, Texas 78219	December 1, 1995
6.	Richard Vogt	4506 Ackerman Rd, Kirby, Texas 78219	December 1, 1995
7.	Vera Fryer	5430 Boatman, Kirby, Texas 78219	December 1, 1995
8.	Lillian Patton	132 Hedwig, Kirby, Texas 78219	December 1, 1995
9.	Joe Hopkins	3511 Kirby Drive, Kirby, Texas 78219	December 1, 1995

## ARTICLE IX

The names and street addresses of the incorporators, each of whom resides within the City, are as follows:

	<u>Name</u>	<u>Address</u>
1.	Joe Goodman	4210 Ackerman Rd., Kirby, Texas 78219
2.	Mary Kidd	5011 Frank Borman, Kirby, Texas 78219
3.	Mary Hollis	5431 Starfire Lane, Kirby, Texas 78219
4.	Francis Sutton	5401 Sir Robert, Kirby, Texas 78219
5.	Ramiro Pena	4034 Kirby Drive, Kirby, Texas 78219
6.	Richard Vogt	4506 Ackerman Rd, Kirby, Texas 78219
7.	Vera Fryer	5430 Boatman, Kirby, Texas 78219
8.	Lillian Patton	132 Hedwig, Kirby, Texas 78219
9.	Joe Hopkins	3511 Kirby Drive, Kirby, Texas 78219

## ARTICLE X

No Director shall be liable to the Corporation for monetary damages for an act or omission in the Director's capacity as a Director, except for liability (i) for any breach of the Director's duty of loyalty to the Corporation, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) for any transaction from which the director received an improper benefit, whether or not the benefit resulted from an act taken within the scope of the Director's office, or (iv) for acts or omissions for which the liability of a Director is expressly provided by statute. Any repeal or amendment of this Article shall be prospective only and shall not adversely affect any limitation on the personal liability of a Director existing at the time of such repeal or amendment. In addition to the circumstances in which a Director is not personally liable as set forth in the preceding sentences, a Director shall not be liable to the fullest extent permitted by any amendment to the State statutes hereafter enacted that further limits the liability of a Director.

## ARTICLE XI

The City shall at all times have an unrestricted right to receive any income earned by the Corporation, exclusive of amounts needed to cover reasonable expenditures and reasonable reserves for future activities. No part of the Corporation's income shall inure to the benefit of any private interests. In the event of dissolution or liquidation of the Corporation, all assets shall be turned over to the City unless the City Council shall otherwise direct.

## ARTICLE XII

On December 3<sup>rd</sup>, 1992, the City Council of the City duly adopted a resolution approving the form of these Articles of Incorporation and approving the creation of the Corporation.

the Board shall make a recommendation to the City Council of the City of a qualified person or persons to be appointed for a new term, or to fill the vacancy on the Board for the remaining term, and deliver such recommendation to the Mayor of the City. The City Council will appoint a person or persons to serve the new term or to complete any term. The person or persons recommended by the Board may be appointed by the City Council, or the City Council may appoint any other person who is qualified to serve on the Board. If, for any reason, any person or persons recommended by the Board is not acceptable to the City Council, the City council may request the Board to provide an additional recommendation of a qualified person or persons for appointment to the Board.

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### ARTICLE XIII

These Articles of Incorporation may be amended at any time and from time to time by the Board with the approval of the City Council of the City.

IN WITNESS WHEREOF, we have hereunto set our hands 3<sup>rd</sup> day of December, 1992.

(Richard Vogt)

(Joe Goodman)

(Mary Hollis)

(Notarized)

<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: March 14, 2024**

**AGENDA ITEM: 9. n.**

- n. Discussion and Possible Action on the Removal of City Council Members from the Kirby Senior Center Board. (Councilmember Garza & Councilmember Martin)

Section 2.08 - Prohibitions:

- (a) Holding Other Office: Except where authorized by law, no Mayor or Council Member shall hold any other city office or city employment during his or her term as Mayor or Council Member and no former Mayor or Council Member shall hold any compensated appointive city office or city employment until one year after the expiration of his or her term as Mayor or Council Member.
- (b) Appointments and Removals: Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his or her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- (c) Interference with Administration: Except for the purpose of inquiries and investigations under Section 2.16, the Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

( Res. No. R-2021-734, § 1, 5-6-2021)

Per the City Charter

Section 11.03 - Members Filing for Office:

No member of a Board or Commission shall continue in such position after being elected or appointed to an elective office of the City.

Per City Ordinances

30.04 - AGENDA.

modified

(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.

§ 30.09 - CONDUCT OF MAYOR AND COUNCIL MEMBERS.

...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.

BY-LAWS OF  
KIRBY SENIOR CENTER CORPORATION

ARTICLE I

Powers and Purposes

Section 1.01: Purposes. The Kirby Senior Center Corporation (the "Corporation") is duly incorporated under and pursuant to Texas Revised Civil Statutes Annotated Article 1528(1) ("Article 1528(1)") and Local Government Code Chapter 394 for the purpose of benefiting and accomplishing public purposes of, and on behalf of, the City of Kirby, Texas (the "City") as follows,

1. to aid, assist and act on behalf of the City in accomplishing a governmental purpose of the City by establishing a senior citizen center for educational, recreational, health, and nourishment programs to benefit senior citizens;
2. to receive, hold, administer, and disburse any money, securities, or other property which may be transferred to the Corporation by gift, devise, bequest, or otherwise, for any of the uses or purposes set forth above, and to invest, lend, conserve, use, and disburse such money, securities, or other property, and the income derived therefrom, for the uses and purposes herein specified, in accordance with the judgment and discretion of the board of directors;
3. to purchase, exchange, contract for, lease, rent, and in any and all other ways acquire, take, own, improve, and hold, and to sell, convey, mortgage, lease, rent to others, or otherwise dispose of real estate, improvements in real estate, interests in real estate, and personal property of every kind, character, and description;
4. to borrow money or raise money and to issue notes, bills, bonds, and other obligations and to mortgage, pledge, hypothecate, or otherwise encumber any and all of the assets of the Corporation as security therefor for the purpose of carrying out the goals of the Corporation; and
5. to do any and things necessary or convenient to the accomplishment of any of the purposes or for the exercise of any of the powers herein set forth, whether herein specified or not, either alone or in connection with other firms, individuals, or corporations, whether in the State or throughout the United States, and elsewhere, if not inconsistent with the laws under which this

Corporation is organized.

The Corporation is organized solely to carry out the purposes of Article 1528(1) as set forth in its Articles of Incorporation.

Section 1.02: Powers. The Corporation shall have all such powers as are conferred by the Articles of Incorporation and Article 1528(1).

Section 1.03: Exercise of Powers and Authorization of Bonds. The exercise of any or all powers granted by Article 1528(1) may be authorized, and bonds may be authorized to be issued under Article 1528(1) for the purposes set forth in Article 1528(1) and the Articles of Incorporation, which shall take effect immediately upon adoption.

Section 1.04: Books and Records. The Corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its Board of Directors.

## ARTICLE II

### Board of Directors

Section 2.01: Powers, Number and Term of Office. The property and affairs of the Corporation shall be managed and controlled by the Board of Directors, and, subject to the restrictions imposed by law, the Articles of Incorporation and these By-laws, the Board shall exercise and be vested with all the powers of the Corporation. The Board of Directors shall consist of nine (9) directors, all of whom shall be residents of the City, and all of whom shall be appointed by the City Council of the City. The initial Board of Directors shall hold office for such period as is specified in the Articles of Incorporation. Subsequent directors may be appointed by the City Council of the City for a term not in excess of three (3) years and are removable by the City Council of the City for cause or at will. Any vacancy occurring on the Board of Directors through death, resignation, or otherwise shall be filled by appointment by the City Council of the City for cause or at will. Any vacancy occurring on the Board of Directors through death, resignation, or otherwise shall be filled by appointment by the City Council of the City, the appointed member to hold office until the expiration of the term for which the vacating director had been appointed.

Section 2.02: Meetings of Directors. The directors shall hold their meetings in the City at such location as the Board of Directors may from time to time determine; provided, however, in the absence of any such determination by the Board of Directors, the meetings shall be held at the registered office of the Corporation in the State of Texas. All meetings of the Board of

Directors shall be called and conducted in accordance with the Open Meetings Act, Texas Revised Civil Statutes Annotated Article 6252-17 (the "Open Meetings Act").

Section 2.03: Regular Meetings. Regular Meetings of the Board of Directors shall be held at such times and places as shall be designated from time to time by resolution of the Board of Directors.

Section 2.04: Special Meeting. Special Meetings shall be held whenever called by the president, by the secretary, by a majority of the directors for the time being in office, or upon advice of or request by the City Council of the City. In addition to notices required by the Open Meetings Act, the Secretary shall give notice to each director of each Special Meeting in person, or by mail, telephone, or telegraph, at least two (2) hours before the meeting. Whenever any notice is required to be given to any director hereunder, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

Section 2.05: Quorum. A majority of the Directors shall constitute a quorum, and when a quorum is present, action may be taken by a majority vote of the directors present.

Section 2.06: Conduct of Business. At the meetings of the Board of Directors, matters pertaining to the purposes of the Corporation shall be considered in such order as from time to time the Board of Directors may determine.

At all meetings of the Board of Directors, the president shall preside, and in the absence of the president, the vice president shall exercise the powers of the president.

The secretary of the Corporation shall act as secretary of all meetings of the Board of Directors, but in the absence of the secretary, the assistant secretary shall act as secretary of the meeting.

Section 2.07: Compensation of Directors. Directors as such shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual expenses incurred in the performance of their duties hereunder.

## ARTICLE III

### Officers

Section 3.01: Titles and Terms of Office. The officers of the Corporation shall be a president, a vice president, a secretary, an assistant secretary, and a treasurer, and such other offices as the Board of Directors may from time to time elect or appoint. One person may hold more than one office, except that the president shall not hold the office of secretary. Terms of office shall not exceed three years. The president and vice president shall be chosen from the members of the Board of Directors. The treasurer, secretary, and/or assistant secretary may or may not be members of the Board.

All officers shall be subject to removal from office, with or without cause, at any time by a vote of a majority of the entire Board of Directors.

A vacancy in the office of any officer shall be filled by a vote of a majority of the directors.

Section 3.02: Powers and Duties of the President. The president shall be the chief executive officer of the Corporation and, subject to the Board of Directors, shall be in general charge of the properties and affairs of the Corporation; the president shall preside at all meetings of the Board of Directors; in furtherance of the purposes of this Corporation and as approved by the Board of Directors, the president may sign and execute all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes, and other instruments in the name of the Corporation.

Section 3.03: Vice-President. The vice president shall have such powers and duties as may be assigned to the vice president by the Board of Directors and shall exercise the powers of the president during that officer's absence or inability to act. Any action taken by the vice president in the performance of the duties of the president shall be conclusive evidence of the absence or inability to act of the president at the time such action was taken.

Section 3.04: Treasurer. The treasurer shall have custody of all the funds and securities of the Corporation which come into the treasurer's hands. When necessary or proper, the treasurer may endorse for collection, on behalf of the Corporation, checks, notes, and other obligations and shall deposit the same to the credit of the Corporation in such bank or banks or depositories as shall be designated in the manner prescribed by the Board of Directors; the treasurer may sign all receipts and vouchers for payment made to the Corporation, either alone or jointly with such

other officer as may be designated by the Board of Directors; whenever required by the Board of Directors; the treasurer shall render a statement of the Corporation's cash account; the treasurer shall enter or cause to be entered regularly in the books of the Corporation to be kept by the treasurer for that purpose full and accurate accounts of all money received and paid out on account of the Corporation; the treasurer shall perform all acts incident to the position of the treasurer subject to the control of the Board of Directors; the treasurer shall, if required by the Board of Directors, give such bond for the faithful discharge of the treasurer's duties in such form as the Board of Directors may require.

Section 3.05: Secretary. The secretary shall keep the minutes of all meetings of the Board of Directors in books provided for that purpose; the secretary shall attend to the giving and serving of all notices; in furtherance of the purposes of the Corporation, the secretary may sign with the president in the name of the Corporation, and/or attest the signature thereto, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes, and other instruments of the Corporation; the secretary shall have charge of the corporate books, records, documents, and instruments, except the books of account and financial records and securities of which the treasurer shall have custody and charge, and such other books and papers as the Board of Directors may direct, all of which shall at all reasonable times be open to inspection upon application at the office of the Corporation during business hours, and the secretary shall in general perform all duties incident to the office of secretary subject to the control of the Board of Directors.

Section 3.06: Assistant Secretary. The assistant secretary shall have such powers and duties as may be assigned to the assistant secretary by the Board of Directors and shall exercise the powers of the secretary during that officer's absence or inability to act. Any action taken by the assistant secretary in the performance of the duties of the secretary shall be conclusive evidence of the absence or inability to act of the secretary at the time such action was taken.

#### ARTICLE IV

#### Provisions Regarding Articles of Incorporation and By-Laws

Section 4.01: Effective Date. These By-laws shall become effective upon adoption by the Board of Directors.

Section 4.02: Amendments to Articles of Incorporation and Bylaws. The Articles of Incorporation may at any time and from time to time be amended, provided that the Board of Directors files with the City Council of the City a written application requesting

that the City Council approve such amendment to the Articles of Incorporation, specifying in such application the amendment or amendments proposed to be made. If the City Council by appropriate resolution finds and determines that it is wise, expedient, necessary, or advisable that the proposed amendment be made, authorizes the same to be made, and approves the form of the proposed amendment, the Board of Directors may proceed to amend the Articles of Incorporation as provided in Article 1528(1).

The Articles of Incorporation may also be amended at any time by the City Council of the City at its sole discretion by adopting an amendment to the Articles of Incorporation of the Corporation by resolution of the City Council and delivering the Articles of Amendment to the Secretary of State as provided in Article 1528(1).

These By-laws may be amended by majority vote of the Board of Directors upon notice to and written consent by the City Council of the City.

#### ARTICLE V

##### Fiscal Provisions

Section 5.01: Non-profit Corporation - Disposition of Earnings. The Corporation is a public non-profit corporation. No dividends shall be distributed to, or inure to the benefit of, its directors, officers, or other private persons, association, or corporation, except in reasonable amounts for services rendered, and except that in the event the Board of Directors of the Corporation shall determine that sufficient provision has been made for the full payment of the expenses, bonds, and other obligations of the Corporation, then any net earnings of the Corporation thereafter accruing shall be paid to the City; provided, however, that nothing herein contained shall prevent the Board of Directors from transferring all or any part of its properties in accordance with the terms of any contract or agreement entered into by the Corporation.

Section 5.02: Fiscal Year. The fiscal year of the Corporation shall be as determined by the Board of Directors.

Section 5.03: Checks, Demands for Money. All checks or demands for money and notes of the Corporation shall be signed by such officer or officers or such other person or persons as the Board of Directors may from time to time designate provided that in no event shall a check be negotiated until it is signed by at least one officer.

Section 5.04: Dissolution of Corporation - Distribution of Funds and Properties. Upon dissolution of the Corporation, title to all funds and properties or interest in any real or personal

property owned by the Corporation at the time of such dissolution shall vest in the City, and possession of such funds and properties or interest in properties shall forthwith be delivered to the City.

## ARTICLE VI

### General Provisions

Section 6.01: Principal Office. The principal office of the Corporation shall be within the City.

The Corporation shall have and continuously maintain in the State of Texas a registered office (which may be, but need not be, the same as the principal office) and registered agent in accordance with the provisions of Article 2.05, Texas Non-Profit Corporation Act. The Corporation may change its registered agent in accordance with the provisions of Article 2.06, Texas Non-Profit Corporation Act. Process may be served on the Corporation in accordance with the provisions of Article 2.07, Texas Non-Profit Corporation Act.

Section 6.02: Seal. The seal of the Corporation shall be as determined by the Board of Directors.

Section 6.03: Resignations. Any director or officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipts by the president or secretary. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

## ARTICLE VII

### Indemnification

Section 7.01: Persons Indemnified. The Corporation shall, subject to the limitations provided in this Article, indemnify any person who is or was a director, officer, employee, or agent of the Corporation who, because such person is or was serving in such capacity, was, is, or is threatened to be made a named defendant or respondent in (i) any threatened, pending or completed action, suit, or proceeding, whether civil, criminal, administrative, arbitrative, or investigative, (ii) any appeal in such an action, suit, or proceeding, and (iii) any inquiry or investigation that could lead to such an action, suit, or proceeding, against judgments, penalties (including excise and similar taxes), fines, settlements, and reasonable expenses (including court costs and attorneys' fees) actually incurred by such person in connection with any such action, suit, proceeding, appeal, inquiry, or investigation, but, if such action, suit, proceeding, appeal,

inquiry, or investigation was brought by or on behalf of the Corporation, such indemnification shall be limited to reasonable expenses actually incurred by such person in connection with such action, suit, proceeding, appeal, inquiry, or investigation.

Section 7.02: Indemnification Allowed. A person shall be indemnified by the Corporation under this Article only if he has been wholly successful, on the merits or otherwise, in the defense of the action, suit, proceeding, appeal, inquiry, or investigation described in Section 7.01 or if it is determined in accordance with Section 7.05 that such person (i) conducted himself in good faith, (ii) reasonably believed, in the case of conduct in his official capacity, that his conduct was in the best interest of the Corporation and, in all other cases, that his conduct was at least not opposed to the best interests of the Corporation, and (iii) in the case of any criminal proceeding, had no reasonable cause to believe his conduct was unlawful.

Section 7.03: No Indemnification. A person shall not be indemnified by the Corporation under this Article for obligations resulting from any action, suit, proceeding, appeal, inquiry, or investigation in which such person is found liable (i) on the basis that personal benefit was improperly received by him, whether or not the benefit resulted from an action taken in such person's official capacity, or (ii) to the Corporation.

Section 7.04: Advancements. The Corporation may pay or reimburse reasonable expenses (including court costs and attorneys' fees) in advance of the final disposition of an action, suit, proceeding appeal, inquiry, or investigation described in Section 7.01, but only after (i) the Corporation receives a written affirmation from the person receiving the payment or reimbursement of his good faith belief that he has met the standard of conduct necessary for indemnification under this Article and a written undertaking by or on behalf of such person, consisting of an unlimited general obligation, secured or unsecured, of such person, to repay the amount paid or reimbursed if it is ultimately determined that he has met those requirements, which undertaking shall be accepted without reference to financial ability to make repayment, and (ii) a determination is made in accordance with Section 7.05 that the facts then known to those making the determination would not preclude indemnification under this Article.

Section 7.05: Standard for Indemnification. Any determination of indemnity under Sections 7.01 through 7.03, any determinations as to reasonableness of expenses, and any determination or authorization of payment under Section 7.904 must be made (i) by a majority vote of a quorum consisting of directors who at the time of the vote are not named defendants or respondents in the action, suit, proceeding, appeal, inquiry, or investigation described in

Section 7.01. (ii) if such a quorum cannot be obtained, by a majority vote of a committee of the board of directors, designated to act in the matter by a majority vote of all directors, consisting solely of two or more directors who at the time of the vote are not named defendants or respondents in such action, suit, proceeding, appeal, inquiry, or investigation, (iii) by special legal counsel selected by the board of directors or a committee of the board of directors by vote as set forth in (i) or (ii) above, or, if such quorum cannot be obtained and such a committee cannot be established, by a majority vote of all directors; provided, however, that if a determination that indemnification is permissible is made by special legal counsel, authorization of indemnification and determination as to reasonableness of expenses must be made in the manner specified in (iii) above for the selection of special legal counsel.

Section 7.06: Insurance. The Corporation may purchase and maintain insurance on behalf of any person described in Section 7.01 against any liability asserted against him and incurred by him or her in a capacity described in Section 7.01 or arising out of his or her status as such a person, whether or not the Corporation would have the power to indemnify him or her against that liability under this Article.

Effective Date: December 3rd, 1992

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<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: March 14, 2024**

**AGENDA ITEM: 9. o.**

- o. Discussion and Possible Action on the Mayor and Councils disregard and or violation for the Charter and its rules of policy and procedure. (Councilmember Garza)

<input checked="" type="checkbox"/>	DISCUSSION AND POSSIBLE ACTION ITEMS
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<input type="checkbox"/>	CONSIDERATION OF MINUTES
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<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: March 14, 2024**

**AGENDA ITEM: 9. p.**

- p. Discussion and Possible Action on the police policies in regards to equal access to city services. (Councilmember Garza)