



Janeshia A. Grider, Mayor

Christopher Garza
Sylvia Apodaca
Joe Molina

Maria Lozano
Mike Martin
Sally J. Hitt

**CITY COUNCIL AGENDA
REGULAR MEETING
THURSDAY, MARCH 28, 2024 - 7:00 P.M.
CITY HALL COUNCIL CHAMBER
112 BAUMAN, KIRBY, TX 78219**

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 28, 2024 at 7:00 P.M. (Central Time)

1. **Call Meeting to Order**
2. **Invocation and Pledge of Allegiance to the Flag**
3. **Mission Statement**
4. **Roll Call**
5. **Citizen Participation**
6. **Consideration Of and Action on Minutes**

- a. Regular Minutes – March 14, 2024

7. Interim City Manager Reports

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

8. Action Items

- a. Discussion and Possible Action on Change Order #5 seeking compensation by the Ackerman Road Street project contractor Austin Bridge and Road, for the extra 61 unforeseen mailboxes needed to replace all the residents' mailboxes in the amount of \$32,025.00 (Interim Public Works Director)
- b. Discussion and Possible Action on Change Order# 6 seeking compensation by the Ackerman Road Street project contractor Austin Bridge and Bridge, for the additional expenses incurred for off-duty police officers to control traffic in and around the Ackerman Street project in the amount of \$38,943.00 (Interim Public Works Director)
- c. Discussion and Possible Action on Change Order #8 seeking compensation by the Ackerman Road Street project contractor Austin Bridge and Road, related to the adjustment of an existing 12' water main over a proposed 30' RCP as well as the cost for 2 days partial closure and 2 days of off duty police officers to manage traffic at Binz-Engleman in the amount of \$38, 251.00 (Interim Public Works Director)
- d. Discussion and Possible Action on Change Order #9 seeks compensation by the Ackerman Road Street project contractor Austin Road and Bridge, for skewing of an existing PVC water line around junction boxes on NB Ackerman Rd. starting at junction box A-3 in the amount of \$25,942.00 (Interim Public Works Director)
- e. 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 and action on the creation of a city department to be assigned under the City of Kirby City Manager for FY25. (City Attorney)
- f. Discussion and Possible Action related to amendment to City Ordinance Title. III. Administration, Chapter 30, City Council, Article I-Meetings, Section 30.04(B) related to submission of agenda items electronically to the City Manager by the Friday at 12 noon preceding the City Council meeting (Interim City Manager)
- g. 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)
- h. Discussion and Possible Action authorizing the Interim City Manager to issue Request for Qualifications (RFQ) for City Attorney. (Councilmembers Garza and Martin)

- i. Discussion and Possible Action to authorize the Interim City Manager to enter into a contract with Bain Medina Bain, in the approximate amount of \$39,000 for an updated evaluation of pavement management road services – evaluation of city streets. (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. (Mayor Grider & Mayor Pro-Tem Apodaca, Police chief Cardona)
 - k. Discussion and Possible Action on the Kirby Senior Center Management Services Agreement with the City – Resolution R-2023-759. (Councilmembers Garza and Martin)
 - l. Discussion and Possible Action on the Removal of City Council Members from the Kirby Senior Center Board. (Councilmembers Garza and Martin)
 - m. Discussion and Possible Action on the Mayor and Councils disregard and or violation for the Charter and its rules of policy and procedure. (Councilmembers Garza and Martin)
 - n. Discussion and Possible Action on the police policies in regards to equal access to city services. (Councilmembers Garza and Martin)
 - o. 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)
 - p. Discussion and possible action on direction to the Interim City Manager to post for a Municipal Court Clerk with a salary of up to \$20/hour to attract and retain qualified candidate (Mayor Grider)
 - q. Discussion and Possible Action regarding an upcoming Community Resource Event for the City in May 2024 (Mayor Grider)
9. **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 and Possible Action on hiring a permanent City Manager (Councilmembers Garza, Martin)
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.
11. **City Manager Announcements**

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

12. Request And Announcements

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

13. Adjournment

Katelyn Ueckert
Interim City Secretary

The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on this agenda if authorized by Texas Government Code Section 551.071, Consultation with Attorney, Texas Government Code Section 551.072, Deliberations about Real Property, Texas Government Code Section 551.074, Personnel Matters, and Texas Government Code Section 551.076, Security Devices or Security Audits.

This meeting is wheelchair parking accessible at the main entrance located at 112 Bauman. Auxiliary services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours prior to the meeting) by calling 210/661-3198 or Relay Texas 800/735-2989 (hearing/speech impaired assistance).

DATE OF POSTING: March 25, 2024

TIME OF POSTING: 6:00 P.M.

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

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

DATE: March 28, 2024

AGENDA ITEM: 6. a.

- a. Regular Minutes – March 14, 2024



Janeshia A. Grider, Mayor

Christopher Garza
Sylvia Apodaca
Joe Molina

Maria Lozano
Mike Martin
Sally Hitt

**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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Topic: Regular City Council Meeting

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

1. Call Meeting to Order

Mayor Grider called the meeting to order at 7:12 P.M.

2. Invocation and Pledge of Allegiance to the Flag

Israel Leon gave the Invocation and Mayor Grider lead with the Pledge of Allegiance to the Flag

3. Mission Statement

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

4. **Roll Call**

PRESENT

ABSENT:

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

5. **Citizen Participation**

Lisa Pierce- Discussed administrative office and staff and pay, discussed lack of communication and trainings, discussed water bills and payment process, discussed city audit, discussed senior center programs and senior centers 501
Susan Street- Discussed public hearing mentioned in agenda, discussed Kirby Senior Center corporation and the dissolving process, discussed conflict of interest
Nika Leon- Discussed Church Luz De Mundo projects and events
Roger Romans- Discussed Senior Center and dissolving, and a breach of contract, discussed senior center debts

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

a. **Regular Minutes – February 8, 2024**

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Hitt to approve regular minutes- February 8, 2024

Aye:

Nay:

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

Motion passed 7-0 vote

b. **Regular Minutes – February 22, 2024**

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Hitt to approve regular minutes – February 22, 2024

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

Nay:
Council Member Lozano

Motion passed with a 6-1 vote

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Garza to amend previous motion to include “Allotted up to \$3000 for a fitness instructor on 8.1”

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

Nay:

Motion passed with a 7-0 vote

7. Presentation

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

Chief Cardona presented PD Badge Pinning and Swearing-In of New Police Officers

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

Chief Hilburn Announced a need to reschedule

8. Interim City Manager Reports

a. Update: Fire Department

Chief Hilburn Presented the Update for the Fire Department

b. Update: Finance Department- Water Utility Update

Jenise Best Interim Finance Director presented the Update on the Finance Department and Water Utility

c. Update: Police Department Report

Chief Cardona Presented the Update on the Police Department Report

d. Update: Public Works

Armondo Marquez Interim Public Works Director Presented the Update on Public Works

9. Action Items

Motion made by Council Member Martin seconded by Council Member Lozano to move 10A and 10B first

Aye:

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

Nay:

Motion passed with a 7-0 vote

Motion Made by Council Member Garza seconded by Council Member Martin to move 9M and 9N after closed session

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

Nay:
Mayor Grider

Motion passed with a 6-1 vote

- 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)

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Martin to table 9A

Aye:
Mayor Pro-Tem Apodaca
Council Member Hitt
Council Member Martin
Council Member Molina(via Zoom)
Council Member Lozano

Nay:
Council Member Garza
Mayor Grider

Motion passed with a 7-0 vote

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

Mayor Grider announced this would be discussed in closed session

- 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)

Consensus by council to postpone to future meeting

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

Motion made by Council Member Lozano seconded by Council Member Hitt to table 9D and 9J

Aye:

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

Nay:

Motion passed with a 7-0 vote

- 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)

Motion made by Council Member Garza seconded by Mayor Pro-Tem Apodaca to table 9E

Aye:

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

Nay:

Motion passed with a 7-0 vote

- 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)

Motion made by Council Member Garza seconded by Mayor Pro-Tem Apodaca to table 9F

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

Nay:

Motion passed with a 7-0 vote

- 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)

Motion made by Council Member Martin seconded by Council Member Garza to authorize Interim City Manager to enter into a contract with Advance Water Well Technologies to replace new valves on quotation.

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

Nay:

Motion passed with a 7-0 vote

- 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)

Motion made by Council Member Molina seconded by Council Member Hitt to Allow the Interim City Manager to negotiate an Agreement between the City of Kirby and the Greater Northeast Little League with Greater Northeast Little League (GNELL) to enter into a contract for 1500 for a year

Aye:
Council Member Hitt
Council Member Martin
Council Member Molina(via Zoom)
Mayor Grider

Nay:
Mayor Pro-Tem Apodaca
Council Member Garza
Council Member Lozano

Motion passed with a 4-3 vote

- 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)

Motion made by Council Member Garza seconded by Council Member Martin to authorize the Interim City Manager to seek a County CDBG Grant for improvements to Streets

Aye:

Council Member Martin
Council Member Garza
Mayor Grider

Nay:

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

Motion did not pass with a 3-4 vote

Motion made by Council Member Lozano seconded by Council Member Garza to authorize the Interim City Manager to seek a County CDBG Grant for improvements to Parks

Aye:

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

Nay:

Council Member Garza
Council Member Martin
Mayor Grider

Motion passed with a 4-3 vote

Motion made by Council Member Lozano seconded by Council Member Garza to resend the motion authorizing the Interim City Manager to seek a County CDBG Grant for improvements to Parks

Aye:

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

Nay:

Council Member Hitt
Council Member Martin
Council Member Molina(via Zoom)

Motion passed with a 4-3 vote

Motion made by Council Member Garza seconded by Council Member Martin to authorize the Interim City Manager to seek a County CDBG Grant for improvements to Roads and Streets

Aye:

Council Member Garza
Council Member Martin
Council Member Lozano
Mayor Grider

Nay:

Council Member Molina(via Zoom)
Mayor Pro-Tem Apodaca
Council Member Hitt

Motion passed with a 4-3 vote

- 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)

Motion made by Council Member Lozano seconded by Mayor Council Member Hitt to table 9D and 9J

Aye:

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

Nay:

Motion passed with a 7-0 vote

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

Motion made by Council Member Garza seconded by Mayor Pro-Tem Apodaca to approve a plat for Bubble Bath, Lot 24 CB 5865

Aye:

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

Nay:

Council Member Lozano
Mayor Grider

Motion passed with a 7-0 vote

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

Motion made by Council Member Garza seconded by Mayor Pro-Tem Apodaca to allow Interim City Manager to seek proposal for new inspection services

Aye:

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

Nay:

Motion passed with a 7-0 vote

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

Motion made by Council Member Martin seconded by Mayor Pro-Tem Apodaca to table 9M and 9N

Aye:

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

Nay:

Motion passed with a 7-0 vote

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

Motion made by Council Member Martin seconded by Mayor Pro-Tem Apodaca to table 9M and 9N

Aye:

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

Nay:

Motion passed with a 7-0 vote

- 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)

Motion made by Council Member Garza seconded by Council Member Lozano to table 9O and 9P

Aye:

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

Nay:

Motion passed with a 7-0 vote

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

Motion made by Council Member Garza seconded by Council Member Lozano to table 9O and 9P

Aye:

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

Nay:

Council Member Molina(via Zoom)
Council Member Lozano
Mayor Grider

Motion passed with a 7-0 vote

Open session closed at 8:33

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.

Council Opened the meeting back at 10:35 P.M.

- a. Discussion on seeking outside legal counsel to conduct an investigation of a personnel complaint. (Mayor Grider & Councilmember Lozano)

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Hitt to Approve Interim City Manager to conduct an investigation on a personnel complaint

Aye:

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

Nay:

Motion passed with a 7-0 vote

b. Discussion and Possible Action approving the separation and release agreement with former City Manager Dr. Brian Rowland. (Mayor Grider)

Motion made by Mayor Pro-Tem Apodaca seconded by Council Member Hitt to give direction to the city attorney to finalize negotiations and agreements with the city and Dr Rowland as directed in executive session

Aye:

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

Nay:

Council Member Garza
Council Member Martin

Motion passed with a 5-2 vote

12. City Manager Announcements

Interim City Manager Martinez announced Brush and Bulk pickup

13. Request And Announcements

Council Member Molina thanked everyone who came out and requested an update for zipper
Council Member Garza requested sent items in the packet is the same items they receive,
requested to add a tab for every board committee and commission, requested discussion on the
updates, requested weekly updates on road construction project, announced solar glasses
announces VFW fish fry and steak night

Council Member Lozano thanked everyone who came out and staff announced River City Produce
coming out and Gnells opening day, announced Luz De Mundo event and community garage sales
Mayor Pro-Tem Apodaca announced Lone Star event announced City of Kirby Easter Egg Hunt and
Wood Lake easter egg hunt, announced San Antonio Resources directory

Council Member Hitt announced Beautification and Recycle fiesta medals and Fiesta decorating
contest announced Yard of the Quarter

Council Member Martin thanked everyone who came out requested Zipper and streets (Crest
Vaun Braun Swann) be placed on the agenda to discuss

Mayor Grider announced easter egg hunt and that candy and plastic eggs still being accepted
announced March 22nd for egg stuffing, announced women's history month event at friendship
park, announced opening day for Gnell and parade.

14. Adjournment

Meeting Adjourned at 12:45

Katelyn Ueckert,
Interim City Secretary

The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on this agenda if authorized by Texas Government Code Section 551.071, Consultation with Attorney, Texas Government Code Section 551.072, Deliberations about Real Property, Texas Government Code Section 551.074, Personnel Matters, and Texas Government Code Section 551.076, Security Devices or Security Audits.

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DATE OF POSTING: March 25, 2024

TIME OF POSTING: 6:00 P.M.

| | |
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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 |

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

DATE: March 28, 2024

AGENDA ITEM: 7. a.

a. Discussion and Update: Fire Department

Kirby Fire and EMS

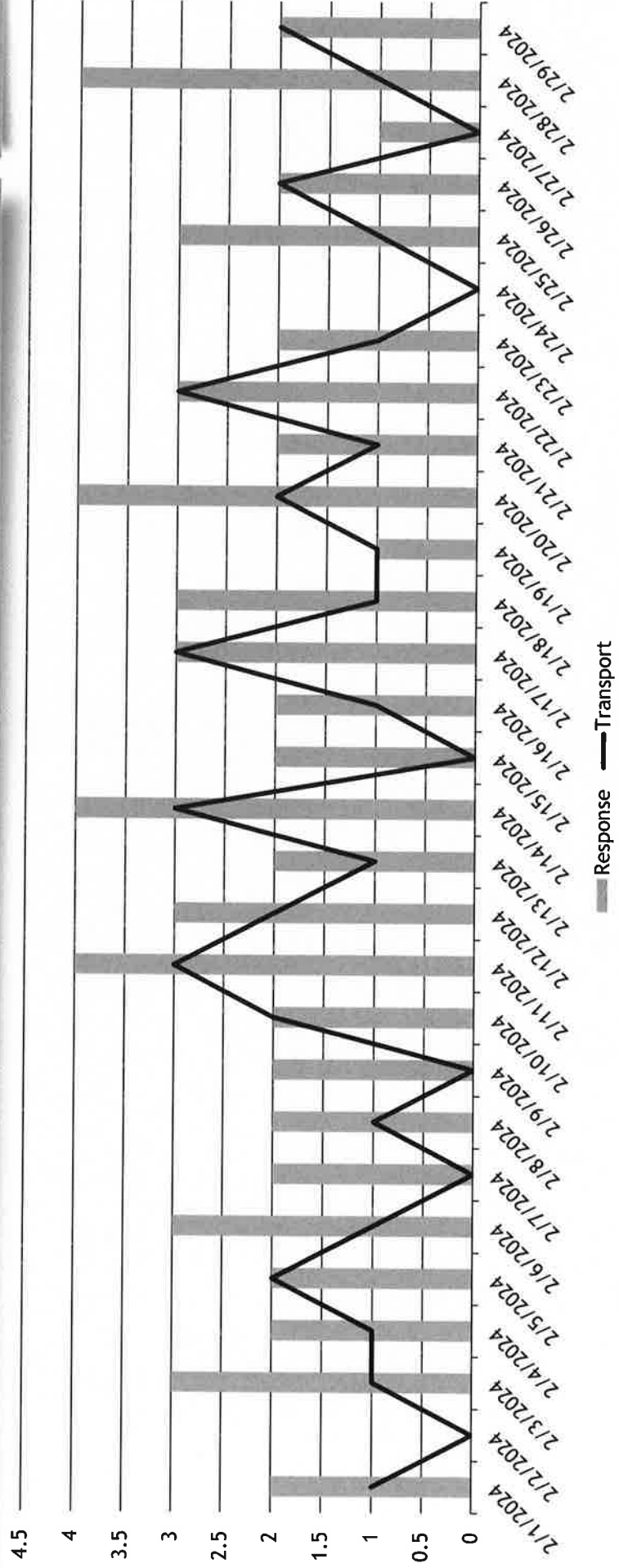


February 2024



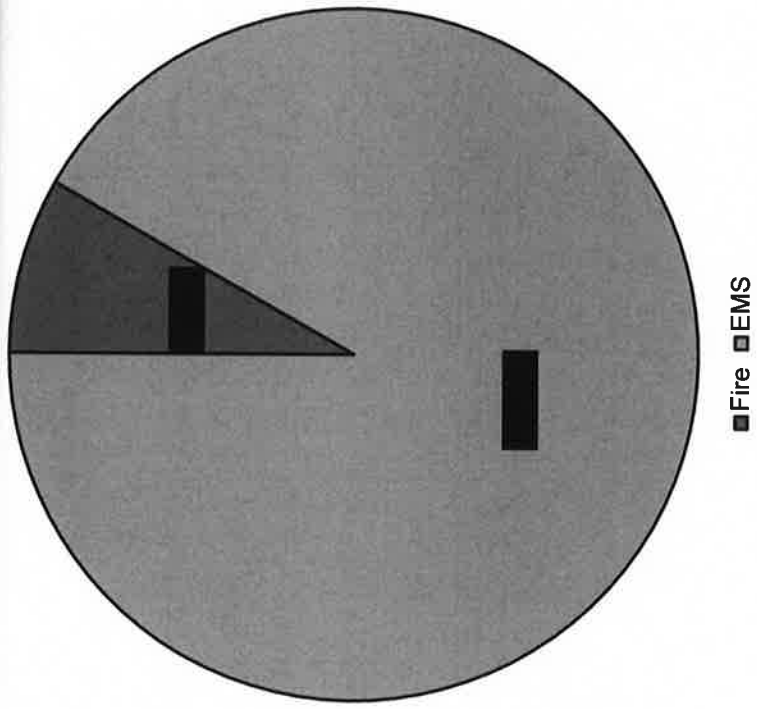
Fire / EMS

EMS Responses Vs Transport





EMS Vs Fire Responses





End of Report



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:

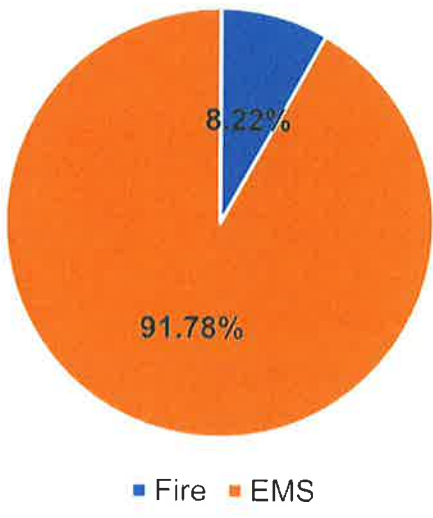
Medical: 67

| | |
|----------------------------|----|
| 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 24th 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 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 28, 2024

AGENDA ITEM: 7. b.

b. Discussion and Update: Finance Department- Water Utility Update



(Interim) CITY MANAGER REPORT TO COUNCIL

FINANCE DEPARTMENT: ARPA Update

March 28, 2024

ARPA Allowable Expenditures

ARPA funds may be used to address the unique needs of local communities and create a stronger national economy by using these essential funds to:

- Replace lost public sector revenue
- Respond to the far-reaching public health and negative economic impacts of the pandemic
- Provide premium pay for essential workers
- Invest in water, sewer, and broadband infrastructure
- Provide emergency relief from natural disasters or their negative economic impacts
- **Support surface transportation projects**, utilizing funds for eligible projects
- Support Title I projects that are eligible activities under the Community Development Block Grant and Indian Community Development Block Grant programs

Based on the information provided above from the U.S. Department of the Treasury's website, Council's approval of utilizing ARPA funds for the Fox Cross road project, and the remaining balance on the Ackerman Road project, appears to be in line with allowable costs under the SLFRF program authorized by the American Rescue Plan Act. To the best of my knowledge the ARPA available balance is \$968,014.13. We are verifying that amount with the external audit firm.

For additional information, access the U.S. Department of the Treasury's website at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>

Prepared by: Jenise Best, Interim Finance Director

Reviewed and approved by: Bobby J. Martinez, Interim City Manager

UTILITY BILLING UPDATES

CUTOFF PROCESS:

- In February 2023, the City of Kirby lost their City Manager Monique Vernon which led to the loss of all of the admin staff. There were only 2 administrators as of the last week of April 2023. The admin staffed that remained employed at City Hall were the City Secretary and Court Clerk
- The May cutoffs were processed with the help of the former Administrative Supervisor.
- The cutoff process for the city of Kirby was paused from June 2023-February 2024 due to staff shortages and system issues.
- The City did not do cutoffs from June-August under the direction and approval of Dr. Rowland. This was communicated to council and the public; there was a video on YouTube as well notices posted online and at city hall.
https://www.youtube.com/watch?v=Oi7Y1kyfn_w
- From September- December there were consistent issues with our software system and mailing system. These issues were brought to the attention of Chief Hilburn and Ken Roberts, the outcome was the cutoff process was still paused; utility updates were discussed with council via the City Manager.
- The billing has been caught up and mailed on time as of January 2024. Former City Manager Ken Roberts continued to pause the disconnects and late fees for January to allow for us to communicate with our residents that the billing was back to normal.
- Late fees were added in February, and the Administrative Supervisor communicated the late fees and cut off situation with the Mayor on February 16th due to the fact that the acting City Manager was not in the building.
- Cut offs were resumed March 6th 2024

UTILITY BILLING NOTIFICATIONS:

- Bills due January 15th were mailed out December 28th
- Bills due February 15th were mailed out January 29th
- Late Notices were mailed out February 21st
- Bills Due March 15th were mailed out February 28th
- Late Notices were mailed out March 18th



(Interim) CITY MANAGER REPORT TO COUNCIL

FINANCE DEPARTMENT: Water Utility Billing

March 28, 2024

NOTE: A number besides a dollar amount reflect the number of accounts involved.

| MONTH: | CLERICAL ERROR | METER READ ERROR | WATER LEAK- CITY | WATER LEAK- RESIDENT | MISC/ REASON | Total amount: |
|--------|----------------|------------------|---------------------|---------------------------------------|--------------|--|
| Oct-23 | 2: \$168.78CR | 1: \$417.83CR | 8: \$821.29 in fees | | | 11: \$234.68 added to account balances |
| Nov-23 | 1: \$82.76CR | | | | | 1: \$82.76CR |
| Dec-23 | 9: \$2323.08CR | 2: \$11,853.92CR | 2: \$1,472.19CR | 4: \$979.03CR – System Iss. Inc. bill | | 17: \$16,628.22CR |
| Jan-24 | 4: \$477.49CR | 5: \$751,055.95 | 3: \$23,148.60CR | 1: \$76.65CR | | 13: \$ 774,758.69CR |
| Feb-24 | 3: \$246.81CR | 2: \$714.5 | | 2: \$170.01- Stop Payments | | 5: \$791.30CR |

- In January, one residential account (#70-04) had a significantly high flawed manual reading of **\$749,899.31**- that was brought to the city's attention by the customer- instead of the resident's actual consumption of **\$85.49**
- Most readings (90%), done electronically by Master Meter System can experienced flawed readings. By the same token, we still experience manual reads that are significantly off- as in this case.
- Upon analysis the residential bill was adjusted by **\$749,813.82CR- by former ICM Roberts-** with the corrected amount of **\$85.49**.
- The ICM has directed staff to diligently watch out for exceptionally high electronic and manual reads **BEFORE** the utility bills go out.

Prepared by: Mariana Ramirez, Program Supervisor- **Reviewed By:** Interim Finance Director Jenise Best- **Approved:** Interim City Manager: Bobby J. Martinez

| | |
|-------------------------------------|---|
| <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 28, 2024

AGENDA ITEM: 7. c.

c. Discussion and Update: Police Department Report

AUCTION AGREEMENT

This auction agreement is entered into by WARD AUCTIONS, hereinafter referred to as AUCTIONEERS and

Name KIRBY POLICE DEPARTMENT Address 4130 ACKERMAN RD
City KIRBY County _____ State TX Zip 78219 Phone 210-547-3560
Oct 2002

hereinafter referred to as OWNER under the following terms and conditions:

The auction sale to be conducted at _____ beginning on or about the _____ day of various dates.

AUCTIONEERS agree to conduct a public auction sale or otherwise sell the following described property belonging to OWNER.

Property to be Sold or List May be Attached

Surplus / property room

15%

1. OWNER agrees to pay AUCTIONEERS for the services rendered by AUCTIONEERS a commission of ~~25%~~ (twenty-five percent) of the gross auction sale price receipts (excluding 10% buyer's premium) from all sales made during the period of this contract whether such sales are made at public auction, by private sale or in any other manner. A full commission shall be due and payable to AUCTIONEERS immediately following the completion of each sale whether the sale is made in cash or on terms determined by the OWNER. **GROSS SALES OF \$20.00 OR LESS WILL BE CHARGED 100% COMMISSION.**

2. AUCTIONEERS agree to prepare all advertising material and publicity necessary to advertise and promote attendance of buyers and shall be paid the sum of \$ _____ for same.

3. OWNER and AUCTIONEER agree that all checks shall be made payable to WARD AUCTIONS, AUCTIONEERS will be allowed a period of 15 banking days from the sale date in which to remit to OWNER his portion of the proceeds of the sale. AUCTIONEER shall at OWNER'S option resell any item not paid for. OWNER appoints AUCTIONEER his attorney-in-fact in OWNER'S name and in his behalf to act as fully and to the same extent as OWNER could do personally, to execute all necessary bills of sale, conveyances and other instruments of every nature necessary or convenient to the carrying out the power of sale herein granted and after the transfer of title to the property hereinabove described to the respective buyers thereof.

4. OWNER hereby agrees to sell the above property to the highest bidder and to deliver to the purchaser Bill of Sale and Titles free of all liens and encumbrance.

5. OWNER promises and agrees that the above described property will be delivered to Auctioneer or sale site 7 days prior to sale date, and in the event of failure of OWNER to deliver said property, or if OWNER shall breach this contract, said OWNER agrees to pay the commission and advertising costs as above provided, said commission to be based on the market value of said property, and any other reputation damages that may occur to AUCTIONEERS because said merchandise was not delivered to sale site.

6. OWNER agrees that after the execution of this contract that he will not sell or cause to be sold any of the property described in this agreement, save and except through the AUCTIONEERS and agrees that he may be restrained from selling such property after the execution of this contract except through the AUCTIONEERS.

7. AUCTIONEERS shall have the right, after receiving their compensation as provided herein, to use the residue of funds to first pay any bonafide liens which are shown in the exhibits attached hereto or which may be brought to their attention and which are not listed in said exhibit.

8. Auction Company will not be responsible for any loss, theft, or damage to the auction items at their present location or at the auction site before, during, or after the auction, under any circumstances.

9. Auction company does not provide insurance for theft, damage, loss, disappearance, or destruction of auction items. Seller will not require Auction Company to pay for any hauling, moving, storage, repair, maintenance, or make-ready parts or labor.

10. Special Conditions 15% commission for surplus

11. I have read and understand, and agree to the above terms and conditions.

Executed this _____ day of _____

OWNER: _____

By: _____

WARD AUCTION CO., INC.
6886 BANDERA RD.
SAN ANTONIO, TX 78238

By: Debra Caldwell

If you have an unresolved complaint, it should be directed to: Texas Dept. of Licensing & Regulation, P.O. Box 12157, Austin, Texas 78711

Ward Auction of San Antonio Auction Sales Contract

This Sales Contract dated February 7, 2024

BETWEEN:

Ward Auction of San Antonio
6886 Bandera Road
San Antonio, TX 78238
(210) 521-7653
wardauctionsa@gmail.com

-AND-

Kirby Police Department
4130 Ackerman Rd
San Antonio, Tx 78219
(210)547-3560
POC:maguirre@cityofkirby.org

In consideration of this contract, the parties agree to the following terms below:

Fee for Ward Auction services is 3% of HiBid total sales plus flat fee of \$500.00.

We require four good quality pictures of each vehicle along with a listing that includes the description of each vehicle (Year/make/model/condition/key or no key/last 6 numbers of VIN). We will need the pictures and listing sent three days before the requested start date of the sale.

We will also need payout and pick up terms and conditions for the sale, to include any additional fees (i.e., documentation fees, key fees, etc.) to the buyer. It is optional to add a buyer's premium to help offset the cost of the HiBid fees.

In the event that the seller requests to place a reserve on the items for sale, we will need the reserve amount to be added to the list.

Prior to the start of the auction, we will need contact phone numbers for everyone involved in the auction for communication purposes. A group chat will be created to allow constant communication and keep everyone up to date.

In the event that a vehicle is not paid for, we require prompt notification in order to provide back-up bidder information. The bidder that defaults payment will be permanently banned from bidding at any of our future auctions.

Furthermore, if all efforts to get vehicle sold are exhausted, the sale amount will be deducted from our HiBid sales total.

Upon close of the auction, we will settle the auction on our system and email you all invoices, to include our invoice for auction services.

This service agreement is in good faith that you will continue to utilize our services for future sales. By signing this agreement, you agree to the terms outlined above.

If agreed upon, this contract will be in effect until December 31, 2024

Kirby Representative

Ward Auction of San Antonio

| | |
|-------------------------------------|---|
| <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 28, 2024

AGENDA ITEM: 7. d.

d. Discussion and Update: Public Works



City Of Kirby

112 Bauman Street, Kirby, Texas 78219-1098

(210)661-3198

Armando Marquez

Interim Director of Public Works

Street Maintenance Plan Proposal

Roadway Asset Services has a proposal to assess the conditions of the streets in Kirby. It was stated by Carl Bain from Bain Medina Bain that San Antonio typically has a road assessment every 4-5 years. I believe the proposal was about \$39,000.00. Kirby's last assessment was done in 2019, 5 years ago. RAS contact listed below.

Bart Williamson

Chief Executive Officer

Roadway Asset Services, LLC.

6001 W Parmer Lane

Suite 370-1102

Austin, Texas 78727

210-837-5249

BAIN MEDINA BAIN INC.
TABULATION OF EXPECTED CONSTRUCTION COSTS

Project: **FOXCROSS STREET & SEWER REHABILITATION**
Phase: Construction Documents (100%)

DATE: March 18, 2024
BMB Job No. C-1594.05

| IMPROVEMENT COST | |
|--------------------------|---------------|
| SITE WORK | \$ 544,226.72 |
| SANITARY SEWER (ON SITE) | \$ 319,764.06 |
| TOTAL | \$ 863,990.78 |

| | |
|--------------------------|---------------|
| Add Alternate | \$ 26,730.00 |
| TOTAL With Add Alternate | \$ 890,720.78 |

CITY OF KIRBY, TEXAS
VINECREST DR. SEWER REPLACEMENT
 (BMB PROJECT NO: C-1594.06)
PRELIMINARY TABULATION OF EXPECTED CONSTRUCTION COSTS

Date: 03-19-24

| ITEM | DESCRIPTION | UNIT | QTY | UNIT PRICE | | EXTENSION |
|------------------------|--|------|-----|------------|-----------|---------------|
| | | | | \$ | % | |
| | | LS | 1 | \$ | 11% | \$ 12,527.90 |
| 100.1 | MOBILIZATION | LS | 1 | \$ | 4% | \$ 4,555.60 |
| 100.2 | INSURANCE AND BOND | LS | 1 | \$ | 3% | \$ 3,416.70 |
| 101.1 | PREPARING RIGHT-OF-WAY | SY | 706 | \$ | 5.00 | \$ 1,138.90 |
| 520.1 | HYDROMULCHING | LS | 1 | \$ | 1% | \$ 535.00 |
| 540.1 | SW3P | LF | 535 | \$ | 1.00 | \$ 535.00 |
| 550.1 | TRENCH EXCAVATION SAFETY PROTECTION | LF | 535 | \$ | 100.00 | \$ 40,000.00 |
| 848.0 | 8" PVC SANITARY SEWER LINE (0'-6") | EA | 4 | \$ | 10,000.00 | \$ 4,500.00 |
| 852.1 | SANITARY SEWER MANHOLE RING AND COVER (0'-6") | VF | 9 | \$ | 500.00 | \$ 4,125.00 |
| 852.3 | EXTRA DEPTH SANITARY SEWER MANHOLES (>6") | LF | 55 | \$ | 75.00 | \$ 560.00 |
| 854.0 | SANITARY SEWER LATERALS | EA | 7 | \$ | 80.00 | \$ 5,000.00 |
| 854.1 | TWO-WAY SANITARY SEWER CLEAN-OUT | LS | 1 | \$ | 5,000.00 | \$ 2,140.00 |
| 864.0 | BYPASS PUMPING FOR SMALL DIAMETER SEWERS | LF | 535 | \$ | 4.00 | \$ 2,140.00 |
| 866.0 | POST SEWER MAIN TELEVISION INSPECTION (8"-15") | | | | | \$ 135,529.10 |
| SUBTOTAL | | | | | | \$ 20,329.37 |
| 15% CONTINGENCY | | | | | | \$ 135,529.10 |
| PROJECT TOTAL | | | | | | \$ 155,858.47 |

Bain Medina Bain, Inc.
 7073 San Pedro
 San Antonio, Texas 78216
 Tel: 210-494-7223
 Fax: 210-490-5120



City Of Kirby

112 Bauman Street, Kirby, Texas 78219-1098

(210)661-3198

Armando Marquez

Interim Director of Public Works

Swann Street Repair

In regard to council request on why Swann Lane was not repaired, during the meeting when Swann was decided to be the first street to repair there was discussion on how much funding would be available. The concern was it was not clear how much funding would be left over after the Foxcross sewer and street repair and Vinecrest sewer repair. At the time we did not have an updated estimate for those projects. Since the amount of funding would affect how the repairs would be done, I moved on to other repairs for the meantime until that issue was addressed. An example would be if there was \$500,000 available, we may have a contracted company come in and do the work, but if there was only \$40,000 then we might just do small sections of repairs ourselves. We have recently received the estimates for Foxcross and Vinecrest that is totaling around \$1 million which does take up most of the funding available. Since this time, Public Works has had a number of issues to work on, namely a number of sewer issues as well as water leaks. For the time being we have gotten help from Texas Road Repair Inc. to fill in some of the dips and potholes in the area. Although the initial spray leaves a few loose pebbles, the hardened material seems to be holding up very well even in wet conditions.



Construction Meeting #28

PROJECT: 2018 Street Bond Projects – Phase 2

JOB NO: C-1594.03

DATE: March 19, 2024 @ 3:00 p.m.

LOCATION: 112 Bauman St, Kirby City Hall Conference Room

DISTRIBUTION: Attendees

PURPOSE: Biweekly Construction Meeting

DISCUSSION: The following is our understanding of the subject matter covered in this conference. If this differs with your understanding, please notify us. Notes appearing in red text are either action items or activities that have developed since the meeting occurred.

1. Roll call

| | City of Kirby: | BMB: | ABR: | |
|---|-----------------|----------------|-------------------|--|
| X | Bobby Martinez | Lorena Carter | Humberto Zambrano | |
| | Joe Molina | Carl Bain | James Stricker | |
| X | Armando Marquez | David Chumchal | Bill Thomas | |
| | | | | |
| | | | | |

2. Administrative Items

- Contractor: Austin Bridge and Road
- NTP: April 3, 2023 (Revised based on ABR Change Order)
- Completion Date: April 3, 2025
- Percent Complete Cost: 40.7% (\$4,061,105.02 date) – Total contract: \$9,978,485.84
- Percent Complete Time: 44.8% (316 days to date) – Total contract: 706 days

3. Construction/Project complete to date

- 3 Week Look Ahead

4. RFI's

- RFI #1 – Complete 02/03/2023
- RFI #2 – Complete 03/28/2023
- RFI #3 – Complete 03/28/2023
- RFI #4 – Complete 03/30/2023
- RFI #5 – Closed
- RFI #6 - Closed

Construction Meeting #28

- RFI #7 – Complete 06/06/2023
- RFI #8 – Complete 04/11/2023
- RFI #9 – Complete 04/10/2023
- RFI #10 – Complete 06/02/2023
- RFI #11 – Complete 06/23/2023
- RFI #12 – Complete 06/19/2023
- RFI #13 – Complete 06/20/2023
- RFI #14 – Complete 06/23/2023
- RFI #15 – Complete 09/05/2023
- RFI #16 – Complete 09/19/2023
- RFI #17 – Complete 08/31/2023
- RFI #18 – Complete 10/03/2023
- RFI #19 – Complete 09/25/2023
- RFI #20 – Complete 10/18/2023
- RFI #21 – Complete 10/18/2023
- RFI #22 – Complete 10/18/2023
- RFI #23 – Complete 11/15/2023
- RFI#24 – Closed
- RFI #25 – Closed
- RFI #26 – Closed
- RFI #27 – Complete 02/14/2024
- RFI #28 – Complete 01/10/2024
- RFI #29 – Complete 01/18/2024
- RFI #30 – Complete 01/18/2024
- RFI #31 – Complete 01/30/2024
- RFI #32 – Complete 02/09/2024
- RFI #33 – Complete 02/28/2024
- RFI #34 - Received 02/08/2024
- RFI #35 – Received 03/06/2024
- RFI #36 – Received 03/06/2024

5. Change Orders

- Suspension of Time (Change NTP from Jan 3 to Apr 3)
 - Approved 06/23/2023
- Change Order #1 - Gas Line on Ackerman from Cinderella to Harris –
 - Approved 07/06/2023
- Change Order #2 – Project Signs
 - Approved 08/30/2023
- Change Order #3 – Off Duty Police Officers – Approved 11/16/2023
- Change Order #4 – AC Pipe Removal
 - Approved 10/12/2023

Construction Meeting #28

- Change Order #5 – Sanitary Sewer Conflicts – Not Approved
- New Change Order #5 – Additional Mailboxes – Pending Council Approval
- Change Order #6 – Add. Off Duty Police Officer Cost – Pending Council Approval
- Change Order #7 – Lime Treated Subgrade – Not Approved
- Change Order #8 – Waterline Adjustment – Pending Cost from Contractor, second option per RAM2 and City Council Approval
- Change Order #9 – Waterline Adjustment Around Junction Boxes – Pending Council Approval

6. Submittals

- Traffic Sign Submittals-Complete 02/23/2023
- Underground Submittals - Complete 03/14/2023
- City of Kirby Project Sign – Complete 03/28/2023
- List of Subcontractors – Complete 03/24/2023
- Site Specific Safety Plan – Complete 04/03/2023
- Vulcan Material Concrete Design – Complete 05/09/23
- Revised Road Schedule – Humberto to send a revised schedule
- Miscellaneous Metal for Bus Pad – Complete 05/09/23
- Hot Mix Asphalt Design-Type D – Complete 06/06/2023
- Hot Mix Asphalt Design Type B – Complete 06/06/2023
- Drainage Bedding Material – Complete 07/19/2023
- Drainage Junction Boxes – Complete 08/31/2023
- Mailboxes –Complete 01/10/2024
- Galvanized Handrail – Complete 11/02/2023
- Gravity Sewer Material – Complete 11/10/2023
- Sewer By-Pass Submittal – Complete 03/05/2024
- Type B HMA Submittal – Complete 03/08/2024
- HMA Vulcan Plant Mix Design – Complete 03/19/2024

7. Problems, Conflicts, and Observations

- Street Closures

Next Meeting – April 2, 2024 @ 3:00 p.m.

Next City Council Meeting – March 28, 2024 @ 7:00 p.m.

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

**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 28, 2024

AGENDA ITEM: 8. a.

- a. Discussion and Possible Action on Change Order #5 seeking compensation by the Ackerman Road Street project contractor Austin Bridge and Road, for the extra 61 unforeseen mailboxes needed to replace all the residents' mailboxes in the amount of \$32,025.00.

Date of Issuance: _____ Effective Date: April 3, 2023
 Owner: City of Kirby Contractor's Project No.: 522012
 Contractor: Austin Bridge and Road Engineer's Project No.: C-1594.03
 Engineer: Bain Medina Bain, Inc.
 Project: 2018 Street Bond Projects – Phase II

The Contract is modified as follows upon execution of this Change Order:

Description: Contractor is seeking financial compensation for the extra mailboxes that need to be ordered in order to replace all resident's mailboxes within project limits. 61 mailboxes @ \$525.00 = \$32,025.00.

Attachments: BMB Cost Estimate for Change Order #5.

| CHANGE IN CONTRACT PRICE | CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i> |
|---|--|
| Original Contract Price: \$ <u>10,066,581.70</u> | Original Contract Times: Substantial Completion: <u>February 3, 2025</u> Ready for Final Payment: <u>April 3, 2025</u> days or dates |
| [Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>4</u> : \$ <u>144,286.46</u> | [Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>4</u> : Substantial Completion: <u>February 19, 2025</u> Ready for Final Payment: <u>April 19, 2025</u> Increase of 26 days |
| Contract Price prior to this Change Order: \$ <u>9,922,295.24</u> | Contract Times prior to this Change Order: Substantial Completion: <u>February 19, 2025</u> Ready for Final Payment: <u>April 19, 2025</u> Increase of 26 days |
| [Increase] [Decrease] of this Change Order: \$ <u>32,025.00</u> | [Increase] [Decrease] of this Change Order: Substantial Completion: <u>February 29, 2025</u> Ready for Final Payment: <u>April 29, 2025</u> Increase of 0 days |
| Contract Price incorporating this Change Order: \$ <u>9,954,320.24</u> | Contract Times with all approved Change Orders: Substantial Completion: <u>February 29, 2025</u> Ready for Final Payment: <u>April 29, 2025</u> Increase of 26 days |

| | | |
|--|----------------------------|-------------------------------------|
| RECOMMENDED: | ACCEPTED: | ACCEPTED: |
| By: _____ Engineer | By: _____ City of Kirby | By: _____ Austin Bridge and Road |
| Title: <u>Executive Vice President</u> | Title: <u>City Manager</u> | Title: _____ |
| Date: <u>September 25, 2023</u> | Date: _____ | Date: _____ |

CITY OF KIRBY, TEXAS
ACKERMAN RD. RECONSTRUCTION

(BMB PROJECT NO: C-1594.03)

ORIGINAL BID QUANTITY

| ITEM | DESCRIPTION | UNIT | QTY | UNIT PRICE | EXTENSION |
|------------------|---------------------------------|------|-----|------------|---------------------|
| 513.01 | REMOVING AND RELOCATING MAILBOX | EA | 23 | \$ 525 | \$ 12,075.00 |
| SUB-TOTAL | | | | | \$ 12,075.00 |

ACTUAL QUANTITIES FROM CONSTRUCTION DOCUMENTS

| ITEM | DESCRIPTION | UNIT | QTY | UNIT PRICE | EXTENSION |
|------------------|---------------------------------|------|-----|------------|---------------------|
| 513.1 | REMOVING AND RELOCATING MAILBOX | EA | 84 | \$ 525 | \$ 44,100.00 |
| SUB-TOTAL | | | | | \$ 44,100.00 |

FINAL QUANTITY NEEDED

| ITEM | DESCRIPTION | UNIT | QTY | UNIT PRICE | EXTENSION |
|--------------------|---------------------------------|------|-----|------------|---------------------|
| 513.1 | REMOVING AND RELOCATING MAILBOX | EA | 61 | \$ 525 | \$ 32,025.00 |
| GRAND TOTAL | | | | | \$ 32,025.00 |

Bain Medina Bain, Inc.
7073 San Pedro
San Antonio, Texas 78216
Tel: 210-494-7223
Fax: 210-490-5120

| | |
|-------------------------------------|---|
| <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 28, 2024

AGENDA ITEM: 8. b.

- b. Discussion and Possible Action on Change Order# 6 seeking compensation by the Ackerman Road Street project contractor Austin Bridge and Bridge, for the additional expenses incurred for off-duty police officers to control traffic in and around the Ackerman Street project in the amount of \$38,943.00

Date of Issuance: _____ Effective Date: April 3, 2023
 Owner: City of Kirby Contractor's Project No.: 522012
 Contractor: Austin Bridge and Road Engineer's Project No.: C-1594.03
 Engineer: Bain Medina Bain, Inc.
 Project: 2018 Street Bond Projects – Phase II

The Contract is modified as follows upon execution of this Change Order:

Description: Contractor is seeking financial compensation for the additional expenses incurred for the presence of off duty police offers to control traffic in and around detours in the Project.

Attachments: ABR Change Order Letter

| CHANGE IN CONTRACT PRICE | CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i> |
|---|--|
| Original Contract Price: \$ <u>10,066,581.70</u> | Original Contract Times: Substantial Completion: <u>February 3, 2025</u> Ready for Final Payment: <u>April 3, 2025</u> days or dates |
| [Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>5</u> : \$ <u>112,261.46</u> | [Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>4</u> : Substantial Completion: <u>February 19, 2025</u> Ready for Final Payment: <u>April 19, 2025</u> Increase of 26 days |
| Contract Price prior to this Change Order: \$ <u>9,954,320.24</u> | Contract Times prior to this Change Order: Substantial Completion: <u>February 19, 2025</u> Ready for Final Payment: <u>April 19, 2025</u> Increase of 26 days |
| [Increase] [Decrease] of this Change Order: \$ <u>38,943.58</u> | [Increase] [Decrease] of this Change Order: Substantial Completion: <u>February 29, 2025</u> Ready for Final Payment: <u>April 29, 2025</u> Increase of 0 days |
| Contract Price incorporating this Change Order: \$ <u>9,993,263.82</u> | Contract Times with all approved Change Orders: Substantial Completion: <u>February 29, 2025</u> Ready for Final Payment: <u>April 29, 2025</u> Increase of 26 days |

| | | |
|--|----------------------------|-------------------------------------|
| RECOMMENDED: | ACCEPTED: | ACCEPTED: |
| By: _____ Engineer | By: _____ City of Kirby | By: _____ Austin Bridge and Road |
| Title: <u>Executive Vice President</u> | Title: <u>City Manager</u> | Title: _____ |
| Date: <u>September 25, 2023</u> | Date: _____ | Date: _____ |



Austin Bridge & Road

An Austin Industries Company

8122 Whisper Oak
San Antonio, TX 78266

11/16/2023

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

Re: 2018 Street Bond Projects Phase II

Dear Lorena Carter,

Enclosed is a formal request for Change Order No. 06 for the above-referenced project.

ABR, continue to have Safety concerns in controlling traffic in and out of the City neighborhood and around every activity work in progress as per contract to the new traffic patterns in place.

Austin Bridge & Road (ABR) is seeking financial compensation to account for additional expenses incurred for the presence of off duty Police officers to control traffic in and around detours in the Project.

Totals are based on actual expenses incurred from previously dated Change Order No. 03 of August 21st, 2023, to today Date November 15, 2023.

Again, please be informed that there are no provisions in the contract for the permanent or temporary use of off duty police officers at any of the Stage and phases of the Project and ABR had and continues to have at all times Traffic Control Flagging at the jobsite, helping maintain and direct the traffic detours and closures.

The total amount requested in this change order is \$ 38,943.58 and 00 days be added to the contract.

| Item | Qty | Unit | Subunit Price \$ | Subtotal | Bond & Ins (1%) | Contractor Fee (5%) | Total |
|---|--------|------|------------------|-------------|-----------------|---------------------|--------------|
| Off Duty Police Officer (Aug 21 st ,2023 to today) | 612.32 | Hrs. | \$ 60.00 | \$ 36739.23 | \$ 367.39.00 | \$ 1836.96 | \$ 38,943.58 |
| | | | | | | | |
| | | | | | TOTAL C.O. #02 | | \$ 38,943.58 |

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

| | |
|-------------------------------------|---|
| <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 28, 2024

AGENDA ITEM: 8. c.

- c. Discussion and Possible Action on Change Order #8 seeking compensation by the Ackerman Road Street project contractor Austin Bridge and Road, related to the adjustment of an existing 12' water main over a proposed 30' RCP as well as the cost for 2 days partial closure and 2 days of off duty police officers to manage traffic at Binz-Engleman in the amount of \$38, 251.00

| | |
|---|-----------------------------------|
| Date of Issuance: | Effective Date: April 3, 2023 |
| Owner: City of Kirby | Contractor's Project No.: 522012 |
| Contractor: Austin Bridge and Road | Engineer's Project No.: C-1594.03 |
| Engineer: Bain Medina Bain, Inc. | |
| Project: 2018 Street Bond Projects – Phase II | |

The Contract is modified as follows upon execution of this Change Order:

Description: Contractor is seeking financial compensation for the existing 12" water main adjustment over a proposed 30" RCP as well as the cost for 2 days partial closure and 2 days of off duty police officers to manage traffic at Binz-Engleman

Attachments: ABR Change Order #8 Letter

| CHANGE IN CONTRACT PRICE | CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i> |
|---|--|
| Original Contract Price: \$ <u>10,066,581.70</u> | Original Contract Times: Substantial Completion: <u>February 3, 2025</u> Ready for Final Payment: <u>April 3, 2025</u> days or dates |
| [Increase] <u>[Decrease]</u> from previously approved Change Orders No. <u>1</u> to No. <u>6</u> : \$ <u>73,317.88</u> | [Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>4</u> : Substantial Completion: <u>February 29, 2025</u> Ready for Final Payment: <u>April 29, 2025</u> Increase of 26 days |
| Contract Price prior to this Change Order: \$ <u>9,993,263.82</u> | Contract Times prior to this Change Order: Substantial Completion: <u>February 29, 2025</u> Ready for Final Payment: <u>April 29, 2025</u> Increase of 26 days |
| <u>[Increase]</u> [Decrease] of this Change Order: \$ <u>38,251.19</u> | [Increase] [Decrease] of this Change Order: Substantial Completion: <u>March 20, 2025</u> Ready for Final Payment: <u>May 19, 2025</u> Increase of 20 days |
| Contract Price incorporating this Change Order: \$ <u>10,031,515.01</u> | Contract Times with all approved Change Orders: Substantial Completion: <u>March 20, 2025</u> Ready for Final Payment: <u>May 19, 2025</u> Increase of 46 days |

| | | |
|--|----------------------------|-------------------------------------|
| RECOMMENDED: | ACCEPTED: | ACCEPTED: |
| By: _____ Engineer | By: _____ City of Kirby | By: _____ Austin Bridge and Road |
| Title: <u>Executive Vice President</u> | Title: <u>City Manager</u> | Title: _____ |
| Date: _____ | Date: _____ | Date: _____ |



Austin Bridge & Road

An Austin Industries Company

8122 Whisper Oak
San Antonio, TX 78266

03/07/2024

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

Re: 2018 Street Bond Projects Phase II

Dear Lorena Carter,

Enclosed is a formal request for Change Order No. 08 for the above-referenced project.

Austin Bridge & Road (ABR) is seeking financial compensation for the Existing 16" Water Main adjustment over the 24" RCP.

Find attached ABR Subcontractor (RAM2) cost estimate, STTA cost Estimate for the 2 days partial closure and 2 days of Off Duty Police Officers to manage traffic at Biz Engleman, for the Existing 16" Water Main adjustment over the 24" RCP in conflict with the installation of the Storm Drainage Pipe for the Project at station 32+65 on Ackerman Road.

The total estimated amount requested in this change order is \$ 38,251.19 and 79 days, as per the attached updated Schedule, be added to the contract.

| Item | Qty | Unit | Subunit Price \$ | Subtotal | Bond & Ins (1%) | Contractor Fee (5%) | Total |
|---|-----|------|------------------|--------------|-----------------|---------------------|--------------|
| Lower SS Service line below the new RCP | 1 | LS | \$ 36,086.03 | \$ 36,086.03 | \$ 360.86 | \$ 1,804.30 | \$ 38,251.19 |
| TOTAL C.O. #08 | | | | | | | \$ 38,251.19 |

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

Sincerely,

Humberto Zambrano

Digitally signed by Humberto Zambrano
DN: cn=Humberto Zambrano, o=Austin Bridge & Road, email=zambrano@abroad.com, c=TX
Date: 2024.03.07 11:43:32 -0500

| | |
|-------------------------------------|---|
| <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 28, 2024

AGENDA ITEM: 8. d.

- d. Discussion and Possible Action on Change Order #9 seeks compensation by the Ackerman Road Street project contractor Austin Road and Bridge, for skewing of an existing PVC water line around junction boxes on NB Ackerman Rd. starting at junction box A-3 in the amount of \$25,942.00

Date of Issuance: _____ Effective Date: April 3, 2023
 Owner: City of Kirby Contractor's Project No.: 522012
 Contractor: Austin Bridge and Road Engineer's Project No.: C-1594.03
 Engineer: Bain Medina Bain, Inc.
 Project: 2018 Street Bond Projects – Phase II

The Contract is modified as follows upon execution of this Change Order:

Description: Contractor is seeking financial compensation for the skewing of an existing PVC water line around Junction Boxes NB Ackerman Rd. starting at Junction Box A-3.

Attachments: ABR Change Order Letter

| CHANGE IN CONTRACT PRICE | CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i> |
|--|--|
| Original Contract Price: \$ <u>10,066,581.70</u> | Original Contract Times: Substantial Completion: <u>February 3, 2025</u> Ready for Final Payment: <u>April 3, 2025</u> days or dates |
| [Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>8</u> : \$ <u>35,066.69</u> | [Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>4</u> : Substantial Completion: <u>February 29, 2025</u> Ready for Final Payment: <u>April 29, 2025</u> Increase of 26 days |
| Contract Price prior to this Change Order: \$ <u>10,031,515.01</u> | Contract Times prior to this Change Order: Substantial Completion: <u>February 29, 2025</u> Ready for Final Payment: <u>April 29, 2025</u> Increase of 26 days |
| [Increase] [Decrease] of this Change Order: \$ <u>25,942.18</u> | [Increase] [Decrease] of this Change Order: Substantial Completion: <u>March 20, 2025</u> Ready for Final Payment: <u>May 19, 2025</u> Increase of 20 days |
| Contract Price incorporating this Change Order: \$ <u>10,057,457.19</u> | Contract Times with all approved Change Orders: Substantial Completion: <u>March 20, 2025</u> Ready for Final Payment: <u>May 19, 2025</u> Increase of 46 days |

RECOMMENDED:

ACCEPTED:

ACCEPTED:

| | | |
|--|----------------------------|------------------------|
| By: _____ | By: _____ | By: _____ |
| Engineer | City of Kirby | Austin Bridge and Road |
| Title: <u>Executive Vice President</u> | Title: <u>City Manager</u> | Title: _____ |
| Date: _____ | Date: _____ | Date: _____ |



Austin Bridge & Road

An Austin Industries Company

8122 Whisper Oak
San Antonio, TX 78266

03/15/2024

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

Re: 2018 Street Bond Projects Phase II

Dear Lorena Carter,

Enclosed is a formal request for Change Order No. 09 for the above-referenced project.

Austin Bridge & Road (ABR) is seeking financial compensation for the required to skew existing PVC Water Line around junction Boxes NB Ackerman Road starting at Junction Box A-3.

Find attached ABR Subcontractor (RAM2) cost estimate for the work.

The total estimated amount requested in this change order is \$ 25,942.18 and 19 days be added to the contract.

| Item | Qty | Unit | Subunit Price \$ | Subtotal | Bond & Ins (1%) | Contractor Fee (5%) | Total |
|---|-----|------|------------------|--------------|-----------------|---------------------|---------------|
| Lower SS Service line below the new RCP | 1 | LS | \$ 24,473.75 | \$ 24,473.75 | \$ 244.74 | \$ 1,223.69 | \$ 25,942.118 |
| | | | | | TOTAL C.O. #09 | | \$ 25,942.18 |

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

Sincerely,

Humberto Zambrano
Digitally signed by Humberto Zambrano
DN: cn=Humberto Zambrano, o=Austin Bridge & Road, ou=Engineering, email=hzambrano@abracompanies.com, c=US
Date: 2024.03.14 20:52:25-05'

Humberto Zambrano
Project Manager
(210)-931-7392



Justin Nowacki
Justin@ram2.net
210-460-8368
5511 Dietrich Rd
San Antonio, TX 78219

PROJECT NAME: 2018 Bond
COUNTY: Bexar

DATE: 3/14/24

Routing Water Line around JB Boxes Phase 2

| Description | Quantity | Unit | Total Labor | Total Equipment | Total Material | Total Subcontract | Total |
|-----------------------------|----------|------|-------------------|-------------------|--------------------|-------------------|--------------------|
| | 1.00 | EA | \$2,925.00 | \$4,350.00 | \$13,000.00 | \$0.00 | \$20,275.00 |
| Labor Burden | 30% | | \$877.50 | | | | \$877.50 |
| OH&P - Labor | 15% | | \$438.75 | | | | \$438.75 |
| OH&P - Equipment | 15% | | | \$652.50 | | | \$652.50 |
| OH&P - Materials | 15% | | | | \$1,950.00 | | \$1,950.00 |
| Admin. Costs - Subcontracts | 5% | | | | | \$0.00 | \$0.00 |
| | | | \$1,316.25 | \$652.50 | \$1,950.00 | \$0.00 | \$3,918.75 |
| Bonds | 1.0% | | | | | \$0.00 | \$0.00 |
| TOTAL COST | | | \$4,241.25 | \$5,002.50 | \$14,950.00 | \$0.00 | \$24,193.75 |

UNIT PRICE
\$24,193.75

| Description | Quantity | Unit | Labor Unit Price | Equipment Unit Price | Material Unit Price | Sub Unit Price | Labor Total | Equipment Total | Material Total | Sub Total | Total |
|--------------------------|----------|------|------------------|----------------------|---------------------|----------------|-------------------|-------------------|--------------------|---------------|--------------------|
| | | | | | | | | | | | |
| Foreman | 25 | HR | \$35.00 | | | | \$875.00 | | | | \$875.00 |
| Lead Man | 0 | HR | \$25.00 | | | | \$0.00 | | | | \$0.00 |
| Operator | 25 | HR | \$22.00 | | | | \$550.00 | | | | \$550.00 |
| Pipelayer | 25 | HR | \$20.00 | | | | \$500.00 | | | | \$500.00 |
| Utility Labor | 25 | HR | \$18.00 | | | | \$450.00 | | | | \$450.00 |
| Materials needed | 0 | EA | | | \$13,000.00 | | | | \$13,000.00 | | \$13,000.00 |
| | 1 | EA | | | | | | | | | \$0.00 |
| | 0 | EA | | | | | | | | | \$0.00 |
| | 0 | EA | | | | | | | | | \$0.00 |
| | 0 | EA | | | | | | | | | \$0.00 |
| | 0 | EA | | | | | | | | | \$0.00 |
| Excavator | 0 | EA | | | | | | | | | \$0.00 |
| Front End Loader | 3 | day | | \$600.00 | | | | \$1,800.00 | | | \$1,800.00 |
| Pickup | 3 | day | | \$700.00 | | | | \$2,100.00 | | | \$2,100.00 |
| Pickup | 3 | day | | \$150.00 | | | | \$450.00 | | | \$450.00 |
| Pickup | 0 | day | | \$150.00 | | | | \$0.00 | | | \$0.00 |
| Parts Truck | 0 | day | | \$350.00 | | | | \$0.00 | | | \$0.00 |
| TOTAL DIRECT COST | | | | | | | \$2,925.00 | \$4,350.00 | \$13,000.00 | \$0.00 | \$20,275.00 |



Justin Nowacki
Justin@ram2.net
210-460-8368
5511 Dietrich Rd
San Antonio, Tx 78219

PROJECT NAME: 2018 Bond Project
COUNTY: Bexar

DATE: 2/23/24

Re-route Water main over 30" storm sewer pipe.

| Description | Quantity | Unit | Total Labor | Total Equipment | Total Material | Total Subcontract | Total |
|-----------------------------|----------|------|-------------|-----------------|----------------|-------------------|--------------------|
| | 1.00 | EA | \$1,170.00 | \$1,450.00 | \$22,041.16 | \$0.00 | \$24,661.16 |
| Labor Burden | 30% | | \$351.00 | | | | \$351.00 |
| OH&P - Labor: | 15% | | \$175.50 | | | | \$175.50 |
| OH&P - Equipment | 15% | | | \$217.50 | | | \$217.50 |
| OH&P - Materials | 15% | | | | \$3,306.17 | | \$3,306.17 |
| Admin. Costs - Subcontracts | 5% | | | | \$0.00 | | \$0.00 |
| | | | \$526.50 | \$217.50 | \$3,306.17 | \$0.00 | \$4,050.17 |
| Bonds | 1.00% | | | | | \$0.00 | \$0.00 |
| TOTAL COST | | | \$1,696.50 | \$1,667.50 | \$25,347.33 | \$0.00 | \$28,711.33 |

UNIT PRICE
\$28,711.33

| Description | Quantity | Unit | Labor Unit Price | Equipment Unit Price | Material Unit Price | Sub Unit Price | Labor Total | Equipment Total | Material Total | Sub Total | Total |
|--------------------------|----------|------|------------------|----------------------|---------------------|----------------|-------------|-----------------|----------------|-----------|--------------------|
| | | | | | | | | | | | |
| Foreman | 10 | HR | \$35.00 | | | | \$350.00 | | | | \$350.00 |
| Lead Man | 0 | HR | \$25.00 | | | | \$0.00 | | | | \$0.00 |
| Operator | 10 | HR | \$22.00 | | | | \$220.00 | | | | \$220.00 |
| Operator | 10 | HR | \$22.00 | | | | \$220.00 | | | | \$220.00 |
| Pipelayer | 10 | HR | \$20.00 | | | | \$200.00 | | | | \$200.00 |
| Pipelayer | 0 | HR | \$20.00 | | | | \$0.00 | | | | \$0.00 |
| Utility Labor | 10 | HR | \$18.00 | | | | \$180.00 | | | | \$180.00 |
| Parts Needed | 0 | EA | | | | | | | | | \$0.00 |
| | 1 | EA | | | \$22,041.16 | | | | \$22,041.16 | | \$22,041.16 |
| | 0 | EA | | | | | | | | | \$0.00 |
| | 0 | EA | | | | | | | | | \$0.00 |
| | 0 | EA | | | | | | | | | \$0.00 |
| | 0 | EA | | | | | | | | | \$0.00 |
| | 0 | EA | | | | | | | | | \$0.00 |
| Excavator | 1 | day | | \$600.00 | | | | \$600.00 | | | \$600.00 |
| Front End Loader | 1 | day | | \$700.00 | | | | \$700.00 | | | \$700.00 |
| Pickup | 1 | day | | \$150.00 | | | | \$150.00 | | | \$150.00 |
| Pickup | 0 | day | | \$150.00 | | | | \$0.00 | | | \$0.00 |
| Parts Truck | 0 | day | | \$350.00 | | | | \$0.00 | | | \$0.00 |
| TOTAL DIRECT COST | | | | | | | \$1,170.00 | \$1,450.00 | \$22,041.16 | \$0.00 | \$24,661.16 |

| | |
|-------------------------------------|---|
| <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 28, 2024

AGENDA ITEM: 8. e.

- e. 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 and action on the creation of a city department to be assigned under the City of Kirby City Manager for FY25. (City Attorney)

| | |
|-------------------------------------|---|
| <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 28, 2024

AGENDA ITEM: 8. f.

- f. Discussion and Possible Action related to amendment to City Ordinance Title. III. Administration, Chapter 30, City Council, Article I-Meetings, Section 30.04(B) related to submission of agenda items electronically to the City Manager by the Friday at 12 noon preceding the City Council meeting.

March 28, 2024 City Council Meeting Agenda Action Item Title III.

Administration 30. City Council § 30.04 - AGENDA.

All-

Here is the agenda item amending 30.04 for backup items for the agenda.

Thanks,

Clarissa M. Rodriguez

Partner

Denton, Navarro, Rodriguez, Bernal, Santee & Zech, P.C.

2517 N. Main

San Antonio, TX 78212

210/227-3243

210/225-4481 (f)

CONFIDENTIALITY NOTICE

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From: Bobby J. Martinez <bjmartinez@cityofkirby.org>

Sent: Monday, March 18, 2024 7:25 PM

In consideration of the Texas Open Meeting Act (TOMA) kindly only respond to the Interim City Manager. A blind copy is being sent to Council to minimize TOMA violations- Thank You.

In accordance with the Texas City Manager Association Code of Ethics "**all matters are handled with fairness and impartiality.... To serve the best interests of all people.**"

Excerpts of previous Communication with Council

Greetings All:

On at least three occasions- the first during my second week- immediately before the March 14, 2026 City Council Meeting, the ICM was referred to violations of City of Kirby **Title III. Administration, 30. City Council** by the ICM and Council resulting from the Interim City Manager (ICM) not getting the **full agenda** packet with documentation to the City Secretary by the preceding Wednesday (**six** days before) the City Council meeting. Per the City Charter the City Secretary reports to the (I) City Manager.

City Attorney Consultation:

- The City Attorney affirmed my own ICM feedback to staff as to the unrealistic practicality of the ordinance- that is, submission of all documentation 6 work days before the Council meeting .
- The City Attorney affirmed my own experiences that is not practical to expect early submission of the complete agenda so far ahead.
- The City Secretary doesn't need six days to assemble and copy..

The City Attorney added: "... submission of documentation- was **rarely followed by the City of Kirby**, particularly, given the receipt of exceptionally incomplete and/or poorly worded and ill-prepared council agendas.

Based on today's City Attorney consultation and my (ICM) confirmation with the mayor I ask for your consideration of the need to **update** the current ordinance section (as highlighted) to read:

"... items to be placed on the agenda, including the delivery of agenda back-up materials, to be distributed to the City Council, related to the council agenda items, must be submitted electronically to the City Manager by the Friday at 12 noon preceding the City Council meeting. As the chief administrative officer, the City Manager is authorized to deliver agenda back-up materials to the City Secretary as he/she deems appropriate, upon consultation with the mayor.

EXISTING ORDINANCE

Title III. Administration 30. City Council

- **§ 30.04 - AGENDA.**

(A)

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

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

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

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

(B) **SECTION REQUIRING REPLACEMENT /UPDATE- TO Meet Practicalities**

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)

c. Packets. The agenda packets for all Regular meetings will be emailed after 4:00 p.m. on the Monday preceding the Thursday meeting. This should afford ample time for all Council members to inquire into the nature of each matter to be discussed.

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

Bobby J. Martinez MPA, MA
Interim City Manager
City of Kirby
112 Bauman St, Kirby Tx, 78219
(210) 661-3198
citymanager@cityofkirby.org



ORDINANCE # _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRBY AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 30 SECTION 30.04 AGENDA, SUBSECTION (B) SUBMISSION OF ITEMS AND BACKUP MATERIALS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city of Kirby, Texas is a home-rule municipality located in Bexar County, Texas and duly established under the Texas Constitution and the laws of this State; and

WHEREAS, the City Council believes that revisions should be made to portions of Sections 30.04 Code of Ordinances to ensure ample time to place items on the City Council agendas; and

WHEREAS, Section 30.04 provides that materials to be distributed to Council must reach the City Secretary's office before noon on the Wednesday of the week preceding the Council meeting; and

WHEREAS, it is not always practical to submit documentation for consideration to the city secretary's office at least six (6) business days before the next council meeting; and

WHEREAS, the City Council finds that it is in the best interest of the City of Kirby to amend the current code section related to submittal of documents for agendas; and

WHEREAS, due to modern technology, the city secretary no longer needs a full six (6) days before the next city council meeting to assemble, copy, and timely distribute the agenda; and

WHEREAS, the Home Rule Charter of the City of Kirby Section 11.01 gives the City Council authority to abolish, modify or alter such ordinances; and

WHEREAS, the City Council finds that it is in the best interest of the City of Kirby to adopt the revised sections of Chapter 30 of the City's Code of Ordinances.

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

Section 1. Amendments. The Kirby Code of Ordinances Chapter 30, Section 30.04 are hereby amended as shown in Exhibit A attached hereto and incorporated for all purposes. Deletions are noted as ~~strikethroughs~~ and additions as underlined.

Section 2. Findings. That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. Cumulative Clause. This Ordinance shall be cumulative of all provisions of ordinances of the City of Kirby, Texas, except where the provisions of the Ordinance are in direct

conflict with the provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 4. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

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

Section 6. Effective Date. This ordinance shall take effect immediately from and after its passage and any publication requirements.

PASSED AND APPROVED on first reading this _____ day of _____, 2024.

PASSED AND APPROVED on second reading this _____ day of _____, 2024.

APPROVED:

Janeisha Grider, Mayor

ATTEST:

Kaitlyn Ueckert
Interim City Secretary

EXHIBIT A

§ 30.04 – AGENDA

(B) *Submission of items and backup materials.* Items to be placed on the agenda, including the delivery of agenda back-up materials, to be distributed to the City Council, related to the council agenda in connection with the items, must be submitted electronically to the City Manager by the Friday at 12 reach the City Secretary's office at the City Hall before noon on the Wednesday of the week preceding the Council meeting. As the chief administrative officer, the City Manager is authorized to deliver agenda back-up materials to the City Secretary as he/she deems appropriate, upon consultation with the mayor.

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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 |

**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 28, 2024

AGENDA ITEM: 8. g.

- g. 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 28, 2024

AGENDA ITEM: 8. h.

- h. Discussion and Possible Action authorizing the Interim City Manager to issue Request for Qualifications (RFQ) for City Attorney. (Councilmembers Garza and 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 8th, 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 8th, 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 2nd and 4th 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.

I. **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 8th, 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 28, 2024

AGENDA ITEM: 8. i.

- i. Discussion and Possible Action to authorize the Interim City Manager to enter into a contract with Bain Medina Bain, in the approximate amount of \$39,000 for an updated evaluation of pavement management road services – evaluation of city streets. (Councilmember Molina)

ATTACHMENT A

WORK AUTHORIZATION NO. 7

To Master Agreement between the City of Kirby (CITY) and Bain Medina Bain, Inc. (ENGINEER)

This Work Authorization describes and authorizes work to be performed by the ENGINEER in accordance with the Master Agreement between CITY and ENGINEER, which is incorporated herein by reference.

Identification of Project Assigned: Pavement Assessment for the City of Kirby. RAS will perform service as a sub-consultant to BMB..

General Category of Services: Civil Engineering Services

Specific Scope of Basic Services (identify deletions or additions to the Master Agreement by Paragraph Number and use additional pages, as required):

1. GIS Centerline Creation, Field Set-up, and Vehicle Mobilization
2. Street Network Collection (test mile) 1 pass local roads, 2 pass major roads
3. Pavement Condition Index (test mile) Modified ASTM D6433 using AI
4. Budget Optimization Street Selector (BOSS) Pavement Analysis
5. Final Pavement Report

Identify Schedule, if applicable (See Paragraph 6.2 of the Master Agreement):

Additional Deliverables Not Identified in the Master Agreement: Pavement Assessment Report

Work Authorization Total Amount and Agreed Deliverable Due Date: \$39,750.00

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the _____ day of _____, 20____.

For CITY OF KIRBY:

For BAIN MEDINA BAIN, INC.

BOBBY MARTINEZ
Interim City Manager

CARL BAIN, P.E.
Executive Vice-President



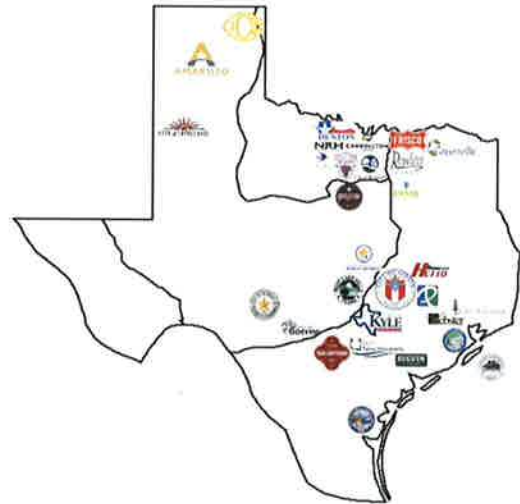
January 31, 2024

Kirby Public Works Department
5503 Duffek Dr
Kirby, Texas 78219

Reference: RAS Pavement Management Services Proposal

Dear Public Works Department,

Roadway Asset Services, LLC (RAS) is pleased to discuss the potential pavement and asset management needs for the City of Kirby. RAS is headquartered in Austin, Texas and has worked with several local municipalities including **San Antonio, Boerne, Kerrville, Seguin, New Braunfels, Kyle, Austin, Central Texas Regional Mobility Authority, Pflugerville, and Hutto**. Our team is a full-service pavement and asset management consultant that collects pavement performance data using laser based automated technologies and analyzes the data using sound financial optimization modeling. In addition, our services include the configuration of many available 3rd party pavement management programs such as BOSS™, PAVER, Cartegraph, Streetlogix, Brightly, DOT, Agile Assets, VUEWorks, Lucity, and many others. **In the last 5 years, RAS executive team members have managed over 100,000 miles of pavement condition and asset inventory data.**



RAS has invested in the most sophisticated fleet of roadway asset collection (RAC) vehicles and pavement analysis tools for automated data collection that provides a **100% linear assessment** of the roads driven. This methodology removes the subjectivity of rating small sample areas of the road segment. Unlike many of our competitors, RAS utilizes a ROW capture system to provide an **immersive 360 view** versus stationary independent camera views. Furthermore, RAS' RAC vehicles have **received independent inertial profiler certification**

for accuracy and repeatability from the Texas A&M Transportation Institute (TTI).



After data is collected in the field and uploaded to the office environment, it is imported using the RAS AI pavement rating tool **Road TRIP™ (Technical Rating Intelligence Program)**. The import process creates mappings to the data so that users do not need to keep track of where the data is stored on central data server(s). At this stage, the major data processing tasks also occur, such as generation of right-of-way and pavement image streams; calculation of profile, roughness, rutting, detection of cracks, lane-markings, man-made objects, and other distresses. The detected cracks are overlaid on the pavement images and offset to assist with the verification of the detected cracks. During reporting, the distress cracks are defined by road zone and accumulated according to the units defined in the client specification. The severity levels are identified based on the defined limits (ASTM D6433) and verified for resolution through visual quality control checks of image files.

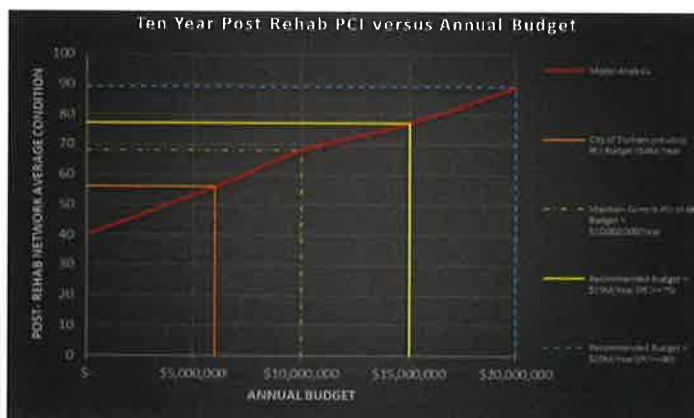


GIS Centerline Creation

RAS will create a GIS centerline file and a pavement database for use in this project. The GIS will be divided on a block-to-block basis for each road segment and contain a Unique ID that the City can utilize moving forward. Each road segment will have a corresponding record in the pavement database. The centerline file will be segmented for pavement management purposes and imported into BOSS™.

Budget Optimization Street Selector (BOSS™)

For agencies that do not yet have a pavement management program developed or do not desire to do so, RAS has developed a pavement management program called **BOSS™ (Budget Optimization Street Selector)** that is utilized for customized deterioration curves which results in a prioritized multi-year rehabilitation plan that is financially optimized and ready to be presented to City administrators or elected officials.



The benefit of the **RAS BOSS™ Analysis** is that there is no software to install, purchase, or maintain. The results of the analysis are delivered to the City in a **Power BI Dashboard** and bound in a final report to City Staff.

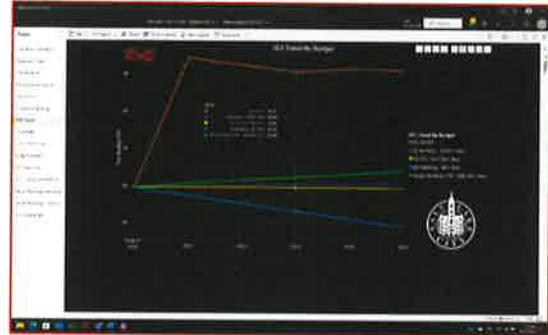
Pavement Analysis and Multi-Year Plan Optimization

RAS can assist the City with both inventory and condition assessment to enhance the level of service for its business units. RAS can also assist the City with determining the right treatment (prescription) at the



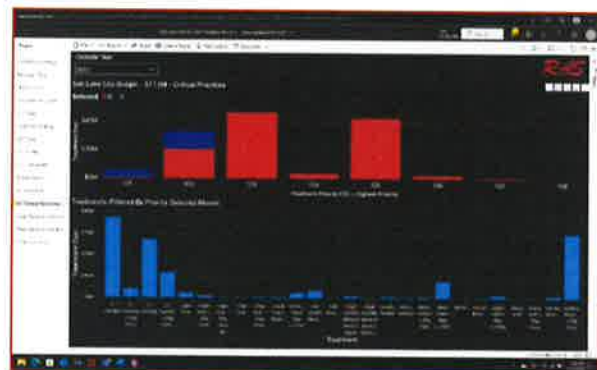
right time. The RAS team has vast experience in capital planning (decision trees) of these inventoried assets as they are strategically programmed for replacement, refurbishment, or general maintenance.

RAS will utilize its Budget Optimization Street Selector (**BOSS™**) tool to adopt the City's segment level GIS centerline, run budgetary models and forecast to establish trends, financially optimize the multi-year plan using sound "cost of deferral" constraints, and produce a final maintenance and rehabilitation plan for the City's review. **BOSS™** is a cloud based application with powerful pavement management algorithms behind it that export the results of the pavement analysis to a user friendly interface such as Microsoft PowerBI or even a simple Excel spreadsheet if desired. All of the results are integrated with the City's existing GIS and supplied to the City as a Personal/File Geodatabase for consumption and storage.



The RAS analysis involved the following sequences and client engagements during the process:

- **Maintenance & Rehabilitation Setup** – to ensure the results of the budget model runs meet the City's expectations, RAS will discuss the current Maintenance and Rehabilitation plan within the pavement analysis setup. This activity will include a review of Min/Max PCI, Breakpoint PCI, decision trees for treatments, real-world impact to PCI, and reset PCI scores.
- **Deterioration Curves** – forecasting pavement conditions requires a detailed set of pavement deterioration curves for each roadway traffic classification and pavement material type, as designated by the pavement management system.
- **Project development** – the BOSS™ analysis includes stitching segments (block) together to form a project, also known as a "management section". RAS will work with City Staff to review the initial model results and begin "stitching" segments together to form logical projects that best meet the needs of the City. The benefit of utilizing management sections is that the RAS analysis runs the budgetary scenario at the project level, producing real-world rehabilitation plans that are ready for review, modification, or action.
- **Financial Optimization & Prioritization** – RAS' BOSS™ analysis uses sound engineering and economic logic to prioritize which street candidates are selected throughout the multi-year plan. While most pavement management programs will prioritize by roadway traffic and condition, a **BOSS™** analysis takes it a step further and introduces financial optimization into candidate selection through the use of a "Need Year" analysis that identifies each segment's cost of deferral. Understanding the "Cost of Segment Deferral" allows the analysis to maximize the City's limited funds in the best manner possible.





Budgetary Modeling

RAS will work with the City to establish the maintenance and rehabilitation activities, PCI trigger points, costs, reset PCI values, completed rehabilitation work since the survey, planned work, existing budgets, pavement deterioration curve development/assignment, and inflation priorities. RAS will assist City Staff with determining the right treatment at the right time by reviewing the City’s existing maintenance and rehabilitation strategies and recommending others that may be a good fit. The scope will include **developing up to 8 multi-year pavement management scenarios** using different philosophies, budget levels, and distributions. While RAS will define the scenarios to be run with City staff, at a minimum the following questions should be answered with the scenarios:

- **What is the resultant network PCI at my current funding level?**
- **What budget is required to maintain my existing network PCI?**
- **What budget is required to achieve a desired network PCI?**
- **What budget is required to control the growth in backlog?**

RAS will also consult with City staff to develop models utilizing different types of rehabilitation strategies (worst first, best first, most economic, need year, etc.). RAS understands that getting buy-in from City Administrators and Elected Officials means developing a long-range rehabilitation plan that considers local priorities. The RAS team will ensure that already approved rehabilitation work is programmed into the budgetary models for selection during the run. In addition, RAS will consult with City staff to identify the total cost (mill, overlay, traffic control, striping, etc.) of each rehabilitation method.

In addition to completing the pavement analysis with the pavement condition update, RAS also offers **analysis subscription services** should annual analysis updates be desired after project completion. The subscription level corresponds with the level of service updates required by each agency and are listed as **BRONZE, SILVER, OR GOLD**. These services are entirely optional and not a requirement. They are meant to support an agency's annual analysis update requirements if they lack the internal resources or time to complete them internally.

| Annual Services | Bronze | Silver | Gold |
|---------------------------------------|--------|--------|------|
| Age Condition Data | ● | ● | ● |
| Completed Work Update | ● | ● | ● |
| Planned Work Update | ● | ● | ● |
| Update Unit Rates | ● | ● | ● |
| Refresh Budgets | ● | ● | ● |
| Update Analysis Maps | ● | ● | ● |
| Update Written Report | | ● | ● |
| Modify Street Segment Inventory | | ● | ● |
| Modify Deterioration Curves | | ● | ● |
| Modify Treatment Strategies | | ● | ● |
| Modify Supersegments | | | ● |
| Elected Official / Staff Presentation | | | ● |



Below you will find a summary of the budget associated with the services discussed for pavement management needs.

| Kirby, Texas Pavement Condition Assessment | | | | |
|---|---|-------|-----------|-----------------|
| Task | Description | Units | Unit Cost | Fee |
| 1 | GIS Centerline Creation, Field Set-up, and Vehicle Mobilization | 1 | \$34,750 | \$34,750 |
| | Street Network Collection (test mile) 1 pass local roads, 2 pass major roads ¹ | | | |
| | Pavement Condition Index (test mile) Modified ASTM D6433 using AI | | | |
| | Budget Optimization Street Selector (BOSS™) Pavement Analysis | | | |
| | Final Pavement Report | | | |
| Total Fee² | | | | \$34,750 |

¹ Test Miles is equivalent to miles driven in one direction. A best practice is to drive all major roads both directions and local roads one direction

² Base fee includes all items in task 1 and will be billed monthly, lump sum based on percent complete for each task item

We look forward to building a long-term relationship with the City of Kirby. Please do not hesitate to reach out to me at 210-837-5249 with any questions or comments regarding these services.

Sincerely,

Bart Williamson, FCLS
Chief Executive Officer
Roadway Asset Services, LLC.



City of Boerne, TX- Pavement Condition Survey

RAS performed the 2023 pavement condition survey for the City of Boerne's 106 test mile network. Automated Roadway Asset Collection (RAC) vehicles were utilized to collect 2D/3D pavement imagery used for rating according to the ASTM D6433 standards. RAS provided GIS based deliverables and conducted **pavement analysis and modeling within BOSS software**. In addition, RAS delivered panoramic 360 degree views of the right of way with GIS coordinates for each image to a deliverable database for use in the City's GIS.

As a part of the scope, RAS implemented and configured Budget Optimization Street Selector (BOSS) software. BOSS is a powerful pavement management program that exports results into user-friendly interfaces such as Microsoft PowerBI, Excel Spreadsheets, and PowerPoint files.

Within the BOSS software, RAS established maintenance and rehabilitation plans including activity setup and PCI trigger points. RAS also forecasted pavement conditions by developing deterioration curves for each roadway traffic classification. The RAS team financially optimized the City's budget by running a need year analysis that identified each street segment's cost of deferral.

A final report was delivered as a File Geodatabase and included an executive summary, budget models and predicted outcome of PCI, deferred maintenance backlog, and an optimized 5 year maintenance and rehabilitation plan.

Contact



Cheryl Rogers, PE
City Engineer



City of Boerne



447 N Main Street
Boerne, TX 78006



O: (830)248-1510
C: (210)467-2694



crogers@boerne-tx.gov

Scope

Time Period: 2023

Project Budget: \$49,980

Responsibilities:

- Pavement Evaluation
- PCI Calculation
- IRI Measurement
- GIS Segmentation
- Deterioration Curves
- BOSS Analysis
- Final Report

RAS Role: RAS served as the Prime Consultant



City of Seguin, TX- Asset Management for Pavement Maintenance

RAS performed the 2021 pavement condition survey for the City of Seguin's 200 centerline mile network. RAS completed the survey using RAC vehicles to provide imagery on pavement conditions. A PCI score was calculated in accordance with the ASTM D6433 standards. RAS provided GIS based deliverables and formatted the data for an import into StreetLogix. In addition, RAS performed a pilot study, provided a final report, and assisted the City in a Council presentation regarding various funding amounts and strategies to improve the City's PCI. RAS also completed an inventory of 76 miles of sidewalks, 1755 ADA ramps, and 181 miles of curb and gutter.

As part of the ADA ramp inventory the following attributes were captured: ramp identification, ramp photograph, GPS location, street name, physical condition rating (good, fair, poor), detectable warning (yes/no), and street segment identification. For curb and gutter, RAS collected the following attributes: asset identification, asset image, curb and gutter type, color, and physical condition rating.

The RAS team met with City staff to refine the budget requirements and develop a 10-year maintenance plan to improve the efficiency of treatments. RAS ran the pavement scenarios and budget requirements within the City's pavement management software, StreetLogix.

Additionally, RAS assisted with the implementation of the selected asset management software, StreetLogix. RAS matched the data schema for the pavement and assets to be successfully imported and managed within StreetLogix providing the City the tools to update changing asset conditions.

Contact



John Donnelly
Director of Public Works



City of Seguin



205 N River Street
Seguin, TX 78155



(210)508-4888



jdonnelly@
seguintexas.gov

Scope

Time Period: 2021-2022

Project Budget: \$84,800

Responsibilities:

- Pavement Evaluation
- PCI Calculation
- IRI Measurement
- GIS Segmentation
- Review Soil Conditions
- Deterioration Curves
- ROW Assets
- System Training

RAS Role: RAS served as the Prime Consultant

SEGUIN
TEXAS**PUBLIC WORKS**

January 16, 2024

To Whom It May Concern:

The Department of Public Works in the City of Seguin, TX hired Roadway Asset Services (RAS) to complete a comprehensive ROW asset inventory and pavement condition assessment on 200 centerline miles of roadways. During project kick-off, Scot Gordon met with City staff to review deliverables, QA/QC plan, schedule, and attributes to be extracted for the ROW asset inventory. After the review with City staff, RAS extracted the following attributes on 76 miles of sidewalks: AssetID, street name, photo image, physical condition rating (good, fair, poor), width, comment, and length. In addition to evaluating the condition of sidewalk panels on a block-to-block basis, the RAS team assessed sidewalk obstructions with the following attributes: AssetID, XY location, street name, photo image, and sidewalk obstruction type (fire hydrant, pole, utility box, visible above grade obstruction, buckled, severe cracking, wide gap, missing section, premature sidewalk termination). The data was delivered in a GIS file geodatabase for use by the City.

The RAS team conducted further ROW asset extraction activities on 1,755 pedestrian curb ramps (point feature) and 181 miles of curb and gutter (linear feature). Each pedestrian ramp was associated to the sidewalk and pavement sections. The scope of work also included network-level pavement data collection on 200 centerline miles. Utilizing RAS' proprietary pavement rating tool, the City received a GIS Geodatabase of pavement distresses containing the Type, Severity and Extent of distresses along the road segment as defined by the ASTM D6433 methodology.

The RAS team worked with the City to select Streetlogix software as it best met the City's needs for work order management and risk analysis. Once Streetlogix was implemented the RAS team worked on establishing constraints and importing the collected data. Final deliverables for this project included the ROW asset GIS file geodatabases and a pavement final report consisting of project methodology, street segment pavement condition index (PCI) scores, and exhibits showing PCI and street segment lengths.

Overall, the City of Seguin was impressed with the RAS team for their professionalism, data collection and defensible data analysis. Their assistance and experience were valuable to our overall asset management planning strategy with Streetlogix for years to come. I would highly recommend RAS to any other municipal agency in need of professional asset management services.

Respectfully,


John Donnelly
Director of Public Works



City of New Braunfels, TX- Pavement Condition Survey

RAS conducted a pavement condition survey in compliance with the ASTM D6433 pavement rating and assessment for 469 test miles. An RAC vehicle was utilized to perform a two pass collection on arterial, collector, and striped local roads while a one pass collection was performed for residential local roadways. In addition to the pavement condition survey, RAS conducted a ROW asset inventory utilizing the RAC vehicles Ladybug 360 degree camera. Assets inventoried included 455.4 miles of curb and gutter, 14930 traffic signs, 136.7 miles of pavement striping, and 947 pavement marking.

RAS identified the following attributes for curb and gutter: AssetID, location, photo image link, travel direction, side of road, physical condition rating (good, fair, poor), painted color (none, yellow, red, green, blue, others), and material type.

RAS also identified the following attributes for pavement striping: AssetID, X, Y location, location (street name), type (continuous left, double, hash, etc.), striping color, physical condition rating (good, fair, poor), and length.

Following collection and analysis, RAS delivered a final report consisting of an executive summary, project methodology, street segment PCI, and exhibits displaying PCI, street segment length, lanes, and pavement type. RAS composed a final GIS file geodatabase containing pavement data and PCI values for each segment in a format compatible with Cartegraph OMS software.

RAS provided consulting on pavement rehabilitation and maintenance options regarding anticipated improvements to PCI values.

Contact

 Troy Farrow
Engineering Technician

 City of New Braunfels

 424 S Castell Ave
New Braunfels, TX 78130

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 TFarrow@nbtexas.org

Scope

Time Period: 2022

Project Budget: \$168,490

Responsibilities:

- Pavement Evaluation
- PCI Calculation
- IRI Measurement
- GIS Segmentation
- Review Soil Conditions
- Deterioration Curves
- ROW Assets
- Cartegraph Import

RAS Role: RAS served as the Prime Consultant

| | |
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**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 28, 2024

AGENDA ITEM: 8. 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. (Mayor Grider & Mayor Pro-Tem Apodaca, Police chief Cardona)

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.

{ 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 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

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

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 | 3/4 |
| 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.

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- 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 ¾ 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 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 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 person al 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.

- (E) *identification.* All members of the public speaking before Council shall preface their statements with their name and home address for the record.
- (G) *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.
- (H) *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.
- (I) *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.
- (J) *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.
- (K) *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.
- (L) 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.
- (M) *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.
- (N) *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_L) Persons Needing a Translator. Persons needing a translator must notify the City Secretary in writing of their request for a translator at least 48 hours prior to the start time of the meeting at which they intend to speak to the City Council. The request must specify the language that is to be translated into English. The City is not obligated to provide a translator.

(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.

§ 30.12~~34~~ 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 |

**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 28, 2024

AGENDA ITEM: 8. k.

- k. Discussion and Possible Action on the Kirby Senior Center Management Services Agreement with the City – Resolution R-2023-759. (Councilmembers Garza and 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 3rd, 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.

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.

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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 |
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| 8. | Lillian Patton | 132 Hedwig, Kirby, Texas 78219 | December 1, 1995 |
| 9. | Joe Hopkins | 3511 Kirby Drive, Kirby, Texas 78219 | December 1, 1995 |

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 3rd day of December, 1992.

(Richard Vogt)

(Joe Goodman)

(Mary Hollis)

(Notarized)

RESOLUTION NUMBER: R-2023-759

A RESOLUTION APPROVING THE MANAGEMENT SERVICES AGREEMENT WITH THE KIRBY SENIOR CENTER AND AUTHORIZING THE CITY OF KIRBY TO ENTER INTO AN AGREEMENT PROVIDING MANAGEMENT SERVICES TO THE KIRBY SENIOR CENTER

WHEREAS, it is essential for the daily functioning of the Kirby Senior Center to receive certain administrative services and support, including without limitation, financial, bookkeeping, records management, information technology, and employee benefit services and support; and

WHEREAS, it is the best interest, efficiently and economically, of both the City of Kirby and the Kirby Senior Center Corporation for the City of Kirby to provide such administrative services; and

WHEREAS, the Kirby Senior Center provides resources to Kirby citizens, to assist with healthcare, financial planning, and community engagement; and

WHEREAS, the Kirby Senior Center offers meal and nutrition programs, health and fitness programs, and transportation services to the citizens of Kirby; and

WHEREAS, by the City providing such Services, the City will maintain control over the staff quality, efficiency, and expenditures; and

WHEREAS, the City Council of the City of Kirby finds that the Senior Center services and providing these Professional Services will improve the functioning of the Kirby Senior Center to focus its expenditures of funding on providing services to the community while retaining City oversight; and

WHEREAS, the City Council of the City of Kirby finds that the Kirby Senior Center services it provides to its citizens and providing Professional Services to the Kirby Senior Center Corporation serves a public purpose as required by the Texas Constitution, Article III, Section 52(a).

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

SECTION 1. The City Council hereby finds that all of the recitals above are true and correct and are incorporated herein as if restated in full.

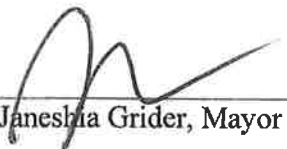
SECTION 2. The City Council hereby finds that the provision of certain administrative services is necessary for the Kirby Senior Center's daily functions and hereby approves the terms of the Management Services Agreement by and between the City of Kirby and the Kirby Senior Center Corporation for the provision of services and support as set forth and attached hereto as Exhibit "A".

SECTION 3. The City Council authorizes the City Manager to take all necessary actions including

the execution of the Agreement and related documentation, if any.


SECTION 4. This Resolution is effective upon passage.

Passed and Approved this the 16 day of August, 2023.



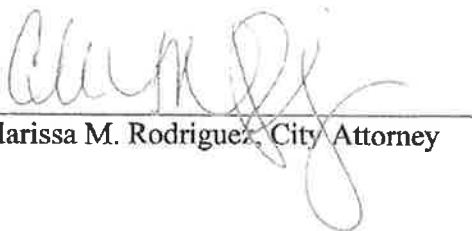
Janeshia Grider, Mayor

ATTEST:



Katelyn Ueckert, City Secretary

APPROVED FOR LEGAL SUFFICIENCY:



Clarissa M. Rodriguez, City Attorney

Exhibit "A"

**AGREEMENT FOR PROVISION OF PROFESSIONAL SERVICES
BETWEEN THE CITY OF KIRBY AND
THE KIRBY SENIOR CENTER**

**THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §**

KNOWN ALL MEN BY THESE PRESENTS:

THIS AGREEMENT, effective the 14 day of August, 2023, by and between the CITY OF KIRBY, (hereinafter referred to as "City") acting by and through its City Council, and the KIRBY SENIOR CENTER CORPORATION, a Texas non-profit corporation (hereinafter referred to as "KSC") acting by and through its Executive Director of the Board is as follows:

WHEREAS, it is essential for the daily functioning of the Kirby Senior Center to receive certain administrative services and support, including without limitation, financial, bookkeeping, records management, information technology, and employee benefit services and support; and

WHEREAS, it is the best interest, efficiently and economically, of both the City of Kirby and the Kirby Senior Center Corporation for the City of Kirby to provide such administrative services; and

WHEREAS, the Kirby Senior Center provides resources to Kirby citizens, to assist with healthcare, financial planning, and community engagement; and

WHEREAS, the Kirby Senior Center offers meal and nutrition programs, health and fitness programs, and transportation services to the citizens of Kirby; and

WHEREAS, by the City providing such Services, the City will maintain control over the staff quality, efficiency, and expenditures; and

WHEREAS, the City Council of the City of Kirby finds that the Senior Center services and providing these Professional Services will improve the functioning of the Kirby Senior Center to focus its expenditures of funding on providing services to the community while retaining City oversight; and

WHEREAS, the City Council of the City of Kirby finds that the Kirby Senior Center services it provides to its citizens and providing Professional Services to the Kirby Senior Center Corporation serves a public purpose as required by the Texas Constitution, Article III, Section 52(a).

WHEREAS, the City Council of the City of Kirby passed Resolution R-2023-759 on 8/10 (date) approving the City Manager to enter into this Agreement for Professional Services.

WITNESSETH:

I.

The City agrees to provide management, professional, administrative, financial, and legal services to the KSC according to the terms of this agreement. Direct services the City shall perform for the KSC shall include:

1. Preparing all financial and other related reports and keeping all financial books and records required by the KSC's Bylaws including audits.
2. Preparing a budget for the forthcoming year for review and approval by the Board and City Council.
3. Providing all necessary budgeting, accounting, financial management and other related services through the City's Finance Department.
4. Providing a repository of records, office, and conference space.
5. Providing technological support for hardware, software, and phone systems through the City's Information Technology Department.
6. Providing executive and administrative support, review and oversight by various City departments including, but not limited to, City Administrator, City Secretary, City Attorney, and other necessary support from City resources and staff.
7. Assist in winding up of the Finance Corporation by which the Kirby Senior Center was created and transition the Kirby Senior Center into a City departmental function.

It is understood and agreed that access to City staff resources by the KSC is secondary to the needs of the City Council of the City of Kirby.

II.

Subject to the KSC continuing to contract with the City for management services, the KSC will pay to the City for its services pursuant to this agreement, a flat fee of Ten Dollars (\$10.00) per year.

In the event of the termination of this agreement, the KSC will be responsible for paying the City only the portion of the cost allocated to periods prior to the effective date of the termination of the agreement.

III.

It is the express purpose of this agreement for the City to provide certain management, professional, administrative, legal, and financial services to the KSC.

IV.

Subject to early termination as provided in Article V below, this agreement shall be in effect for a period of one year commencing July 1, 2023 and ending June 30, 2024, and said agreement shall be extended for additional one-year terms thereafter under the same terms and conditions unless one party gives to the other party written notification at least thirty (30) days prior to the end of the existing term of its desire to terminate the agreement.

V.

1. This contract may be terminated by the City or KSC, in whole, or from time to time, in part, upon thirty (30) days' notice from the terminating party to the other party. Termination

shall be effective thirty (30) days after delivery of Notice of Termination specifying to what extent performance or work under the contract shall be terminated thirty (30) days after receipt by the notified party.

2. After receipt of a Notice of Termination the City shall:
 - a. Stop work on the date as specified in the thirty (30) day Notice of Termination to the extent possible.
 - b. Place no further orders or subcontracts except as may be necessary for completion of the work not terminated.
 - c. Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination as far as possible.
 - d. The KSC shall pay all expenses incurred through the date of termination.

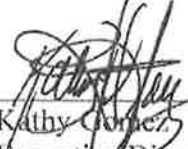
VI.

This Agreement shall take effect on the day of execution.

IN WITNESS WHEREOF, the parties have executed this Contract in the year and on the day indicated.

KIRBY SENIOR CENTER CORPORATION

CITY OF KIRBY, TEXAS



Kathy Gomez
Executive Director



Dr. Brian Rowland
City Manager

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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 |

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

DATE: March 28, 2024

AGENDA ITEM: 8. I.

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

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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 |

**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 28, 2024

AGENDA ITEM: 8. m.

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

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

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

DATE: March 28, 2024

AGENDA ITEM: 8. n.

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

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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 |
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| <input type="checkbox"/> | WORKSHOP |

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

DATE: March 28, 2024

AGENDA ITEM: 8. o.

- o. 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)

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| <input checked="" type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
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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 28, 2024

AGENDA ITEM: 8. p.

- p. Discussion and possible action on direction to the Interim City Manager to post for a Municipal Court Clerk with a salary of up to \$20/hour to attract and retain qualified candidate (Mayor Grider)



MUNICIPAL COURT CLERK
Salary \$17.00 – \$20.00 Per Hour DOQ

General Summary

Under general supervision of the City Manager's designee, creates, organizes, and maintains all necessary databases and paperwork for complaints handled by the City of Kirby Municipal Court. Collects fines, fees and court costs, schedules court dates, appeals, notifications, and monitors and controls court dockets. May also be trained to serve as a backup for permitting, accounts payable and utility billing.

Essential Duties and Responsibilities:

This list is illustrative and is not a comprehensive list of all functions and duties performed by employees in this position.

- Provides customer service at Court Clerk's window and through telephone inquiries to provide fine amounts and schedule court dates and driving safety classes.
- Collects court costs, fines, fees, bond monies, counts and reconciles all monies for cashier windows, posts money received on citations, and prepares daily bank deposits.
- Performs court collections duties including but not limited to: processing extensions as prescribed by the Presiding Judge in accordance with OCA guidelines, provide past due notification to defendants by mail and phone, collect financial assessment form, and set defendants on appropriate court dockets as required.
- Maintains databases on citations received from Police Department, prepares case files, follows judicial instruction and places case information into case file.
- Monitors and maintains control of court dockets to prevent overload, issues jury summons, monitors jurors, notifies defendants and attorneys of case status and issues subpoenas and witness notifications.
- Processes mail requests for driving safety classes, payment of fines received, attorney requests, court date requests, appeals and bond processing, and returns related correspondence.
- Research special projects and implements into court's daily routine for items such as City Ordinances that affect various department citations and resulting court processes.
- Checks in and lifts warrants on bonds as monies are received, and processes time served that has been granted by the Judge and schedules docket as needed.
- Issues Failure to Appear and Violate Promise to Appear citations.
- Prepares arrest warrants, prints complaints, and signs and prepares files for Judge's signature.
- Notifies defendants by mail of activated warrants.
- Clears arrest warrants and writs as required by the judge, upon service of a peace officer, or compliance by the defendant, in accordance with accepted court and police procedures.
- Prepares check requests for Finance Department and mails copies of paperwork to interested parties.
- Assists with retrieving case records, reports, and signing of complaints
- Uses tact, diplomacy and a helpful attitude in all contacts with the public and other departments
- May be trainable to serve also serve as a backup for permitting, accounts payable and utility billing.
- Performs other duties as assigned.

KNOWLEDGE, SKILLS AND ABILITIES:

- Knowledge of State and Local policies and laws.
- Knowledge necessary to understand basic operational, and office processes.
- Ability to operate or learn to operate office equipment effectively and safely.
- Ability to understand and follow oral and written instructions.

- Ability to exercise independent judgment and decision-making.
- Ability to work effectively and cooperatively with other employees and the general public.
- Must be able to produce written documents using proper punctuation, grammar, and spelling.
- Assists water department as necessary.
- Performs related duties and fulfills responsibilities as required.

Qualifications:

Qualifications, Experience, and/or Certifications Required

1. Education and Experience

- High School Diploma or GED
- A minimum of two (2) years of general office, clerical, and/or directly related customer-oriented experience exceptionally preferable in a **governmental entity**.
- Ability to obtain Municipal Clerk certification and Court Clerk Certifications Levels I & II and be bondable.
- **Prior** court clerk experience highly preferred.
- Completion of related college coursework highly preferred
- Experienced in permits, accounts payable and utility billing highly preferred.
- Salary based on qualifications.

Or

An equivalent combination of training, education, and/or related experiences which indicates the ability to possess a comprehensive knowledge of the job requirements.

- The ability to communicate in Spanish and English preferred.
- Prior court clerk experience highly preferred.
- Ability to obtain Municipal Clerk certification and Court Clerk Certifications Levels I & II and be bondable
- Completion of related college coursework highly preferred

Requirements:

- Must possess a valid Class "C" Texas driver's license.
- Must successfully pass a background check and pre-employment drug screening and be bondable.

WORK ENVIRONMENT AND PHYSICAL DEMANDS:

Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (5-15 pounds). Occasional lifting of weight up to 25 pounds may occur. Tasks may involve extended periods of time at a keyboard or workstation. Work is performed in usual office conditions with rare exposure to disagreeable environmental factors. Some tasks require visual abilities. Some tasks require oral communications ability. Physical requirements include visual acuity, speech, and hearing; hand and eye coordination and manual dexterity necessary to operate computer keyboard and basic office equipment. Subject to sitting and standing to perform the essential functions. Working conditions are in an office environment. The essential functions of this position require the use of a computer, various software applications, office equipment and phone. Occasional exposure to unpleasant or stressful customer interactions.

EMPLOYEE ACKNOWLEDGMENT AND SIGNATURE

This job description is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities that are required of the employee for this job. Duties, responsibilities, and activities may change at any time with or without notice. The City of Kirby is an at-will employer and the employee, or the City may choose to end the employment relationship at any time for any reason in accordance with applicable laws.

The City of Kirby provides equal employment opportunities to all employees and applicants for employment. It prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state, or local laws. This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of

absence, compensation, and training. Where applicable, reasonable accommodations may be made in accordance with the American with Disabilities Act (ADA).

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

In a typical work setting, the City Secretary will:

Interpersonal Relationships

Have a high level of social contact working closely with staff in shared office spaces, and maintains daily contact in person, by phone and email with city staff, vendors, contractors, and the department. It is imperative that the person employed in this position maintains professional and ethical standards, including courtesy, cooperation, transparency, positivity, reliability, efficiency, and a respectful attitude towards others, and shall represent the City in a positive way, both on duty and in connection with City sponsored activities.

Hours/Travel

Typically works a standard Monday-Friday 40-hour week but may infrequently be required to work evenings or weekends to meet deadlines or for special projects/assignments. **Predictable and regular attendance is considered an essential job function for this position.**

Physical Demands and Work Conditions

Works close to others in shared indoor office space. Frequently required to sit, stand at computer while using hands, arms, and fingers to reach and input data in systems. Exposure to noise from close co-workers. May lift and move boxes and equipment weighing up to 20 pounds.

Disaster Service Workers Clause

In the event of a declared emergency or any undeclared emergency or natural disaster that threatens the life, health and/or safety of the public, designated employee's may be assigned to assist rescue and relief workers. Such assignments may be in locations, during hours and performing work significantly different from the employees; normal work assignments and may continue through the recovery phase of the emergency.

Job Description statements are intended to describe the general nature and level of work being performed by employees assigned to this job title. They are not intended to be construed as an exhaustive list of all responsibilities, duties and skills required. Management reserves the right to add, modify, change or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job. An employee may also perform other reasonable related business duties as assigned by the immediate supervisor. The City of Kirby is considered an At-Will employer, meaning both you and the City may, without any liability, terminate the employment relationship for any reason at any time and without notice.

To Apply: www.kirbytx.org

Click on Employment Tab. No phone calls, nor emails please.

The City of Kirby is an Equal Opportunity Employer of Qualified Individuals. A City of Kirby application is required. Resumes are considered additional information, and accepted with a completed City application.

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| <input checked="" type="checkbox"/> | DISCUSSION AND POSSIBLE ACTION ITEMS |
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**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 28, 2024

AGENDA ITEM: 8. q.

- q. Discussion and Possible Action upcoming city event, Community Resource Event May 2024. (Mayor Grider)