



*Janeshia A. Grider, Mayor*

Mike Grant  
Sylvia Apodaca  
Joe Molina

Maria Lozano  
Englan Sanchez  
Sally J. Hitt

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**CITY COUNCIL AGENDA  
REGULAR MEETING  
THURSDAY, OCTOBER 17<sup>th</sup>, 2024 - 7:00 P.M.  
CITY HALL COUNCIL CHAMBER  
112 BAUMAN, KIRBY, TX 78219**

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

Topic: Regular City Council Meeting

Date and Time: October 17th 2024 at 7:00 P.M. (Central Time)

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1. **Call Meeting to Order 7:03 PM**

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

Pastor Keith Sanford provided the invocation from Family Outreach Ministries.

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**

	<b>Present</b>	<b>Absent</b>
Council Member Grant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Council Member Lozano	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Note:** Mayor you have a quorum.

**5. Citizens to Be Heard**

Susan Street raises several concerns regarding city transparency and communication. She notes that the city calendar on the website has not been updated with important meetings, such as the Crime Control meeting, and that their agenda was not posted in compliance with the 72-hour notice requirement. She also points out that the approved budget for the current fiscal year has not been posted on the website. Additionally, Susan highlights a discrepancy in the city's water usage guidelines, as information from the Edwards Aquifer Authority was not shared, and the city's website and Facebook still list Stage 3 water restrictions despite changes. She inquired about a potential glitch at the Senior Center, where Meals on Wheels allegedly did not deliver for several days. She also questions the qualifications for a Programs Specialist job posting at the Senior Center, as well as the need for a Special Projects Officer with grant-writing qualifications, given that Council Member Hitt is already capable of writing grants. Susan expresses concern about an increase in the administrative budget by \$110,000 and the hiring of a grant writer or special projects officer. Lastly, she notes that there are more change orders on the agenda, but without access to the agenda packet, she is unsure of their content. She also mentions that the council members' participation in the TML conference was not communicated to residents.

**6. Consideration of and Action on Minutes**

- a. Regular Meeting Minutes – September 30, 2024

Motion to accept regular meeting minutes for September 30, 2024.

	<u>1<sup>st</sup>/2<sup>nd</sup></u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Council Member Molina	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Council Member Lozano abstained from the vote.

**Motion Passed (5/0)** – Motion Passes to accept Regular meeting minutes for September 30, 2024.

b. Regular Meeting Minutes – October 2<sup>nd</sup>

Motion to accept regular meeting minutes for October 2, 2024.

	<u>1<sup>st</sup>/2<sup>nd</sup></u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Motion Passed (6/0)** – Motion Passes to accept Regular meeting minutes for October 2, 2024.

**7. Updates**

a. **Update on Ackerman Road Project**

Mr. Baine, an engineer with Baine Engineers, provides an update on the Ackerman Road project following a meeting with contractors. He reports that work is ongoing on the subgrade between Cinderella and Sparkling Lane, on the sidewalk between Harris Road and Bau Road, and on the driveway at Ackerman and Old Seguin Road. Barricades are in place on Gibbs Sprawl, and work is also being done on Hedwig, including the installation of a chain previously in place and work on the sewer line at Bauman. The sewer line has been completed across Bauman, the pavement patched, and work continues on Hedwig. Although contractors suggested working on Bauman in the same manner as Hedwig, Mr. Baine advised against this approach.

Ms. Applewhite explains that the work on Bauman Road has been delayed to ensure safety. He requests that the work on Bauman be postponed until the work on Hedwig Road is completed, as the streets are too narrow to have both torn up simultaneously. This situation would prevent emergency vehicles, such as fire trucks, from safely accessing residents’ homes. Concrete barriers would create significant obstacles, and it would be too dangerous for traffic to pass through. Ms. Applewhite stresses the importance of finishing Hedwig before proceeding with Bauman to maintain safe access for residents and emergency services.

The mayor asks for clarification on why work on Ackerman Road has not been completed before moving on to other areas, such as the section towards Gibbs Sprawl. She questions why the project seems to be progressing in a non-sequential manner, with various areas being torn up without finishing previous sections.

Mr. Baine explains that the contractors are working on different parts of the Ackerman Road project at the same time because different subcontractors are handling various tasks. Some are focusing on the sidewalk, curbs, and driveways, while others are working on utility installations like storm sewers and sanitary sewers. The reason work is shifting to Hedwig is to allow for the installation of the sanitary sewer first, followed by the storm sewer, before roadwork can be completed. The intersection of Binz Engleman is also under construction, with work expected to be finished in two to three weeks.

Council Member Molina elaborates that the work on Gibbs Sprawl and Hedwig involves underground utilities, while the Ackerman Road work focuses on sidewalks and street preparation. He notes that the underground work must be completed first before the final surface work can proceed. He also explains that the intersection of Ackerman and Binz Engleman will be closed for about three weeks to complete work, with one direction of traffic being affected at a time. Once the work is completed on one side, the intersection will reopen, and the other side will be worked on.

The mayor asks about the estimated time for Binz Engleman to be reopened, to which Mr. Baine responds that it will take about three weeks once the north side is opened up and work begins on the west side. The mayor also inquired about the possibility of working at night to speed up the process. Mr. Baine explains that nighttime work is more costly due to additional lighting and safety measures, and it is typically used in residential areas to minimize disturbances. The contractors aim to complete the work one section at a time for safety and efficiency. She expresses concern about the safety of contractors due to aggressive drivers, noting that barricades seem to be causing frustration.

Mr. Baine suggests using off-duty police officers as they have done in the past, but this would require a change order or the city hiring off-duty police officers. Ms. Applewhite mentions having asked the Police Chief to provide additional officers to help with traffic control in congested areas, particularly around construction zones. Council Member Lozano agrees with the suggestion to bring back flagmen to improve traffic flow and safety, as the drivers have not been obeying the existing signs. She also raises an issue with debris left behind on Gaiety Street after trucks picked up materials, asking for it to be cleaned up. Mr. Baine requests that Ms. Applewhite be informed if there are specific issues with debris, so he can address it with the contractor.

## **8. Items for Individual Consideration**

- a. Discussion and Possible Action on Rescheduling the November 28<sup>th</sup> Kirby City Council Regular Meeting.

Mayor Pro-Tem- Apodaca made a motion to rescheduled to regular November 28, 2024, to November 21, 2024.

	<u>1<sup>st</sup>/2<sup>nd</sup></u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Motion Passes (6/0)**- Motion passed to reschedule regular November 28, 2024, meeting to November 21, 2024.

- b. Discussion and Possible Action on Rescheduling the December 26<sup>th</sup> Kirby City Council Regular Meeting.

Council Member Molina made a motion to reschedule the regular meeting December 26, 2024, to December 19, 2024.

	<u>1<sup>st</sup>/2<sup>nd</sup></u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Motion Passes (6/0)**- Motion passes to reschedule the regular meeting December 26, 2024, to December 19, 2024.

## **9. Items for Individual Consideration**

- c. Discussion and Possible Action on Resolution 2024-785, A Resolution Accepting Change Order 1: Alamo City Constructors is Requesting a Change to the Subgrade Treatment for the Foxcross Drive Street Reconstruction and Sanitary Sewer Replacement Project.

### **Postponed**

Mr. Baine discusses a request from the subcontractor to make a change order, replacing sub compacted subgrade with lime-treated subgrade. Although a meeting was held on Tuesday to discuss this, the subcontractor has not yet provided all the

necessary information. Mr. Baine worked up a change order and sent it to the subcontractor, but still has some questions regarding the details. He suggests holding off on further discussion until he has spoken with the subcontractor. He provides additional context, noting that work on the project, including sewer work, is set to begin on Monday, October 21, 2024. The change involves adding lime-treated subgrade, which would improve the quality of the base material. The lime-treated subgrade would replace a portion of the black base, reducing it from 6 ½ inches to 5 inches, and adding a 2-inch surface course on top. The lime-treated subgrade is expected to offer better long-term performance, helping to minimize movement and provide a more stable foundation. While both options (sub compacted and lime-treated subgrade) would provide a 20-year lifespan for the pavement, the lime treatment is expected to reduce the amount of maintenance needed over the life of the pavement. However, Mr. Baine notes that some maintenance will still be required over time, regardless of which method is used.

Council Member Lozano questions the time for 20-year lifespan and the lime subgrade. Mr. Baine told her yes; it is only for 20 years. Council Member Molina questions moving up the detours and notifying the residents. Mr. Baine informed detour signs were up and materials being delivered ready to go on Monday. Ms. Applewhite informed him that they have notified the residents. Council Member Lozano questioned when the work would be completed. Mr. Baine informed her it's a six-month contract.

- d. Discussion and Possible Action on Resolution 2024-786, A Resolution Authorizing the Ms. Applewhite to Execute an Agreement with Ace Quality Utility Associates to Adjust the City of Kirby Water Main.

	<u>1<sup>st</sup>/2<sup>nd</sup></u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Motion Passes (6/0)-** Authorizing the Ms. Applewhite to Execute an Agreement with Ace Quality Utility Associates to Adjust the City of Kirby Water Main. Mrs. Applewhite explained asked Public Works to help expedite repairing water leaks. This contract helped repair FM78/Gibbs Sprawl rd. this repairs is to move the main to the middle of the street. Cost \$20K. Mr. Molina asked for location of this repair. Mrs. Applewhite stated Boatman and referred to Mr. Farmer to explain the details. Mr. Farmer explained the work. Molina how many residents would it effect. Mr. Farmer stated none, main already shut off.

- e. Discussion and Possible Action on Resolution 2024-787, A Resolution Authorizing the Ms. Applewhite to Execute Bain Medina Bain’s Proposal for the City of Kirby Civil Engineering Services Work Authorization No. 3, Change Order No. 1 – Ackerman Road Project.

	<u>1<sup>st</sup>/2<sup>nd</sup></u>	<u>Aye</u>	<u>Nay</u>
Council Member Grant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Lozano	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Sanchez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Hitt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Molina	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Pro-Tem Apodaca	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Grider	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Motion Passes (6/0)** – Accept resolution 2024-787 a resolution authorizing the Ms. Applewhite to Execute Bain Medina Bain’s Proposal for the City of Kirby Civil Engineering Services Work Authorization No. 3, Change Order No. 1 – Ackerman Road Project. Councilman Molina askwed would it take them to the end of the contract. Mr. Baine it would only take to the end of the year. Councilwoman Lozano asked about the dollar amount of \$65K and Mr. Baine explained this dollar amount takes them to the end of the year. Mr. Baine explained they charge on an hourly basis as needed to work on this project.

Entered into Closed Session: **7:50PM**

Mayor Grider: Regular meeting closes at 7:50pm.

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

- i. Under 551.071 and 551.074 – Attorney Consultation and Personnel Matters Regarding Fire Fighter Investigation.

**Entered into Open Session 8:56pm**

**11. Open Session:**

- a. 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.

Mayor announced that the City Council has reconvened into regular session at 8:56 PM, following a closed session. No action was taken after the closed session. The meeting moves to agenda item 11, which involves requests and announcements from the Mayor and Council

members. This includes requests to place items on future City Council agendas and announcements regarding city events of community interest.

**12. Request and Announcements**

Council Member Lozano expresses gratitude to those in attendance, including city staff and fellow council members. She provides an update on the Beautification and Recycling Committee's recent quarterly cleanup at Lance Park, where five large bags of trash were collected. She suggests further attention may be needed for this area. Lozano also acknowledges committee members who helped with the cleanup. Additionally, she raises a concern about a yield sign at the intersection of Happiness and Kirby Drive, where two accidents have occurred due to drivers not stopping. She proposes discussing the possibility of replacing the yield sign with a stop sign, referencing a past stop sign that was removed. She concludes by thanking everyone for their support.

Council Member Molina expresses gratitude to attendees and city staff for their hard work. He requests that the construction update for Ackerman Road and the upcoming Fox Cross project, starting next week, be added to the agenda for discussion. Molina also shares his experience attending the Texas Municipal League (TML) annual conference, highlighting its value in providing useful information and resources for addressing city challenges. He emphasizes that attending such events is beneficial for gaining insights and building connections, and he appreciated the opportunity to participate.

Mayor Pro-Tem Apodaca expresses gratitude to fellow council members for attending the TML conference and acknowledges the time and effort involved. She proceeds with announcements of upcoming city events, including a ribbon-cutting ceremony at Kirby Middle School for the STEM Academy on the following day, and various activities at the Kirby Senior Center. Other events highlighted include food distributions, flu shot clinics, Halloween activities, and local festivals, such as the Kirby Baptist Church Fall Festival and the VFW's turkey bingo. She also mentions educational opportunities like AARP's driver safety course for seniors and Judson ISD's adult education classes. Apodaca also promotes resources from SA Compassion News, a nonprofit organization offering various programs. She concludes by thanking Lapopular Mexican Restaurant for hosting a successful small business mixer and expresses appreciation for community support.

Council Member Hitt expresses gratitude, thanking everyone for attending the meeting, staying throughout the session, and supporting the council. She concludes her remarks by saying, "that's all, thank you."



Council Member Sanchez announces that Hopkins School is holding a candy drive to support pre-k and kindergarten students for their trick-or-treating event on October 31st, encouraging donations. She also expresses appreciation for the Public Works department, acknowledging their hard work and expressing gratitude for their contributions.

The Mayor expresses gratitude to council members for attending the TML conference, highlighting the value of networking with officials from other cities and counties. She notes the exchange of ideas and information that can benefit the city, mentioning specific insights she plans to share with the city manager. The Mayor also congratulates Allison Hayward, the new TML president, and recognizes the achievements of local officials such as Live Oak Mayor Mary Dennis and Cibolo Mayor Joel Hicks for their certification as Municipal Officers.

She brings attention to the low turnout at a recent Bear County utility assistance event, where only 40 out of 600 eligible residents participated, despite the availability of resources to help with utility bills. The Mayor encourages residents to take advantage of an upcoming utility assistance event in November, stressing that resources are available locally and urging the community to participate. Additionally, she commends the Kirby Animal Services for their excellent work, noting positive feedback on their efforts to care for and adopt out animals, and recognizes the active presence of their social media outreach.

### **13. Adjournment :PM**

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**Christine Wilson**  
**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; Texas Government Code Section 551.076, Security Devices or Security Audits; and Section 551.087 of the Texas Government Code, Deliberation about Economic Development.

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

DATE OF POSTING: November 8<sup>th</sup>, 2024 TIME OF POSTING: 5:30 P.M.

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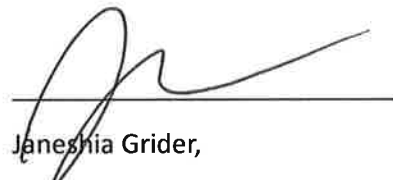
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**13. Adjournment :PM**



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Janeshia Grider,  
Mayor



Christine Wilson  
City Secretary

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