

# *City of Kingsville, Texas*

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## **AGENDA CITY COMMISSION**

**MONDAY, SEPTEMBER 23, 2013  
REGULAR MEETING**

**HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS  
CITY HALL/200 EAST KLEBERG AVENUE  
6:00 P.M.**

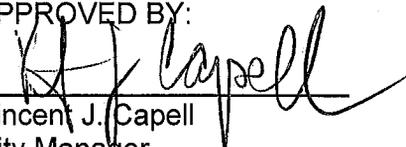
### **I. Preliminary Proceedings.**

#### **OPEN MEETING**

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

**MINUTES OF PREVIOUS MEETING(S) – Required by Law**  
Special Meeting – September 16, 2013

APPROVED BY:

  
\_\_\_\_\_  
Vincent J. Capell  
City Manager

### **II. Public Hearing - (Required by Law).<sup>1</sup>**

1. Public Hearing to consider rezone of 0.17 acres out of Lot 1, Block 10, McBryde Addition Subdivision known as 1012 E. Santa Gertrudis Avenue from R3-Multi-Family District to C4-Business District, Horacio "Hoss" Castillo applicant, agent for business owner. (Director of Planning and Development Services).

### **III. Reports from Commission & Staff.<sup>2</sup> (City Manager's Staff Report Attached).**

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor. No formal action can be taken on these items at this time."*

### **IV. Public Comment on Agenda Items.<sup>3</sup>**

1. Comments on all agenda and non-agenda items.

**V.**

**Consent Agenda**

**Notice to the Public**

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.*

**CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:**

*(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)*

1. Motion to approve a resolution authorizing the City Manager to enter into an engagement letter agreement between the City of Kingsville, Texas and John Womack & CO., P.C. for the 2012-2013 Fiscal Year Audit. (Finance Director).
2. Motion to appoint Norma Sue Adrian to the City/County Health Board for a three year term to fill a vacant position. (Health Director).
3. Motion to approve expending funds from the City of Kingsville Employee Benefit Plan Trust for the City Health Fair (for employees and eligible dependents). (Human Resources Director).

**REGULAR AGENDA**

**CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

**VI. Items for consideration by Commissioners.<sup>4</sup>**

4. Consider a resolution approving the City of Kingsville's 2013 Tax Roll as submitted by the Kleberg County Tax Assessor-Collector pursuant to the Texas Property Tax Code, Chapter 26, Section 26.09(e). (Finance Director).
5. Consider approval of preliminary plat entitled Oak Tree Apartment Tract, Block 1, Lots 1 and 2 being 35.40 acres out of Lot 15, Section 17, Kleberg Town and Improvement Co. (Director of Planning and Development Services).
6. Consider approval of final plat entitled Oak Tree Apartment Tract, Block 1, Lots 1 and 2 being 35.40 acres out of Lot 15, Section 17, Kleberg Town and Improvement Co. (Director of Planning and Development Services).
7. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 0.17 acres out of Lot 1, Block 10, McBryde Addition Subdivision known as 1012 E. Santa Gertrudis Avenue from R3-Multi-Family District to C4-Business District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan and providing for publication. (Director of Planning and Development Services).

8. Consider reimbursement of sewer fees charges for property located at 1800 N. 14<sup>th</sup> Street, Kingsville, Texas. (Finance Director).
9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies. (Human Resources Director).
10. Consider approving location for historical mural in downtown area. (Downtown & Volunteer Manager).
11. Consider a resolution authorizing the City to submit an application to the FEMA Assistance to Firefighters Grant requesting grant funding for fire station exhaust removal systems on behalf of the Kingsville Fire Department with an anticipated \$10,000 cash match. (Fire Chief).
12. Consider a resolution authorizing the City to submit an application to the FEMA Assistance to Firefighters Grant requesting grant funding for a fire engine on behalf of the Kingsville Fire Department with an anticipated \$55,000 cash match. (Fire Chief).

## VII. Adjournment.

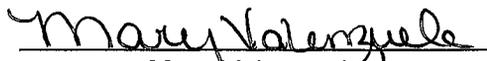
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizens comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.  
\*Amendment of Agenda to add item that was duly published in the newspaper and inadvertently omitted from original agenda, whose delay could detrimentally impact the public health and safety of the City.

### NOTICE

This City of Kingsville and Commission Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail [mvalenzuela@cityofkingsville.com](mailto:mvalenzuela@cityofkingsville.com) for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board in the City Hall, 200 East Kleberg, of the City of Kingsville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

September 20, 2013 at 4:00 P.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.

  
Mary Valenzuela  
City Secretary  
City of Kingsville, Texas

This public notice was removed from the official posting board at the Kingsville City Hall on the following date and time: \_\_\_\_\_

By: \_\_\_\_\_  
City Secretary's Office  
City of Kingsville, Texas

**MINUTES OF PREVIOUS  
MEETING(S)**

SEPTEMBER 16, 2013

**A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 16, 2013 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam Fugate, Mayor  
Noel Pena, Commissioner  
Dianne Leubert, Commissioner  
Arturo Pecos, Commissioner

**CITY COMMISSION ABSENT:**

Al Garcia, Commissioner

**CITY STAFF PRESENT:**

Vince Capell, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Charlie Cardenas, Public Works Director/Engineer  
Mark Rushing, Finance Director  
Emilio Garcia, Health Director  
Robert Isassi, Director of Planning & Development Services  
Diana Gonzales, Human Resources Director  
Melissa Perez, Risk Manager  
Joey Reed, Fire Chief  
Willie Vera, Task Force Commander  
Ricardo Torres, Chief of Police  
David Mason, Purchasing/IT Director

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the Robert H. Alcorn Commission Chamber at 6:00 p.m. and announced quorum as present. Commissioner Garcia absent.

**INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)**

Mayor Fugate announced that he would like to waive the preliminary proceedings and go right into items of the agenda.

**MINUTES OF PREVIOUS MEETING(S) – Required by Law**

Special Meeting – August 27, 2013  
Special Meeting – September 3, 2013  
Special Meeting – September 4, 2013  
Regular Meeting – September 9, 2013

Mayor Fugate asked for a motion from the Commission to approve the minutes as presented. **Motion made by Commissioner Pecos to approve minutes as presented, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Pecos, Leubert, Fugate voting “FOR”. Garcia absent.**

## II. Public Hearing - (Required by Law).<sup>1</sup>

None.

## III. Reports from Commission & Staff.<sup>2</sup> (City Manager's Staff Report Attached).

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development , Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor,. No formal action can be taken on these items at this time."*

Mr. Capell, City Manager, reported that that he has been in communications with City staff regarding the weather situation.

Mrs. Courtney Alvarez, City Attorney, reported that the next regularly scheduled meeting is Monday, September 23, 2013 and the City of Kingsville will be having their Trash Off on Saturday, September 21, 2013 from 8:00 a.m. to 12:00 p.m.

Commissioner Pecos asked for the City Manager to look into flooding in the area of 17<sup>th</sup> Street between Huisache and Kenedy.

Mayor Fugate gave a brief report on his recent trip to Washington, DC with Mr. Dick Messbarger. He reported on their meetings with representatives from the Pentagon and Capitol Hill regarding military issues and windfarms.

## IV. Public Comment on Agenda Items<sup>3</sup>

1. Comments on all agenda and non-agenda items.

## V.

### **Consent Agenda**

### **Notice to the Public**

*The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.*

**CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:**

*(At this point the Commission will vote on all motions, resolutions and ordinances not removed for individual consideration)*

Mayor Fugate asked for a motion to approve the consent agenda as presented.

**Motion made by Commissioner Pecos to approve the consent agenda as presented, seconded by Commissioner Pena. The motion was passed and approved by the following vote: Pena, Pecos, Leubert, Fugate voting "FOR". Garcia absent.**

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2012-2013 budget for the transfer of fund balance from Fund 061 CO Series 2002-2002A-Utility Fund to Fund 039 CO Series 2002-2002A-General Fund. (Director of Finance).
2. Motion to approve final passage of an ordinance amending the fiscal year 2012-2013 budget for the City of Kingsville for deficit accounts and year end contractual amounts. (Director of Finance).

**REGULAR AGENDA**

**CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:**

**VI. Items for consideration by Commissioners.<sup>4</sup>**

3. Consider final passage of an ordinance adopting the City Manager's budget, as amended, of the City of Kingsville, Texas and appropriating funds for the fiscal year beginning October 01, 2013 and ending September 30, 2014 in the particulars hereinafter stated. (Finance Director).

Mr. Mark Rushing, Finance Director reported that there are no changes to the proposed budget for Fiscal Year 2014.

**Motion made by Commissioner Pena to adopt the budget as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Leubert, Pena, Fugate voting "FOR". Garcia absent.**

4. Discuss and consider ratifying the property tax increase reflected in the 2013-2014 Annual Budget of the City of Kingsville. (Finance Director).

**Motion made by Mayor Fugate to ratify the property tax increase reflected in the 2013-2014 Annual Budget of the City of Kingsville, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pena, Pecos, Fugate voting "FOR". Garcia absent.**

5. Consider final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the fiscal year beginning October 01, 2013 and ending September 30, 2014, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (Finance Director).

**Motion made by Mayor Fugate, "I move that the property tax rate be increased by the adoption of a tax rate of \$0.84220, which is effectively a 2.50% percent increase in the tax rate," seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Leubert, Fugate voting "FOR". Garcia absent.**

**VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 6:18 P.M.

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Sam R. Fugate, Mayor

ATTEST:

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Mary Valenzuela, City Secretary

# **PUBLIC HEARING(S)**

# **PUBLIC HEARING #1**



## Planning & Development Services Department

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TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

FROM: Robert G. Isassi, P.E., Director of Planning & Development Services

SUBJECT: **Request to Re-zone a lot at 1012 E Santa Gertrudis from R3 to C4**

DATE: September 19, 2013

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This is a request from Hoss Castillo, agent for a business owner at 1012 E Santa Gertrudis to rezone it from R-3 Multi-Family District to C-4 Commercial District for the purpose of extending the parking lot for his business at 704 N 14<sup>th</sup> St. (El Dorado Restaurant) which is adjacent to the property.

This request was evaluated and approved by the Planning & Zoning Commission on September 18<sup>th</sup>, 2013 by a vote of 7-0. One concern noted was the possibility of light pollution disturbing the adjacent neighbor. The City stated that the additional lights will not be any different than the lights that are currently shining in the neighborhood as the lights will not be installed on the re-zoned property.

Staff recommends APPROVAL of this request with the following findings.

The proposal:

1. is in conformance with the goals and policies contained in all elements of the 2008 Master Plan,
2. is in keeping with the purpose of the zoning districts,
3. is not detrimental to the public health, safety, and welfare,
4. is not detrimental to existing or potential adjacent land uses, and
5. will not generate inappropriate, hazardous, or detrimental traffic levels in the existing or nearby area.

# Staff Report to the PLANNING & ZONING COMMISSION and CITY COMMISSION

By the Planning & Development Services Department, Planning Division  
for the City of Kingsville, Texas

Request: **APPROVAL OF REZONING OF THE MCBRYDE ADDITION,  
BLOCK 10, WEST 50' OF THE SE QUARTER OF LOT 1,  
LOCATED AT 1012 E SANTA GERTRUDIS, FROM R-3 MULTI-  
FAMILY DISTRICT TO C-4 BUSINESS DISTRICT.**

Petitioner & Agent: Hoss Castillo  
Date of P&Z Hearing: September 18<sup>th</sup>, 2013

Comprehensive Plan Land Use:	Commercial Business
Existing Zoning Classification:	R-3, Multi-Family District
Adjacent Zoning:	North: C-4 Business District South: C-4 Business District East: R-3: Multi-Family Dist. West: C-4 Business District

## EXISTING INFRASTRUCTURE

Transportation:	Santa Gertrudis Ave. – Primary St. (Arterial)
Community Facilities:	Services provided
Capital Improvements:	Services provided
Fire Station Proximity:	0.95 driving miles
100 Year Floodplain:	The property is not within a floodplain.

## EXHIBITS PRESENTED

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- City of Kingsville Master Plan (present at the meeting)
- Site Plan
- Mailing list of owners within 200 feet

## BACKGROUND AND HISTORY

The petitioner is requesting a zoning district change in order to facilitate the construction a parking to extend the capacity of vehicles parking at the same owner's business in the SW Quarter Lot which contains the El Dorado restaurant. The historical use of this property has been as a single family home adjacent to an existing parking lot.

## FIELD INSPECTION AND PERTINENT DATA

A field inspection of the property has shown that half of this lot is used as a home with the other half used as storage for the owner.

STAFF REVIEW AND RECOMMENDATION

In general, Planning and Zoning Commission considers the following factors when making a recommendation on Zoning District Changes:

1. Whether the proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan.
2. Whether the proposal is in keeping with the purpose of the zoning districts.
3. Whether the proposal is detrimental to the public health, safety and welfare.
4. Whether the proposal is detrimental to existing or potential adjacent land uses.
5. Whether the proposal will generate traffic levels inappropriate, hazardous, or detrimental to the existing or potential nearby land uses.

Staff recommends **APPROVAL** of this request with the following findings:

1. The proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan.
2. The proposal is in keeping with the purpose of the zoning districts.
3. The proposal is not detrimental to the public health, safety, and welfare.
4. The proposal is not detrimental to existing or potential adjacent land uses.
5. The proposal will not generate inappropriate, hazardous, or detrimental traffic levels in the existing or nearby area.

Prepared by:

Robert G. Isassi, P.E.

2013 Sept. 11

Robert G. Isassi, P.E.

Director of Planning & Development Services

**ORDINANCE 2013-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 0.17 ACRES OUT OF LOT 1, BLOCK 10, MCBRYDE ADDITION SUBDIVISION KNOWN AS 1012 E. SANTA GERTRUDIS AVENUE FROM R3-MULTI-FAMILY DISTRICT TO C4 BUSINESS DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Horacio "Hoss" Castillo, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, September 18, 2013 during a meeting of the Planning and Zoning Commission, and on Monday, September 23, 2013 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the Planning & Zoning Commission by a 7-0 vote approved the requested rezone; and

**WHEREAS**, the City Commission has determined that this amendment would best serve public health, necessity, and convenience and the general welfare of the City of Kingsville and its citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:**

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of 0.17 acres out of McBryde Addition, Block 10, Lot 1, known as 1012 E. Santa Gertrudis Avenue from R3-Multi-Family District to C4 Commercial District, as more specifically described on the Zone Change Map, attached as Exhibit A.

**SECTION 2.** That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendments to the Zoning Ordinance made by Section 1 of this ordinance.

**SECTION 3.** That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

**SECTION 4.** That to the extent that these amendments to the Zoning Ordinance represent a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

**SECTION 5.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

**SECTION 6.** That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

INTRODUCED on this the 23rd day of September, 2013.

PASSED AND APPROVED on this the 14<sup>th</sup> day of October, 2013.

**THE CITY OF KINGSVILLE**

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

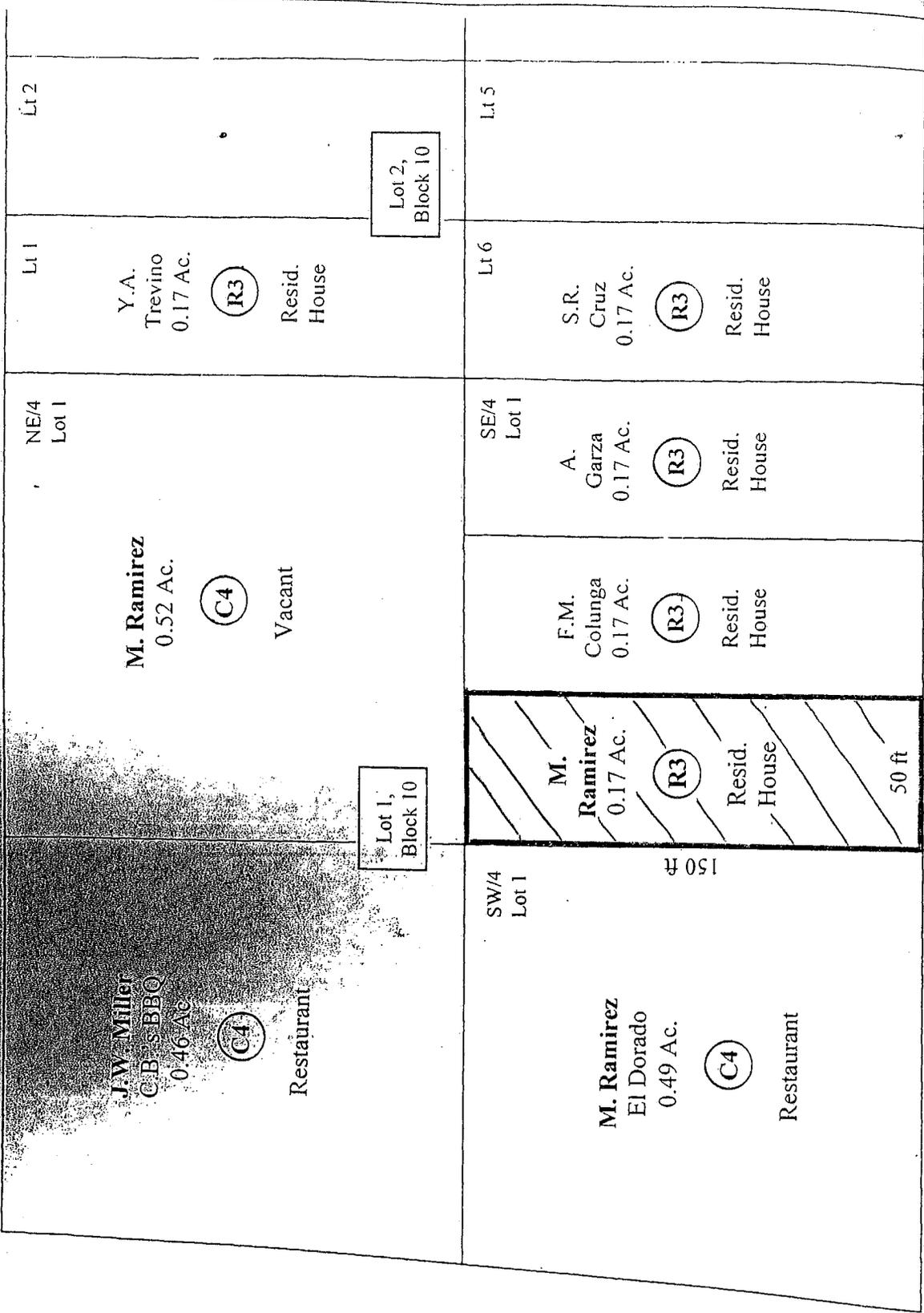
APPROVED:

\_\_\_\_\_  
Courtney Alvarez, City Attorney

BELLA AVE.

W T S  
F

14th St.



J.W. Miller  
C.B. SBBQ  
0.46 Ac.  
(C4)  
Restaurant

M. Ramirez  
0.52 Ac.  
(C4)  
Vacant

NE/4  
Lot 1

Lt 1

Y.A.  
Trevino  
0.17 Ac.  
(R3)  
Resid.  
House

Lot 1,  
Block 10

Lot 2,  
Block 10

SW/4  
Lot 1

M. Ramirez  
El Dorado  
0.49 Ac.  
(C4)  
Restaurant

150 ft

M.  
Ramirez  
0.17 Ac.  
(R3)  
Resid.  
House

F.M.  
Colunga  
0.17 Ac.  
(R3)  
Resid.  
House

A.  
Garza  
0.17 Ac.  
(R3)  
Resid.  
House

SE/4  
Lot 1

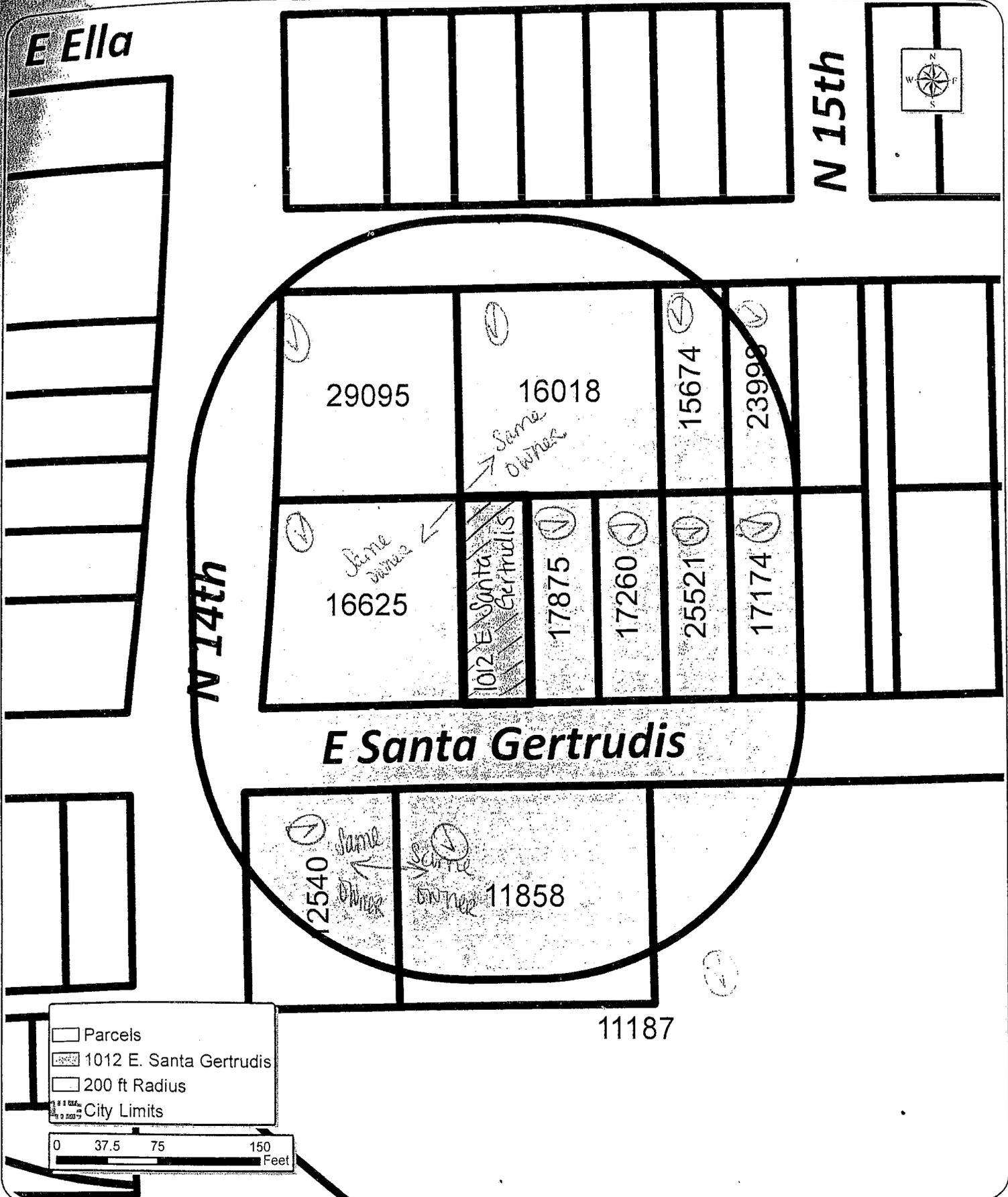
Lt 6

S.R.  
Cruz  
0.17 Ac.  
(R3)  
Resid.  
House

Lt 5

Santa Antonio Ave

# 1012 E. Santa Gertrudis



Drawn By: Sharam Santillan

Last Update: 8/21/2013

Note:

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**DISCLAIMER**  
 THIS MAP IS FOR VISUAL PURPOSES ONLY. THE INFORMATION ON THIS SHEET MAY CONTAIN INACCURACIES OR ERRORS. THE CITY OF KINGSVILLE IS NOT RESPONSIBLE IF THE INFORMATION CONTAINED HEREIN IS USED FOR ANY DESIGN, CONSTRUCTION, PLANNING, BUILDING, OR ANY OTHER PURPOSE.



**CITY OF KINGSVILLE**  
**ENGINEERING DEPARTMENT**  
 200 East Kleberg  
 Kingsville, Texas 78363  
 Office: 361-595-8005  
 Fax: 361-595-8035

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

RESOLUTION NO. 2013-\_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ENGAGEMENT LETTER AGREEMENT BETWEEN THE CITY OF KINGSVILLE, TEXAS AND JOHN WOMACK & CO., P.C. FOR THE 2012-2013 FISCAL YEAR AUDIT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into an Engagement Letter Agreement Between John Womack & Co., P.C. and the City of Kingsville, Texas for the 2012-2013 Fiscal Year audit in accordance with Exhibit A hereto attached and made a part hereof.

II.

**THAT** all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

III.

**THAT** this Resolution shall be and become effective on and after adoption.

**PASSED AND APPROVED** by a majority vote of the City Commission on the 23 rd day of September, 2013.

\_\_\_\_\_  
Sam R. Fugate, Mayor

ATTEST:

\_\_\_\_\_  
Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Courtney Alvarez, City Attorney

JOHN WOMACK & CO., P.C.  
CERTIFIED PUBLIC ACCOUNTANTS

JOHN L. WOMACK, CPA

JOHN R. WOMACK, CPA  
MARGARET KELLY, CPA

P. O. BOX 1147  
KINGSVILLE, TEXAS 78364  
(361) 592-2671  
FAX (361) 592-1411

August 09, 2013

Mayor Sam Fugate, City Commissioners and City Manager  
P.O. Box 1458  
Kingsville, Texas 78364

We are pleased to confirm our understanding of the services we are to provide the City of Kingsville for the year ended September 30, 2013. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of City of Kingsville as of and for the year ended September 30, 2013. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City of Kingsville's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City of Kingsville's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis.
2. Budgetary comparison schedules.
3. GASB required supplementary pension information and
4. OPEB.



We have also been engaged to report on supplementary information other than RSI that accompanies the City of Kingsville's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

1. Combining statements for the CAFR and
2. Individual Fund Statements and Supporting Schedules.

### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the City of Kingsville and other procedures we consider necessary to enable us to express such opinions. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that the purpose of the report is solely to (1) describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in

considering the entity's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that the City of Kingsville is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

### **Management Responsibilities**

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will assist with preparation of your financial statements, related notes and depreciation schedules using your assigned life and depreciation method. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. You will be required to acknowledge in the written representation letter our assistance with preparation of the financial statements and that you have reviewed and approved the financial statements, related notes and depreciation schedules prior to their issuance and have accepted responsibility for them. You agree to assume all management responsibilities for any nonaudit services we provide; oversee the services by designating an individual, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Management is responsible for establishing and maintaining effective internal controls, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; for following laws and regulations; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles. Management is also responsible for implementing systems designed to achieve compliance with applicable laws and regulations.

Management is also responsible for making all financial records and related information available to us and for ensuring that management is reliable and financial information is reliable and properly recorded. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request

for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy any fraud and noncompliance with provision of laws, regulations, contracts, and grant agreements, or abuse that we may report.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported, on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for

providing that information.

### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

### **Audit Procedures—Internal Control**

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Kingsville's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

### **Limitation on Liability**

In the unlikely event differences concerning our services or fees should arise that are not resolved by mutual agreement, to facilitate judicial resolution and save time and expense of both parties, the City agrees to participate in mediation, under the Commercial Mediation Rules of the American Arbitration Association, before any claim is asserted.

In the event John Womack & Co., P.C. is found to be negligent in provision of any services covered by this agreement which result in damage to the City, John Womack & Co., P.C.'s liability to the City will be limited to actual damages or losses incurred by the City. John Womack & Co., P.C. will not be liable to the City for any punitive damages.

### **Engagement Administration, Fees, and Other**

We understand that your employees will prepare all cash or other confirmations and schedules we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the City of Kingsville; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of John Womack & Co., P.C. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals, will be made available upon request and in a timely manner to cognizant agencies or their designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of John Womack & Co., P.C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

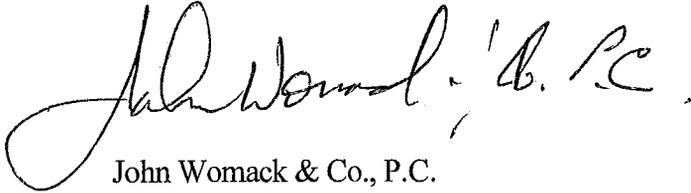
The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by cognizant agencies. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately October 15, 2013 and to issue our reports no later than March 31, 2014. John L. Womack is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. We estimate that our fee for these services will be \$45,000 for the audit, \$2,500 for the Task Force, \$21,000 for the GASB 34, 45 and 54 and GFOA report presentation, \$9,500 for the fixed assets, and \$7,500 for the state and federal grants (if needed). Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the City of Kingsville and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described

in this letter, please sign the enclosed copy and return it to us. We are providing you with a copy of our most recent external peer review report and any subsequent reports received during the contract period. Accordingly, our 2011 peer review report accompanies this letter.

Sincerely,



John Womack & Co., P.C.

RESPONSE:

This letter correctly sets forth the understanding of the City of Kingsville.

Management Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Governance signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# MARLOW C. HUNTER, P.C.

5200 Keller Springs Road, Suite 914

Dallas, Texas 75248

214.207.6958

[www.marlowhuntercpa.com](http://www.marlowhuntercpa.com)

## SYSTEM REVIEW REPORT

March 26, 2011

To the Shareholders

**JOHN WOMACK & CO., P.C.**

And the Peer Review Committee of the

Texas Society of Certified Public Accountants

I have reviewed the system of quality control for the accounting and auditing practice of **JOHN WOMACK & CO., P.C.** (the "firm") in effect for the year ended August 31, 2010. My peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. My responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on my review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary).

As required by the standards, engagements selected for review included engagements performed under Government Auditing Standards.

In my opinion, the system of quality control for the auditing practice of **JOHN WOMACK & CO., P.C.** in effect for the year ended August 31, 2010, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*.

**JOHN WOMACK & CO., P.C.** received a rating of *pass*.

*Marlow C. Hunter, P.C.*

# **AGENDA ITEM #2**

# Memorandum

**Date:** 9/11/2013  
**To:** Vincent Capell, City Manager  
**CC:** Courtney Alvarez, City Attorney, Mary Valenzuela, City Secretary  
**From:** Emilio H. Garcia, Health Director  
**RE:** Health Board Appointment

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Please be advised that the City-County Board of Health has a vacancy. The vacancy is a joint approval of the City and County Commission. The term of office shall be for three years. I have received the name of Norma Sue Adrian. She has being nominated by Commissioner Leubert.

I am requesting that Mrs. Norma Sue Adrian's nomination to the Board of Health be placed as an agenda item on the next City Commissioners meeting on September 23, 2013 for approval by City Commissioner's.

Thank you,

Emilio H. Garcia  
City-County Health Director

# Norma Sue Adrian

[REDACTED]  
Kingsville, Texas 78363  
[REDACTED]  
[REDACTED]

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## Objective

To enhance the community's well- being thru hands on participation and input.

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## Education

- Texas A&I University  
Under-Graduate (Sociology) May 16, 1989
  - Texas A&M University-Kingsville  
Graduate (Psychology) December 12, 1994
- 
- 

## Work Experience

### Private Care (Illa Clement)

March 2007-Present

- Care of elderly female
- Overseeing personal care
- Night Shift

### Consultant Services

February 2004-June 2007

- Home Visits
- Evaluations
- Extensive Written Reports

Further work references and /or experience upon request

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## *Skills and Qualifications*

- Bilingual a plus/fluent in both English and Spanish
  - Computer Literate
  - Organizing skills
- 
-

# **AGENDA ITEM #3**



MEMORANDUM

From  
The Human Resource Department

Date: September 19, 2013  
To: Vincent J. Capell  
City Manager  
From: Diana Gonzales, SPHR  
Human Resources Director

**Subject:** 2013 Health Fair and Flu Vaccines

A health fair proposal is submitted for your consideration to expend an estimated \$13,000 from the City of Kingsville Benefit Plan Trust account for a 2013 Health Fair for employees and their eligible dependents. The proposed expense is included in expected health claims for Fiscal Year 2013-2014. Eligible employees signing up for exams or flu shots will not experience any out of pocket expense.

All employees are welcome to visit and pick up information from vendor tables without signing up for exams. The proposed date is October 14, 2013 from 6:00 a.m. to 12:00 p.m. at the HEB Education Building at Christus Spohn Kleberg.

History of past health fair participation and expenditures:

Year	Actual Cost	# of Heart Studies	# of Flu Vaccines	# of PSA's
2005	\$ 2,900	-	-	-
2006	\$ 3,470	63	59	21
2007	\$ 5,340	64	82	30
2008	\$ 4,780	64	68	24
2009	\$ 5,500	53	101	25
2010	\$10,570	98	104	52
2011	\$ 9,842	112	103	44
2012	\$ 8,708	88	94	45

Estimated Costs of Services proposed to be offered:

\*\*\* Heart Study \$ 55 per person

*Consists of Lipid Panel with Glucose, A1C, Blood Pressure, Body Composition Analysis, Weight, BMI and Counseling.*

- A Fasting Lipid Panel is a cardiovascular risk screening that includes a Total Cholesterol, HDL (good cholesterol), LDL (bad cholesterol), Triglycerides count and Ratio.
- The Fasting Glucose test is a screening for diabetes.
- The A1C reflects your average blood sugar level for the past two to three months.
- A finger stick sample of blood will be drawn for these test and the results will be explained by a Wellness Counselor in an individual session.
- Biometrics are given to check for hypertension (high blood pressure).
- A 10-12 hour fast is recommended prior to or the results may not be accurate.

\*\*\* PSA (Prostate Specific Antigen) \$ 40 per person

*This is a screening test for men 50 and over, who have a family history of prostate cancer or African-American men at least 45 years of age*

\*\*\* Seasonal Flu Vaccinations \$ 25 per person

*The flu is a contagious respiratory illness caused by influenza viruses. The best way to prevent the flu is by getting a flu vaccination each year. On average, every year in the United States, 5% to 20% of the population gets the flu; 200,000 people are hospitalized from flu complications and 36,000 people die from flu.*

Massage Therapy Sessions  
Wellness Education

\*\*\* Information obtained from Christus Spohn Health System Community Health and Wellness

# **REGULAR AGENDA**

# **AGENDA ITEM #4**

**SUBMISSION OF THE 2013 TAX ROLL FOR THE CITY OF  
KINGSVILLE PURSUANT TO SECTION 26.09(e) OF THE TEXAS  
PROPERTY TAX CODE**

**The 2013 Tax Roll for the City of Kingsville is hereby submitted for approval at the next regular scheduled meeting of the City of Kingsville Commissioner's Court. The 2013 Tax Roll is submitted for approval under Section 26.09(e) of the Texas Property Tax Code and was calculated in compliance with the same code by multiplying the values from the Certified Appraisal Roll plus/minus any changes in value approved by the Kleberg County Appraisal Review Board by the tax rate adopted by this governing body for the 2013 tax year. Values and taxes are at a ratio of 100% of appraised value. The 2013 Tax Roll for the City of Kingsville is stored in the Kleberg County Tax Office in compliance with the State Records Retention guidelines. A copy of the tax roll for reference purposes and convenient availability is filed with the Kleberg County Clerk's Office.**

**I, Melissa T. De La Garza, RTA – Kleberg County Tax Assessor-Collector, hereby certify the figures from the 2013 Tax Roll as reflected on the attached summary page taken directly from the 2013 Tax Roll. I certify that the foregoing information, and the roll it represents is accurate and correct to the best of my knowledge. Certified and submitted this 20th day of September 2013.**



**Melissa T. De La Garza, RTA  
Kleberg County Tax Assessor-Collector**



Improvements:		Number	Amount		
Homesteadable		4,159	262,003,306--:		
New Homesteadable		91	1,582,600 :	Impr. Total	
Non-Homesteadable		4,076	284,133,267 :--	547,719,173--:	
New Non-Homesteadable			0--:		
Land:		Number	Amount		
Homesteadable		4,082	37,398,954--:	Land Total	
Non-Homesteadable		5,121	79,933,600--:--	117,332,554--:	
Acres	7,452.700	9,119			Total Market
					791,646,787
Productivity:		Number	Amount		
Agricultural Market		145	10,951,230--:	Productivity Mkt	Total Accounts
Timber Market			0--:--	10,951,230--:	11,179
Agricultural Use Value		145	534,320		
Timber Use Value			0		
Exempt Agricultural Market			0		
Exempt Agricultural Value			0		
Other:		Number	Amount		
Minerals			0--:	Other	
Personal Property Market		1,252	115,643,830--:--	115,643,830--:	
Miscellaneous:		Number	Amount		
Homestead Market Value		4,127	299,253,002		
Homestead Cap Value		4,127	298,545,039		
Tax Increment Zone Market			0		
Tax Increment Zone Base			0		
Deductions:		Exemption	Number	Amount	
Constitutional Exempt				0-----	
Productivity Loss			145	10,416,910-----	
Homestead Cap Loss			68	707,963-----	
Homestead				0--:	
Homestead Frozen				0 : Homestead Total :	
Homestead Local				0 :-- 0--:	
Homestead Local Frozen				0 :	
Homestead Local %				0 :	
Homestead Local % Frozen				0--:	Total Deductions
					77,398,392
Over 65	8,400	1,524		12,553,273--:	
Over 65 Frozen				0 : Over 65 Total :	
Over 65 Local				0 :-- 12,553,273--:	
Over 65 Local Frozen				0--:	
Disabled Person				0--:	
Disabled Person Frozen				0 : Disabled Person :	
Disabled Person Local				0 :-- 0--:	
Disabled Person Lcl Frzn				0--:	
Disabled Veteran HS Full		54		4,149,525--:	
Disabled Veteran		218		2,048,065 : Disabled Veteran :	
Disabled Veteran Frozen				0--:-- 6,197,590--:	
Abatements				0--:	
Pollution Control				0 :	
Freeport				0 : Other Exemptions :	
HB366		79		21,230 :-- 47,522,656--:	
Prorated Exempt				0 :	
Other		363		47,501,426--:	Net Taxable
					714,248,395
Frozen Taxable Value Loss				0	
Frozen Limit (CAD Original)				.00	
Frozen Limit Adjusted (Transfers)				.00	Net Taxable
Frozen Tax Levy Used				.00	Less Frozen
Late Agricultural Penalty		2		128.83	714,248,395
Late Correction Penalty				.00	
Late Rendition Penalty		301		5,584.17	
Total Tax Levy	0.00842200		Actual Levy	6,021,113.62	Calculated Levy
					6,021,112.98



Calc sequence: DV Tot HS, Dis Vet, Ovr 65, Ovr 65 Lcl, Hmstd, Hmstd Lcl, Disabled, Disabled Lcl, Other.  
Apply Ownership Interest to Hmstd, Over 65, Dis Person, Hmstd Lcl %, Hmstd Lcl, Hmstd Min, Dis V  
Apply Disabled Veteran exemption to Non-Homestead then to Homestead values.

RESOLUTION NO. 2013-\_\_\_\_\_

**RESOLUTION APPROVING THE CITY OF KINGSVILLE'S 2013 TAX ROLL AS SUBMITTED BY THE KLEBERG COUNTY TAX ASSESSOR-COLLECTOR PURSUANT TO THE TEXAS PROPERTY TAX CODE, CHAPTER 26, SECTION 26.09(E).**

**WHEREAS**, the duly appointed Kleberg County Tax Assessor Collector has submitted the 2013 Tax Roll for the City of Kingsville; and

**WHEREAS**, the City Commission has reviewed the appraisal and tax rolls, and set the tax rate at the level necessary to support the approved budget of the City of Kingsville.

**NOW THEREFORE BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas that:

"The 2013 Tax Roll for the City of Kingsville is hereby approved pursuant to Section 26.09 (e) of the Texas Property Tax Code".

**PASSED AND APPROVED** by majority vote of the City Commission on the 23<sup>rd</sup> day of September 2013.

\_\_\_\_\_  
Sam R. Fugate, Mayor

ATTEST:

\_\_\_\_\_  
Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Courtney Alvarez, City Attorney

# **AGENDA ITEM #5**



## Planning & Development Services Department

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TO: Mayor & City Commission  
THROUGH: Vincent Capell, City Manager  
FROM: Robert G. Isassi, P.E., Director of Planning & Development Services  
SUBJECT: **Request to Approve Oak Tree Apartments PRELIMINARY Plat**  
DATE: September 19, 2013

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This is a request from Alana Logue, agent for the owner of the property located along East General Cavazos Blvd., between US 77 and Golf Course Road, and their platting agent, Xavier Galvan with Urban Engineering. They are requesting the approval of a plat that has been reviewed and conditionally approved, by a vote of 7-0, by the Planning and Zoning (P&Z) Commission on September 18<sup>th</sup>, 2013.

The petitioner is requesting approval of this plat which will contain two lots. Lot 1 is planned to contain a 192 unit apartment complex with access at Golf Course Rd. (FM3320). Lot 2 is planned for future developments to be determined by owner. The lots were previously rezoned by the P&Z Commission but have not been platted. The owner has created the two lots for the purpose of potentially selling the property. The development is not within the Controlled Compatible Land Use Area, and is outside of Noise Zones and Accident Potential Zones but the Naval Facilities Air Command representative, Glenn Jones, did relay that when construction plans are submitted and reviewed that they be constructed to meet requirements of the JAZB which requires non-reflective roofs, downward facing lighting, no bird attractants, and soundproofing elements. The City assured the P&Z Commission that these would be addressed when construction plans are reviewed for all new developments within this plat. While this concern is a construction concern, the P&Z Commission wanted this to be noted as a condition of approval for this plat. Furthermore, the planning director explained to the P&Z Commission as well as the owner's agent and platting agent that if any lots were to be subdivided that they would need to be re-platted. The owner's agent and platting agent understood this and will re-plat property when the need arises.

Staff recommends **CONDITIONAL APPROVAL** of this request until a final plat with the updated conditions is submitted:

1. The East General Cavazos Blvd. drainage ditch within the south easement of Lot 2 will be further reviewed when re-platted or when construction plans are submitted to ensure that the design can accommodate any future driveways or roads crossing over this ditch. The crossing should include roadway safety elements to cross the ditch;

2. The Golf Course Rd. (FM3320) drainage ditch within the south easement of Lot 2 will be further reviewed when re-platted or once construction plans are submitted to ensure that the design can accommodate any future driveways or roads crossing over this ditch. The crossing should include roadway safety elements to cross the ditch;
3. Full construction plans must be submitted which include installation of monuments, streets, street lighting, sanitary sewers, storm sewers, sidewalks, water lines, and other improvements required in Article V of the Subdivision regulations;
4. City shall ensure that Kingsville-Kleberg County Joint Airport Zoning Board (JAZB) construction requirements such as downward facing lighting, wall soundproofing, and non-bird attractants are followed.

With the above conditions, the following findings of fact have been considered:

1. The plat conforms to the Subdivision Regulations and applicable provisions of the zoning ordinance and land use regulations.
2. The plat represents an overall pattern consistent with the goals and policies of the City's Master Plan, Comprehensive Housing Plan, the Major Street Plan, the official future land use map, and the capital improvements program.

# Staff Report to the **PLANNING & ZONING COMMISSION** and **CITY COMMISSION**

By the Planning & Development Services Department, Planning Division  
for the City of Kingsville, Texas

Request: **APPROVAL OF A PRELIMINARY PLAT ENTITLED OAK TREE APARTMENT TRACT, BLOCK 1, LOTS 1 AND 2 BEING 35.40 ACRES OUT OF LOT 15, SECTION 17, KLEBERG TOWN AND IMPROVEMENT CO.**

Petitioner & Agent: T9E Three, LP by Xavier Galvan, Agent  
Date of P&Z Hearing: September 18<sup>th</sup>, 2013

Comprehensive Plan Land Use: Commercial Business and Multi-Family Residential  
Existing Zoning Classification: Mixed: Commercial Business C-4 and R-3, Multi-Family District  
Adjacent Zoning: North: C-4 Business District  
South: Mixed: R-2, AG, C-2  
East: R-1 Single Family District  
West: C-4 Business District

## EXISTING INFRASTRUCTURE

Transportation: General Cavazos Blvd. – Arterial road to the South of the plat  
FM3320 (Golf Course Rd.) – Collector road to the East of the plat  
US0077 NB Frontage – arterial highway to the West of the plat  
Community Facilities: Services provided  
Capital Improvements: None proposed  
Fire Station Proximity: 2.5 driving miles  
100 Year Floodplain: The property is not within a floodplain.

## EXHIBITS PRESENTED

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- City of Kingsville Master Plan (present at the meeting)
- City of Kingsville Comprehensive Housing Plan
- Site Plan
- Application for major preliminary subdivision plat
- Mailing list of owners within 200 feet

## BACKGROUND AND HISTORY

The petitioner is requesting approval of this major subdivision plat which will contain two lots. Lot 1 is planned to contain a 192 unit apartment complex with access at Golf Course Rd. (FM3320). Lot 2 is planned for future developments to be determined by the new buyer. The lots were previously rezoned by the P&Z Commission but have not been platted. The owner has created the two lots for the purpose of selling the property. The development is not within the

Controlled Compatible Land Use Area, and is outside of Noise Zones and Accident Potential Zones. The area is within the Military Influence Area #3.

STAFF REVIEW AND RECOMMENDATION

When reviewing a preliminary plat of a major subdivision, the Planning & Zoning Commission should consider the following factors:

1. Whether the plat conforms to the Subdivision Regulations and the applicable provisions of the zoning ordinance and other land use regulations.
2. Whether the plat represents an overall development pattern consistent with the goals and policies of the City's Master Plan, Comprehensive Housing Plan, the Major Street Plan, the official future land use map, the capital improvements program and any other applicable planning documents adopted by the City.

Staff recommends **CONDITIONAL APPROVAL** of this request with the following findings:

1. The East General Cavazos Blvd. drainage ditch within the south easement of Lot 2 will be further reviewed once construction plans are submitted to ensure that the design can accommodate Any future driveways or roads crossing over this ditch should include culverts, wingwalls, and safety elements to cross the ditch;
2. The Golf Course Rd. (FM3320) drainage ditch within the south easement of Lot 2 will be further reviewed once construction plans are submitted to ensure that the design can accommodate Any future driveways or roads crossing over this ditch should include culverts, wingwalls, and safety elements to cross the ditch;
3. Full construction plans must be submitted which include installation of monuments, streets, street lighting, sanitary sewers, storm sewers, sidewalks, water lines, and other improvements required in Article V of the Subdivision regulations;
4. The preliminary plat drawings show existing utility lines. Future construction within the lots should illustrate added utility lines in the construction plans.
5. When reviewing construction plans, the City shall ensure that JAZB lighting, soundproofing, and non-bird attractants are placed.

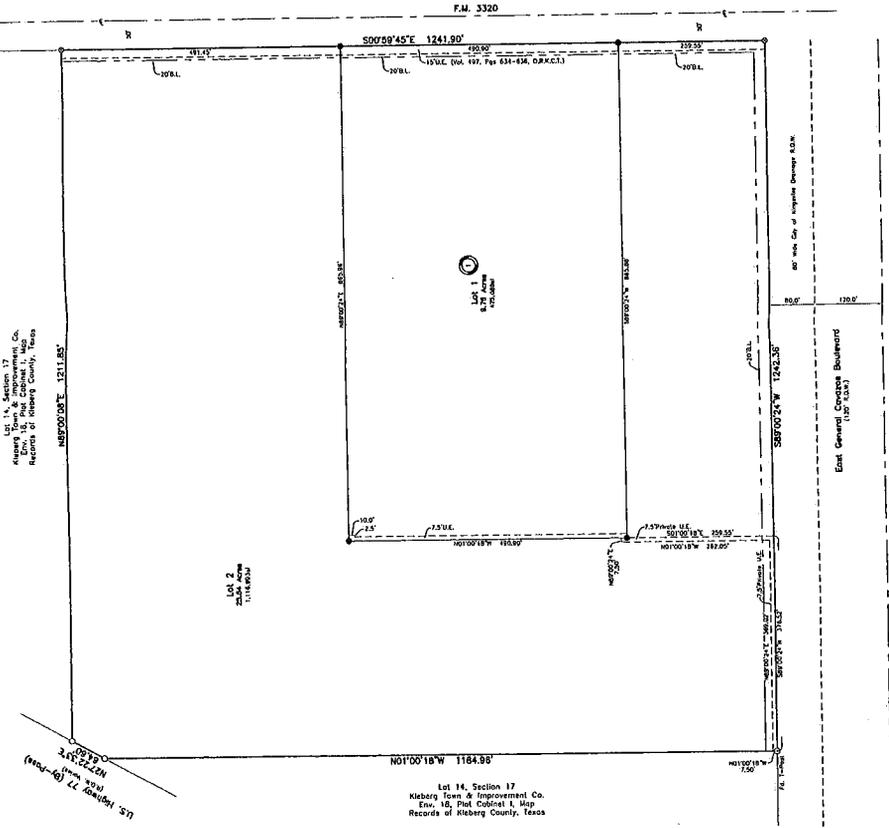
With the above conditions, the following findings of fact have been considered:

1. The plat conforms to the Subdivision Regulations and applicable provisions of the zoning ordinance and land use regulations.
2. The plat represents an overall pattern consistent with the goals and policies of the City's Master Plan, Comprehensive Housing Plan, the Major Street Plan, the official future land use map, and the capital improvements program.

Prepared by: Robert G. Isassi, P.E.  
Robert G. Isassi, P.E.  
Director of Planning & Development Services

**Plat of  
Oak Tree Apartment Tract  
Block 1, Lots 1 and 2**

Block 1, Lots 1 and 2, of Lot 14, Section 17, Township 34N, Range 12E, Meridian 10E, as shown on the plat of Block 1, Lots 1 and 2, of Lot 14, Section 17, Township 34N, Range 12E, Meridian 10E, recorded in Volume 348, Page 287 of the Official Records of Hiberg County, Texas.



Lot 1  
6.27 acres  
1114.87 sq. ft.

Lot 2  
1.14 acres  
114.87 sq. ft.

Lot 14, Section 17  
Hiberg, Texas & Improvement Co.  
Enr. 18, Plat Cabinet 1, Map  
Records of Hiberg County, Texas



- Notes:**
- 1.) Tract plat area contains 35.40 acres of land.
  - 2.) F.M. 3320 is a local access road.
  - 3.) Survey based on GCS, NAD83, State Plane Coordinate System, Texas South Zone 4203.
  - 4.) By graphic platting only, this property is in Zone "C" of the Flood Insurance Rate Map, Community Risk Number 440424 0205 C, dated August 17, 1981 and is not in a Special Flood Hazard Area.
  - 5.) Property is not located in the "A" or "AE" Special Flood Hazard Zone Study (MADZ) as per Ordinance No. 84824 by the City Commission dated October 12, 1984.
  - 6.) No easements shown on this plat.
  - 7.) Right-of-way easement to Nueces Electric Cooperative, dated November 10, 1939, recorded in Volume 139, Page 181, Book Records of Hiberg County, Texas. (Booklet)

- Legend:**
- Surveyed boundary
  - Unsurveyed boundary
  - Easement
  - Right-of-way
  - Other boundary
  - Other boundary
  - Other boundary
  - Other boundary

State of Texas  
County of Hiberg  
This plat of Oak Tree Apartment Tract, Block 1, Lots 1 and 2, approved by the Director of Planning of the City of Kingsville, Texas.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Robert C. Lewis, P.E., Director of Planning  
County of Hiberg

State of Texas  
County of Hiberg  
This plat of Oak Tree Apartment Tract, Block 1, Lots 1 and 2, approved by the Planning and Zoning Commission of the City of Kingsville, Texas, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Sam R. Feghly, Mayor  
County of Hiberg

State of Texas  
County of Hiberg  
This plat of Oak Tree Apartment Tract, Block 1, Lots 1 and 2, approved by the Mayor and City Commission of the City of Kingsville, Texas.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Mark Westerman, City Secretary  
County of Hiberg

State of Texas  
County of Hiberg  
This plat of Oak Tree Apartment Tract, Block 1, Lots 1 and 2, approved by the Mayor and City Commission of the City of Kingsville, Texas.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Keith W. Woody, P.E., L.S.  
Hiberg License No. 3463

State of Texas  
County of Hiberg  
This plat of Oak Tree Apartment Tract, Block 1, Lots 1 and 2, approved by the Mayor and City Commission of the City of Kingsville, Texas.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Keith W. Woody, P.E., L.S.  
Hiberg License No. 3463

State of Texas  
County of Hiberg  
This plat of Oak Tree Apartment Tract, Block 1, Lots 1 and 2, approved by the Mayor and City Commission of the City of Kingsville, Texas.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Keith W. Woody, P.E., L.S.  
Hiberg License No. 3463



LOCATION MAP IN T.S.  
Scale: 1" = 1000'

**URBAN**  
SURVEYING & ENGINEERING  
1000 N. W. 10th St., Suite 201  
Kingsville, Texas 77620  
Phone: 361-2222  
Fax: 361-2222  
E-mail: info@urban-surveying.com

# **AGENDA ITEM #6**



## Planning & Development Services Department

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TO: Mayor & City Commission  
THROUGH: Vincent Capell, City Manager  
FROM: Robert G. Isassi, P.E., Director of Planning & Development Services  
SUBJECT: **Request to Approve Oak Tree Apartments FINAL Plat**  
DATE: September 19, 2013

---

This is a request from Alana Logue, agent for the owner of the property located along East General Cavazos Blvd., between US 77 and Golf Course Road, and their platting agent, Xavier Galvan with Urban Engineering. They are requesting the approval of a final plat that has been reviewed and conditionally approved, by a vote of 7-0, by the Planning and Zoning (P&Z) Commission on September 18<sup>th</sup>, 2013.

The plat has been updated to reflect the conditions imposed by the P&Z Commission with no other changes. The conditions were placed to ensure that any development within this plat will meet the construction ordinances required by the City.

Staff recommends APPROVAL of this request with the following findings:

1. The plat conforms to the Subdivision Regulations and applicable provisions of the zoning ordinance and land use regulations.
2. The plat represents an overall pattern consistent with the goals and policies of the City's Master Plan, Comprehensive Housing Plan, the Major Street Plan, the official future land use map, and the capital improvements program.

# Staff Report to the **PLANNING & ZONING COMMISSION** **and CITY COMMISSION**

By the Planning & Development Services Department, Planning Division  
for the City of Kingsville, Texas

Request: **APPROVAL OF A PRELIMINARY PLAT ENTITLED OAK TREE APARTMENT TRACT, BLOCK 1, LOTS 1 AND 2 BEING 35.40 ACRES OUT OF LOT 15, SECTION 17, KLEBERG TOWN AND IMPROVEMENT CO.**

Petitioner & Agent: T9E Three, LP by Xavier Galvan, Agent  
Date of P&Z Hearing: September 18<sup>th</sup>, 2013

Comprehensive Plan Land Use: Commercial Business and Multi-Family Residential  
Existing Zoning Classification: Mixed: Commercial Business C-4 and R-3, Multi-Family District  
Adjacent Zoning: North: C-4 Business District  
South: Mixed: R-2, AG, C-2  
East: R-1 Single Family District  
West: C-4 Business District

## EXISTING INFRASTRUCTURE

Transportation: General Cavazos Blvd. – Arterial road to the South of the plat  
FM3320 (Golf Course Rd.) – Collector road to the East of the plat  
US0077 NB Frontage – arterial highway to the West of the plat  
Community Facilities: Services provided  
Capital Improvements: None proposed  
Fire Station Proximity: 2.5 driving miles  
100 Year Floodplain: The property is not within a floodplain.

## EXHIBITS PRESENTED

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- City of Kingsville Master Plan (present at the meeting)
- City of Kingsville Comprehensive Housing Plan
- Site Plan
- Application for major preliminary subdivision plat
- Mailing list of owners within 200 feet

## BACKGROUND AND HISTORY

The petitioner is requesting approval of this major subdivision plat which will contain two lots. Lot 1 is planned to contain a 192 unit apartment complex with access at Golf Course Rd. (FM3320). Lot 2 is planned for future developments to be determined by the new buyer. The lots were previously rezoned by the P&Z Commission but have not been platted. The owner has created the two lots for the purpose of selling the property. The development is not within the

Controlled Compatible Land Use Area, and is outside of Noise Zones and Accident Potential Zones. The area is within the Military Influence Area #3.

STAFF REVIEW AND RECOMMENDATION

When reviewing a preliminary plat of a major subdivision, the Planning & Zoning Commission should consider the following factors:

1. Whether the plat conforms to the Subdivision Regulations and the applicable provisions of the zoning ordinance and other land use regulations.
2. Whether the plat represents an overall development pattern consistent with the goals and policies of the City's Master Plan, Comprehensive Housing Plan, the Major Street Plan, the official future land use map, the capital improvements program and any other applicable planning documents adopted by the City.

Staff recommends **CONDITIONAL APPROVAL** of this request with the following findings:

1. The East General Cavazos Blvd. drainage ditch within the south easement of Lot 2 will be further reviewed once construction plans are submitted to ensure that the design can accommodate Any future driveways or roads crossing over this ditch should include culverts, wingwalls, and safety elements to cross the ditch;
2. The Golf Course Rd. (FM3320) drainage ditch within the south easement of Lot 2 will be further reviewed once construction plans are submitted to ensure that the design can accommodate Any future driveways or roads crossing over this ditch should include culverts, wingwalls, and safety elements to cross the ditch;
3. Full construction plans must be submitted which include installation of monuments, streets, street lighting, sanitary sewers, storm sewers, sidewalks, water lines, and other improvements required in Article V of the Subdivision regulations;
4. The preliminary plat drawings show existing utility lines. Future construction within the lots should illustrate added utility lines in the construction plans.

With the above conditions, the following findings of fact have been considered:

1. The plat conforms to the Subdivision Regulations and applicable provisions of the zoning ordinance and land use regulations.
2. The plat represents an overall pattern consistent with the goals and policies of the City's Master Plan, Comprehensive Housing Plan, the Major Street Plan, the official future land use map, and the capital improvements program.

Prepared by: \_\_\_\_\_

Robert G. Isassi, P.E.  
Director of Planning & Development Services



# **AGENDA ITEM #7**



## Planning & Development Services Department

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TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

FROM: Robert G. Isassi, P.E., Director of Planning & Development Services

SUBJECT: **Request to Re-zone a lot at 1012 E Santa Gertrudis from R3 to C4**

DATE: September 19, 2013

---

This is a request from Hoss Castillo, agent for a business owner at 1012 E Santa Gertrudis to rezone it from R-3 Multi-Family District to C-4 Commercial District for the purpose of extending the parking lot for his business at 704 N 14<sup>th</sup> St. (El Dorado Restaurant) which is adjacent to the property.

This request was evaluated and approved by the Planning & Zoning Commission on September 18<sup>th</sup>, 2013 by a vote of 7-0. One concern noted was the possibility of light pollution disturbing the adjacent neighbor. The City stated that the additional lights will not be any different than the lights that are currently shining in the neighborhood as the lights will not be installed on the re-zoned property.

Staff recommends APPROVAL of this request with the following findings.

The proposal:

1. is in conformance with the goals and policies contained in all elements of the 2008 Master Plan,
2. is in keeping with the purpose of the zoning districts,
3. is not detrimental to the public health, safety, and welfare,
4. is not detrimental to existing or potential adjacent land uses, and
5. will not generate inappropriate, hazardous, or detrimental traffic levels in the existing or nearby area.

# Staff Report to the PLANNING & ZONING COMMISSION and CITY COMMISSION

By the Planning & Development Services Department, Planning Division  
for the City of Kingsville, Texas

Request: **APPROVAL OF REZONING OF THE MCBRYDE ADDITION,  
BLOCK 10, WEST 50' OF THE SE QUARTER OF LOT 1,  
LOCATED AT 1012 E SANTA GERTRUDIS, FROM R-3 MULTI-  
FAMILY DISTRICT TO C-4 BUSINESS DISTRICT.**

Petitioner & Agent: Hoss Castillo  
Date of P&Z Hearing: September 18<sup>th</sup>, 2013

Comprehensive Plan Land Use: Commercial Business  
Existing Zoning Classification: R-3, Multi-Family District  
Adjacent Zoning: North: C-4 Business District  
South: C-4 Business District  
East: R-3: Multi-Family Dist.  
West: C-4 Business District

## EXISTING INFRASTRUCTURE

Transportation: Santa Gertrudis Ave. – Primary St. (Arterial)  
Community Facilities: Services provided  
Capital Improvements: Services provided  
Fire Station Proximity: 0.95 driving miles  
100 Year Floodplain: The property is not within a floodplain.

## EXHIBITS PRESENTED

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- City of Kingsville Master Plan (present at the meeting)
- Site Plan
- Mailing list of owners within 200 feet

## BACKGROUND AND HISTORY

The petitioner is requesting a zoning district change in order to facilitate the construction a parking to extend the capacity of vehicles parking at the same owner's business in the SW Quarter Lot which contains the El Dorado restaurant. The historical use of this property has been as a single family home adjacent to an existing parking lot.

## FIELD INSPECTION AND PERTINENT DATA

A field inspection of the property has shown that half of this lot is used as a home with the other half used as storage for the owner.

STAFF REVIEW AND RECOMMENDATION

In general, Planning and Zoning Commission considers the following factors when making a recommendation on Zoning District Changes:

1. Whether the proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan.
2. Whether the proposal is in keeping with the purpose of the zoning districts.
3. Whether the proposal is detrimental to the public health, safety and welfare.
4. Whether the proposal is detrimental to existing or potential adjacent land uses.
5. Whether the proposal will generate traffic levels inappropriate, hazardous, or detrimental to the existing or potential nearby land uses.

Staff recommends **APPROVAL** of this request with the following findings:

1. The proposal is in conformance with the goals and policies contained in all elements of the 2008 Master Plan.
2. The proposal is in keeping with the purpose of the zoning districts.
3. The proposal is not detrimental to the public health, safety, and welfare.
4. The proposal is not detrimental to existing or potential adjacent land uses.
5. The proposal will not generate inappropriate, hazardous, or detrimental traffic levels in the existing or nearby area.

Prepared by:

Robert G. Isassi, P.E.

2013 Sept. 11

Robert G. Isassi, P.E.

Director of Planning & Development Services

**ORDINANCE 2013-\_\_\_\_\_**

**AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 0.17 ACRES OUT OF LOT 1, BLOCK 10, MCBRYDE ADDITION SUBDIVISION KNOWN AS 1012 E. SANTA GERTRUDIS AVENUE FROM R3-MULTI-FAMILY DISTRICT TO C4 BUSINESS DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the application of Horacio "Hoss" Castillo, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

**WHEREAS**, with proper notice to the public, public hearings were held on Wednesday, September 18, 2013 during a meeting of the Planning and Zoning Commission, and on Monday, September 23, 2013 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the Planning & Zoning Commission by a 7-0 vote approved the requested rezone; and

**WHEREAS**, the City Commission has determined that this amendment would best serve public health, necessity, and convenience and the general welfare of the City of Kingsville and its citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:**

**SECTION 1.** That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of 0.17 acres out of McBryde Addition, Block 10, Lot 1, known as 1012 E. Santa Gertrudis Avenue from R3-Multi-Family District to C4 Commercial District, as more specifically described on the Zone Change Map, attached as Exhibit A.

**SECTION 2.** That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendments to the Zoning Ordinance made by Section 1 of this ordinance.

**SECTION 3.** That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

**SECTION 4.** That to the extent that these amendments to the Zoning Ordinance represent a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

**SECTION 5.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

**SECTION 6.** That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

INTRODUCED on this the 23rd day of September, 2013.

PASSED AND APPROVED on this the 14<sup>th</sup> day of October, 2013.

**THE CITY OF KINGSVILLE**

\_\_\_\_\_  
Sam R. Fugate, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Valenzuela, City Secretary

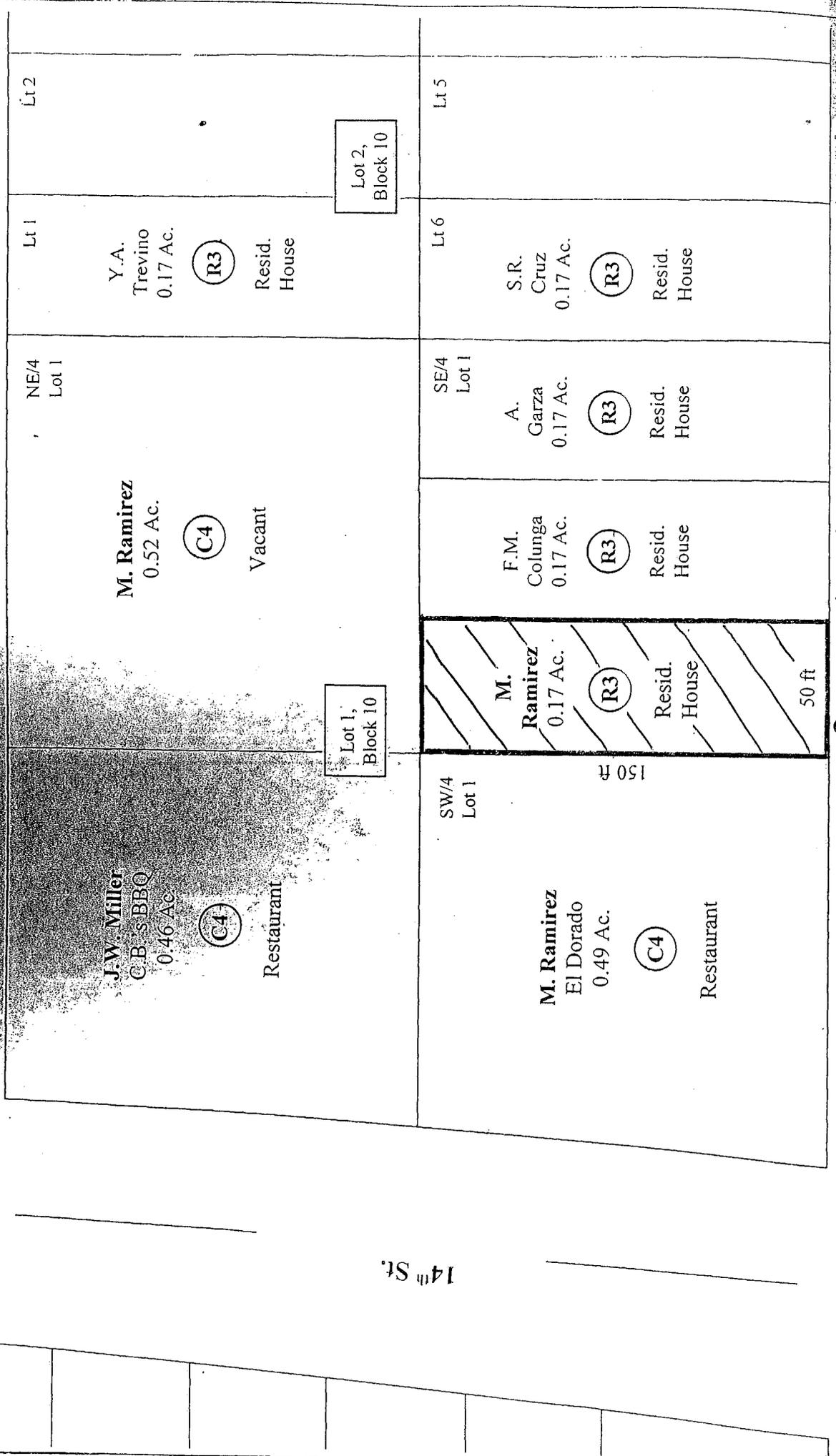
**APPROVED:**

\_\_\_\_\_  
Courtney Alvarez, City Attorney

N  
W  
E  
S

ELLA AVE.

14th St.



Lt 2

NE/4 Lot 1

Lot 1, Block 10

SW/4 Lot 1

Lt 1

M. Ramirez  
0.52 Ac.  
(C4)  
Vacant

J.W. Miller  
C.B.'s BBO  
0.46 Ac.  
(C4)  
Restaurant

M. Ramirez  
El Dorado  
0.49 Ac.  
(C4)  
Restaurant

Y.A. Trevino  
0.17 Ac.  
(R3)  
Resid. House

F.M. Colunga  
0.17 Ac.  
(R3)  
Resid. House

M. Ramirez  
0.17 Ac.  
(R3)  
Resid. House

M. Ramirez  
El Dorado  
0.49 Ac.  
(C4)  
Restaurant

Lot 2, Block 10

A. Garza  
0.17 Ac.  
(R3)  
Resid. House

M. Ramirez  
0.17 Ac.  
(R3)  
Resid. House

M. Ramirez  
El Dorado  
0.49 Ac.  
(C4)  
Restaurant

Lt 6

SE/4 Lot 1

Lot 1, Block 10

SW/4 Lot 1

Lt 5

S.R. Cruz  
0.17 Ac.  
(R3)  
Resid. House

A. Garza  
0.17 Ac.  
(R3)  
Resid. House

M. Ramirez  
El Dorado  
0.49 Ac.  
(C4)  
Restaurant

50 ft

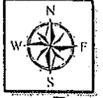
150 ft

Santa Gertrudis Ave.

# 1012 E. Santa Gertrudis

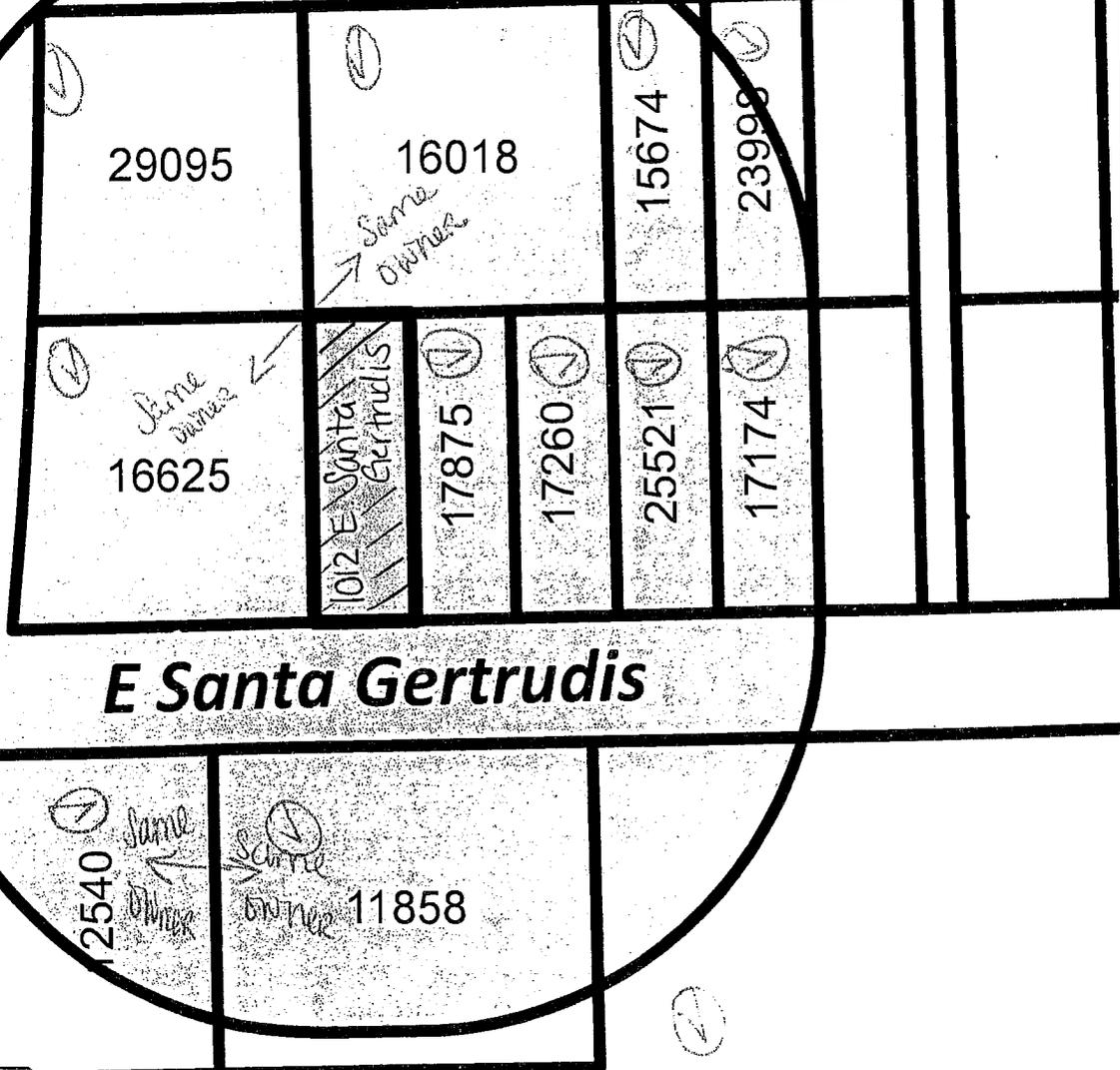
E Ella

N 15th

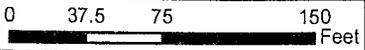


N 14th

E Santa Gertrudis



- Parcels
- 1012 E. Santa Gertrudis
- 200 ft Radius
- City Limits



Drawn By: Sharam Santillan

Last Update: 8/21/2013

Note:

DISCLAIMER  
THIS MAP IS FOR VISUAL PURPOSES ONLY.  
THE INFORMATION ON THIS SHEET MAY  
CONTAIN INACCURACIES OR ERRORS.  
THE CITY OF KINGSVILLE IS NOT  
RESPONSIBLE IF THE INFORMATION CONTAINED  
HEREIN IS USED FOR ANY DESIGN,  
CONSTRUCTION, PLANNING, BUILDING,  
OR ANY OTHER PURPOSE.



**CITY OF KINGSVILLE**  
**ENGINEERING DEPARTMENT**

200 East Kleberg  
Kingsville, Texas 78363  
Office: 361-595-8005  
Fax: 361-595-8035

# **AGENDA ITEM #8**

# CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

September 1, 2013

Vince Capell  
City Manager  
City of Kingsville  
P.O. Box 1458  
Kingsville, Texas 78364

Re: Consider reimbursing sewer fees totaling \$1,534.41  
Property owned by Ray Leeson  
1800 N. 14<sup>th</sup>

Mr. Capell,

Mr. Ray Leeson is requesting the City reimburse the sewer fees paid on the property he owns located at 1800 N. 14<sup>th</sup>. The property was purchase in 2008 and the customer believed the property was connected to the sewer system. The City billed the customer for sewer service since his ownership of the property although the property had its own septic tank. The City's standard procedure is that the customer is responsible for reporting any errors on their bill within 3 months of receiving the bill or they are liable.

Mr. Leeson has paid the City \$315.00 for the sewer fee connection since learning that the property was not connected to the City's system.

Sincerely,

*Mark A. Rushing*

Mark A. Rushing

**PartsCo Supply**  
1800 N 14<sup>th</sup> St.  
Kingsville, TX 78363  
361-595-0451, fax 361-592-1923

August 12, 2013

To Whom It May Concern  
City Of Kingsville-Water

Re: 1800 N. 14<sup>th</sup> St., Kingsville, TX, your service address 1720 N. 14<sup>th</sup> St., Kingsville, TX (we know not why), Account number 037-000400-06.

We purchased this property in 2008. Most of you would know it as the old Wilcox Furniture building next to TXDOT on 14<sup>th</sup> St. We just recently became aware that although we have two bathrooms, we are not hooked up to city sewer. During a yard maintenance operation, we discovered a homemade septic system that services these two bathrooms. The ground on top of one of these holes caved in. We discovered two holes in the ground lined with bricks. The drain fed into the first one and then a short piece of pipe connected the second hole to the first. We had always assumed since purchasing the property that we were hooked into city sewer. And included on our water bill every month is a sewer charge. And believe it or not, we have never had any problems with the toilets backing up or stoppages in the line.

We went back through our records to our first water bill and totaled our sewer charges that we have paid to the city. This amount comes to \$1534.41. I have already paid the city the \$315.00 fee for a sewer tap (I paid this on 8/12/2013) as we are in the process of rectifying the situation of us not being on city sewer.

However, we have paid the city a considerable sum for services not rendered. We respectfully ask for a credit in this amount (\$1534.41) as no costs were ever incurred by the city for handling our sewage.

On the following page is a breakdown of the fees paid by year by us for sewer charges.

Respectfully Yours,

Ray Leeson

A handwritten signature in black ink, appearing to read "Ray Leeson", written over a horizontal line.

Fees Paid By PartsCo Supply For City Sewer (Acc# 037-00400-06)

2013

8 months @ \$24.31= \$194.48

2012

10 months @ \$23.60= \$236.00

2 months @ \$24.31= \$ 48.62  
\$284.62

2011

10 months @ \$22.70= \$222.70

2 months @ \$23.60= \$ 47.20  
\$269.90

2010

10 months @ \$22.04= \$220.40

2 months @ \$22.70= \$ 45.40  
\$265.80

2009

11 months @ \$22.04= \$242.44

2008

11 months @ \$21.19= \$233.09

2 months @ \$22.04= \$ 44.08  
\$277.17

**Grand Total**                      **\$1534.41**

# **AGENDA ITEM #9**



## MEMORANDUM

From  
The Human Resources Department

**Date:** September 16, 2013

**To:** Vincent Capell  
City Manager

**From:** Diana Gonzales, SPHR *Diana Gonzales*  
Human Resources Director

**Subject:** Classification and Compensation Plan FY 2013-2014

---

The City of Kingsville Classification and Compensation Plan for FY 2013-2014 ordinance is presented for consideration. The item reflects a 1.5% increase in the Non-Exempt Hourly Rate Chart to correspond with the approved budget.

The document also reflects three title correction and/or changes as follows:

- Job titles in Range 20 of Landfill Foreman, Meter Reader Foreman, Wastewater Construction Foreman and Wastewater Plant Foreman are shortened to "Foreman".
- Management Level 1 position of Public Works Director/City Engineer changed to "City Engineer/Public Works Director"
- Management Level 4 position of Engineering Technician changed to "Engineer's Assistant"

ORDINANCE NO. \_\_\_\_\_

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER III, ARTICLE 7, PERSONNEL POLICIES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, this Ordinance is necessary to protect the public safety, health, and welfare of the City of Kingsville.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

I.

**THAT** Section 3-7-1 of Article 7: Personnel Policies of Chapter III. Administration of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

**§ 3-7-1 ADOPTION OF THE JOB CLASSIFICATION AND COMPENSATION PLAN.**

The City of Kingsville Classification and Compensation Plan dated effective as of October 1, 2013 is hereby adopted by reference providing for certain classifications and positions as more particularly defined therein. Classified positions and incumbents thereof who have completed the designated probationary period and any extensions thereof shall be subject to the terms and conditions of all policies incorporated by reference and adopted by the City Commission by resolution. Except members of the Fire and Police collective bargaining units, all other employees (executive, managerial, or hourly) serve at will, at the pleasure of the City Manager, or designee, or at the pleasure of the City Commission if appointed by the City Commission, and shall have and continue such at-will status, notwithstanding any other provision of this Classification Plan, any other City Ordinance, or any rule or regulation of the City.

All hourly Non-Management Non-Civil Service employees of the City of Kingsville, in their current positions, are placed in the step corresponding to the anniversary of their current hire date with the City according to Fiscal Year 2013-2014 Hourly Chart.

Hourly employees promoted, transferred or temporarily assigned to a position in a higher classification range shall commence at the first step of the higher classification range that causes an increase in the employees' hourly pay rate. Each promoted, transferred or temporarily assigned employee shall then proceed to the next step after one (1) year in their current position and shall proceed to each step thereafter on the 3<sup>rd</sup>, 6<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup>, 20<sup>th</sup> and 25<sup>th</sup> year or until the employee reaches the last step of the compensation schedule.

Employees demoted, transferred, temporarily assigned, or accepting a position in a lower classification range shall commence at the same step of pay in the lower classification range as the employee held at the time of such demotion, transfer, temporary assignment or acceptance of the lower range position. Employees meeting these criteria shall proceed to the next step of the compensation plan, as scheduled, based on years of City service.

All management employees of the City of Kingsville shall be placed in a step program to receive a scheduled salary increase on the anniversary date of their 1<sup>st</sup>, 3<sup>rd</sup>, 6<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup>, 20<sup>th</sup> and 25<sup>th</sup> year of service in their Management Level position. Percentage increases shall correspond to the Management Level Step Program included in the Classification and Compensation Plan for Fiscal Year 2013-2014.

Executive Level 1 & 2 positions shall receive a cost of living adjustment when Non-Civil Service employees receive a cost of living adjustment. The City Commission shall evaluate the performance of and recommend salaries for Executive Level 1 & 2 positions each July to prepare for the up-coming fiscal year.

II.

**THAT** all Ordinances of parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

III.

**THAT** if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Commission that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

IV.

**THAT** this Ordinance shall be codified and become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the \_\_\_ day of September, A. D., 2013.

**PASSED AND APPROVED** on this the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 2013.

\_\_\_\_\_  
Sam R. Fugate, Mayor

ATTEST:

\_\_\_\_\_  
Mary Valenzuela, City Secretary

Approved As to Form:

\_\_\_\_\_  
Courtney Alvarez, City Attorney

**CITY OF KINGSVILLE**  
**CLASSIFICATION AND COMPENSATION PLAN**  
**FISCAL YEAR 2012-2013 2013-2014**

Ordinance Introduced: September 23, 2013

Ordinance Approved: \_\_\_\_\_

<b>NON-EXEMPT / NON-CIVIL SERVICE</b>		<b>MIN/HOURLY</b>	<b>MAX/HOURLY</b>
<b>RANGE 7</b>	Custodian	<del>\$ 8.38</del>	\$11.05
	Equipment Service Worker	\$ 8.64	\$ 11.39
	Library Assistant FT/PT		
	Maintenance Worker		
	Plant Helper		
	Utility Worker		
<b>RANGE 8</b>	Animal Control Officer/Kennel Attendant	<del>\$ 8.57</del>	\$11.30
	Children's Services Librarian	\$ 8.83	\$ 11.64
	Equipment Operator I		
	Recycling Technician		
<b>RANGE 9</b>	Customer Service Representative	<del>\$ 8.91</del>	\$12.04
	Municipal Court Deputy Clerk	\$ 9.04	\$12.22
	Reference/Information Librarian		
<b>RANGE 10</b>	Circulation Librarian	<del>\$ 9.32</del>	\$12.15
	Technician Services Assistant	\$ 9.46	\$12.33
<b>RANGE 11</b>	Pump Operator	<del>\$ 9.75</del>	\$12.87
		\$ 9.90	\$13.06
<b>RANGE 12</b>	Inventory Clerk	<del>\$10.21</del>	\$13.32
	Information and Technology Librarian	\$10.36	\$13.52
<b>RANGE 13</b>	-	<del>\$10.67</del>	\$13.77
		\$10.83	\$ 13.98
<b>RANGE 14</b>	Accountant I	<del>\$11.17</del>	\$14.28
	Customer Billing Specialist	\$11.34	\$14.49
	Engineering Technician		
	Equipment Operator II		
	GIS Technician		
	Meter Reader Technician		
	Telecommunications Operator		
<b>RANGE 15</b>	Administrative Assistant I	<del>\$11.66</del>	\$14.78
		\$11.83	\$15.00
<b>RANGE 16</b>	Lead Telecommunications Operator	<del>\$12.21</del>	\$15.87
		\$12.39	\$16.12

<b>RANGE 17</b>	Accountant II	<del>\$12.79</del>	<del>\$15.89</del>
	Administrative Assistant II	\$12.98	\$16.14
	Assistant Library Administrator		
	Equipment Operator III		
	Maintenance Technician		
	Water/Wastewater Operator		
	Welder/Fabricator		
<b>RANGE 18</b>	Lab Technician	<del>\$13.36</del>	<del>\$16.46</del>
	Legal Assistant/Paralegal	\$13.56	\$16.71
<b>RANGE 19</b>	Code Enforcement Officer	<del>\$14.00</del>	<del>\$17.11</del>
		\$14.21	\$17.37
<b>RANGE 20</b>	<del>Landfill Foreman</del>	<del>\$14.64</del>	<del>\$18.14</del>
	<del>Meter Reader Foreman</del>	<del>\$14.86</del>	<del>\$18.41</del>
	<del>Wastewater Construction Foreman</del>		
	<del>Wastewater Plant Foreman</del>		
	<u>Foreman</u>		
<b>RANGE 21</b>	City Marshal	<del>\$17.17</del>	<del>\$20.78</del>
	Crime Scene Specialist	\$17.43	\$21.09
	Health Inspector I		
<b>RANGE 22</b>	Building Inspector	<del>\$17.84</del>	<del>\$21.89</del>
	City Marshal – Senior	\$18.11	\$22.22
	Health Inspector II		
<b>OTHER POSITIONS</b>			
	Probationary Firefighters (0-12 months)	\$ 13.52	\$13.52 \$15.00
	Probationary Police Officers (0-12 months)	\$ 13.50	\$17.80 \$19.00

**FY 2013-2014**

**Non-Exempt Hourly Rate Chart**

101.50%

Range	A	B	C	D	E	F	G	H	I
YEAR PAY RANGE	TEMP	NEW HIRE	1	3	6	10	15	20	25
7	<del>\$ 8.51</del>	<del>\$ 8.87</del>	<del>\$ 9.22</del>	<del>\$ 9.58</del>	<del>\$ 9.93</del>	<del>\$ 10.28</del>	<del>\$ 10.64</del>	<del>\$ 10.99</del>	<del>\$ 11.22</del>
	\$ 8.64	\$ 9.00	\$ 9.36	\$ 9.72	\$ 10.08	\$ 10.43	\$ 10.80	\$ 11.15	\$ 11.39
8	<del>\$ 8.70</del>	<del>\$ 9.07</del>	<del>\$ 9.59</del>	<del>\$ 9.94</del>	<del>\$ 10.29</del>	<del>\$ 10.65</del>	<del>\$ 10.99</del>	<del>\$ 11.35</del>	<del>\$ 11.47</del>
	\$ 8.83	\$ 9.21	\$ 9.73	\$ 10.09	\$ 10.44	\$ 10.81	\$ 11.15	\$ 11.52	\$ 11.64
9	<del>\$ 8.91</del>	<del>\$ 9.33</del>	<del>\$ 9.75</del>	<del>\$ 10.18</del>	<del>\$ 10.60</del>	<del>\$ 11.02</del>	<del>\$ 11.44</del>	<del>\$ 11.88</del>	<del>\$ 12.04</del>
	\$ 9.04	\$ 9.47	\$ 9.90	\$ 10.33	\$ 10.76	\$ 11.19	\$ 11.61	\$ 12.06	\$ 12.22
10	<del>\$ 9.32</del>	<del>\$ 9.67</del>	<del>\$ 10.02</del>	<del>\$ 10.37</del>	<del>\$ 10.73</del>	<del>\$ 11.07</del>	<del>\$ 11.46</del>	<del>\$ 11.91</del>	<del>\$ 12.15</del>
	\$ 9.46	\$ 9.82	\$ 10.17	\$ 10.53	\$ 10.89	\$ 11.24	\$ 11.63	\$ 12.09	\$ 12.33
11	<del>\$ 9.75</del>	<del>\$ 10.15</del>	<del>\$ 10.53</del>	<del>\$ 10.91</del>	<del>\$ 11.31</del>	<del>\$ 11.70</del>	<del>\$ 12.09</del>	<del>\$ 12.47</del>	<del>\$ 12.87</del>
	\$ 9.90	\$ 10.30	\$ 10.69	\$ 11.07	\$ 11.48	\$ 11.88	\$ 12.27	\$ 12.66	\$ 13.06
12	<del>\$ 10.21</del>	<del>\$ 10.60</del>	<del>\$ 10.99</del>	<del>\$ 11.38</del>	<del>\$ 11.77</del>	<del>\$ 12.16</del>	<del>\$ 12.54</del>	<del>\$ 12.93</del>	<del>\$ 13.32</del>
	\$ 10.36	\$ 10.76	\$ 11.15	\$ 11.55	\$ 11.95	\$ 12.34	\$ 12.73	\$ 13.12	\$ 13.52
13	<del>\$ 10.67</del>	<del>\$ 11.05</del>	<del>\$ 11.44</del>	<del>\$ 11.84</del>	<del>\$ 12.22</del>	<del>\$ 12.61</del>	<del>\$ 12.99</del>	<del>\$ 13.39</del>	<del>\$ 13.77</del>
	\$ 10.83	\$ 11.22	\$ 11.61	\$ 12.02	\$ 12.40	\$ 12.80	\$ 13.18	\$ 13.59	\$ 13.98
14	<del>\$ 11.17</del>	<del>\$ 11.55</del>	<del>\$ 11.94</del>	<del>\$ 12.33</del>	<del>\$ 12.72</del>	<del>\$ 13.10</del>	<del>\$ 13.50</del>	<del>\$ 13.91</del>	<del>\$ 14.28</del>
	\$ 11.34	\$ 11.72	\$ 12.12	\$ 12.51	\$ 12.91	\$ 13.30	\$ 13.70	\$ 14.12	\$ 14.49
15	<del>\$ 11.66</del>	<del>\$ 12.06</del>	<del>\$ 12.44</del>	<del>\$ 12.84</del>	<del>\$ 13.23</del>	<del>\$ 13.61</del>	<del>\$ 14.00</del>	<del>\$ 14.39</del>	<del>\$ 14.78</del>
	\$ 11.83	\$ 12.24	\$ 12.63	\$ 13.03	\$ 13.43	\$ 13.81	\$ 14.21	\$ 14.61	\$ 15.00
16	<del>\$ 12.21</del>	<del>\$ 12.67</del>	<del>\$ 13.12</del>	<del>\$ 13.58</del>	<del>\$ 14.04</del>	<del>\$ 14.49</del>	<del>\$ 14.96</del>	<del>\$ 15.42</del>	<del>\$ 15.88</del>
	\$ 12.39	\$ 12.86	\$ 13.32	\$ 13.78	\$ 14.25	\$ 14.71	\$ 15.18	\$ 15.65	\$ 16.12
17	<del>\$ 12.79</del>	<del>\$ 13.19</del>	<del>\$ 13.56</del>	<del>\$ 13.96</del>	<del>\$ 14.34</del>	<del>\$ 14.74</del>	<del>\$ 15.11</del>	<del>\$ 15.50</del>	<del>\$ 15.90</del>
	\$ 12.98	\$ 13.39	\$ 13.76	\$ 14.17	\$ 14.56	\$ 14.96	\$ 15.34	\$ 15.73	\$ 16.14
18	<del>\$ 13.36</del>	<del>\$ 13.74</del>	<del>\$ 14.13</del>	<del>\$ 14.52</del>	<del>\$ 14.92</del>	<del>\$ 15.31</del>	<del>\$ 15.69</del>	<del>\$ 16.08</del>	<del>\$ 16.46</del>
	\$ 13.56	\$ 13.95	\$ 14.34	\$ 14.74	\$ 15.14	\$ 15.54	\$ 15.93	\$ 16.32	\$ 16.71
19	<del>\$ 14.00</del>	<del>\$ 14.38</del>	<del>\$ 14.78</del>	<del>\$ 15.15</del>	<del>\$ 15.55</del>	<del>\$ 15.94</del>	<del>\$ 16.34</del>	<del>\$ 16.72</del>	<del>\$ 17.11</del>
	\$ 14.21	\$ 14.60	\$ 15.00	\$ 15.38	\$ 15.78	\$ 16.18	\$ 16.59	\$ 16.97	\$ 17.37
20	<del>\$ 14.64</del>	<del>\$ 15.42</del>	<del>\$ 15.81</del>	<del>\$ 16.19</del>	<del>\$ 16.59</del>	<del>\$ 16.97</del>	<del>\$ 17.36</del>	<del>\$ 17.75</del>	<del>\$ 18.14</del>
	\$ 14.86	\$ 15.65	\$ 16.05	\$ 16.43	\$ 16.84	\$ 17.22	\$ 17.62	\$ 18.02	\$ 18.41
21	<del>\$ 17.17</del>	<del>\$ 17.43</del>	<del>\$ 18.03</del>	<del>\$ 18.63</del>	<del>\$ 19.22</del>	<del>\$ 19.62</del>	<del>\$ 20.01</del>	<del>\$ 20.39</del>	<del>\$ 20.78</del>
	\$ 17.43	\$ 17.69	\$ 18.30	\$ 18.91	\$ 19.51	\$ 19.91	\$ 20.31	\$ 20.70	\$ 21.09
22	<del>\$ 17.84</del>	<del>\$ 18.54</del>	<del>\$ 19.13</del>	<del>\$ 19.74</del>	<del>\$ 20.34</del>	<del>\$ 20.74</del>	<del>\$ 21.12</del>	<del>\$ 21.52</del>	<del>\$ 21.89</del>
	\$ 18.11	\$ 18.82	\$ 19.42	\$ 20.04	\$ 20.65	\$ 21.05	\$ 21.44	\$ 21.84	\$ 22.22

\*Note: +/- 1 cent(s) due to rounding

**HOURLY CHART**

- STEP A -** City discretion for part-time and temporary positions.
- STEP B -** New Hire – Orientation Period
- STEP C -** Step following completion of one (1) year of employment.
- STEP D -** Step for eligible employees with three (3) years of current uninterrupted City service.
- STEP E -** Step for eligible employees with six (6) years of current uninterrupted City service.
- STEP F -** Step for eligible employees with ten (10) years of current uninterrupted City service.
- STEP G -** Step for eligible employees with fifteen (15) years of current uninterrupted City service.
- STEP H -** Step for eligible employees with twenty (20) years of current uninterrupted City service.
- STEP I -** Step for eligible employees with twenty-five (25) years of current uninterrupted City service.

The hourly chart shall be relevant to all full-time non-civil service, non-management employees maintaining a position in the same range. Part-time employees (less than 32 hours per week) shall be paid at the beginning hourly rate of the hourly chart or at the federal minimum wage rate, unless otherwise approved by the City Manager.

**CERTIFICATION PAY  
HOURLY NON-EXEMPT EMPLOYEES  
(EXCLUDES CIVIL SERVICE PERSONNEL)**

Hourly personnel in the Solid Waste Management divisions, Water Department, Water Production Department and Wastewater divisions are eligible for the following certification pay:

Class/Grade/Unit	Monthly	Per Pay Period Basis *
I or D	\$ 30.00	\$ 13.85
C	\$ 40.00	\$ 18.47
II or B	\$ 55.00	\$ 25.39
III or A	\$ 85.00	\$ 39.24

**\* Rounding up one cent on per pay period amounts**

**MANAGEMENT LEVEL STEP PROGRAM  
INCREASE DUE ON ANNIVERSARY DATE OF MANAGEMENT LEVEL POSITION.**

1 <sup>ST</sup> YEAR	3%	15 <sup>TH</sup> YEAR	2%
3 <sup>RD</sup> YEAR	3%	20 <sup>TH</sup> YEAR	2%
6 <sup>TH</sup> YEAR	3%	25 <sup>TH</sup> YEAR	2%
10 <sup>TH</sup> YEAR	2%		

**CLASSIFICATION PLAN  
EXEMPT LEVEL SALARY PLAN  
FY 2012-2013 2013-2014**

	<u>BEGINNING</u> <u>MIN</u>	<u>BEGINNING</u> <u>MAX</u>
<b>EXECUTIVE OFFICER – 1</b> City Manager	\$ 91,350	\$121,800
<b>EXECUTIVE OFFICER - 2</b> City Attorney Municipal Court Judge	\$ 76,125	\$ 98,455
<b>MANAGEMENT LEVEL - 1</b> Fire Chief Finance Director Police Chief <del>Public Works Director/City Engineer</del> <u>City Engineer/Public Works Director</u> Planning & Development Services Director	\$ 60,900	\$ 91,350
<b>MANAGEMENT LEVEL - 2</b> Assistant City Attorney Human Resources Director Purchasing and Technology Director Tourism Services Director	\$ 46,183	\$ 78,155
<b>MANAGEMENT LEVEL - 3</b> Accounting Manager Assistant Public Works Director City Marshal (Commander) Health Director Library Director Risk Manager	\$ 40,600	\$ 68,005
<b>MANAGEMENT LEVEL - 4</b> Accounting Supervisor Building Official City Marshal - (Assistant Commander) City Secretary Collection's Manager Community Appearance Supervisor Downtown and Volunteer Manager <del>Engineering Technician</del> <u>Engineer's Assistant</u> Garage Supervisor Information System Technician Landfill Supervisor Municipal Court Manager Sanitation Supervisor Street Supervisor Wastewater Supervisor Water Production Supervisor Water Supervisor	\$ 35,525	\$ 55,825

# **AGENDA ITEM #10**

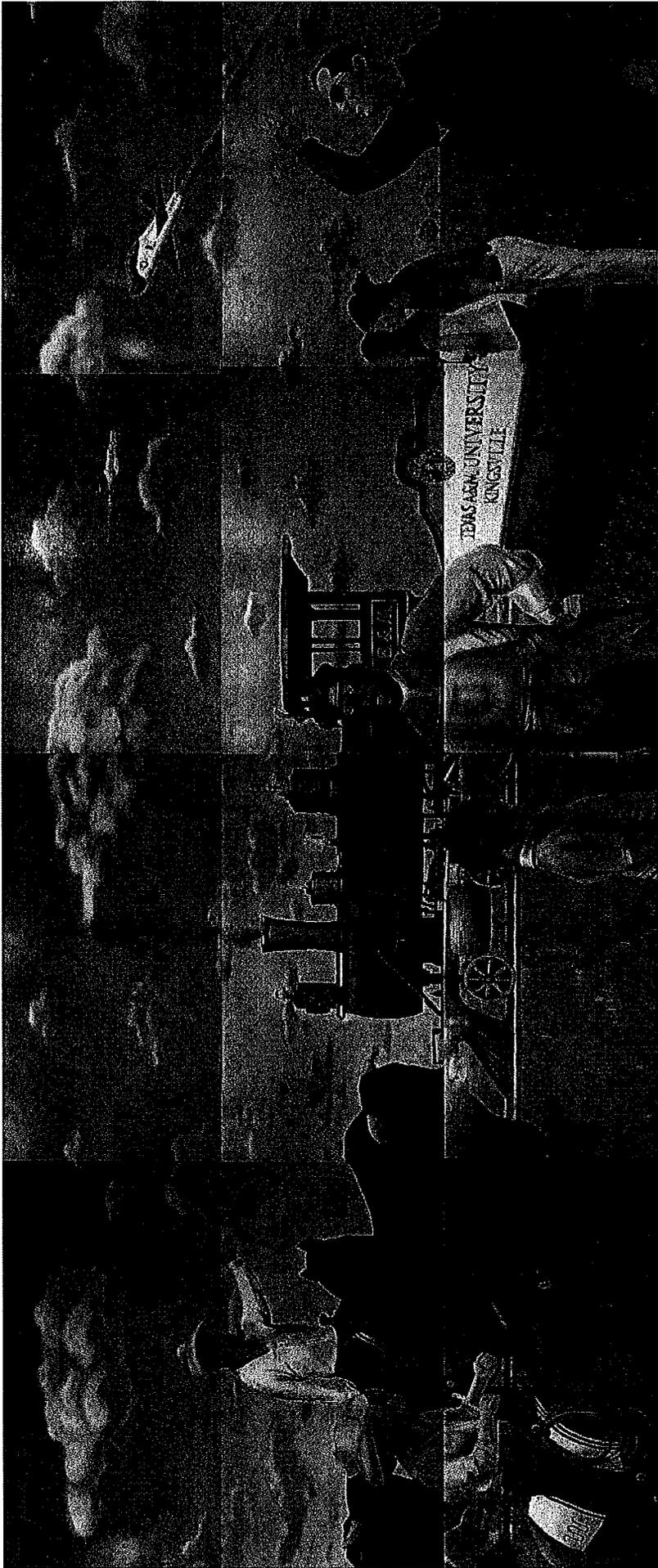


**From: Director of Tourism**

**To: City Commission, via City Manager**

**Subject: Mural Program**

1. In August of 2012, the newly formed Tourism Department inherited a nascent mural program from the Kingsville Convention and Visitors Bureau.
  - a. There was a \$10,000 contract with an artist to develop a mural.
  - b. There was a contract with a building owner to display a mural.
  - c. There was a contract with the King Ranch for inclusion of their trademarked logo in the mural.
  - d. \$5,000 had been paid to the artist toward the mural contract.
  - e. The artist was given broad guidelines for content.
  
2. Since neither the project nor procedures were complete, we reviewed both and developed some basic guidelines, applying them to this project as well as intending them for possible future murals and other public art. We developed very basic criteria, review procedures and implementation agreements and an ad hoc committee structure to review:
  - a. Content suitability and accuracy
  - b. Art materials and style
  - c. Location
  - d. Installation will be approved by Historic Board and by Building Official
  
3. Chronology to date:
  - a. The artist's contract was extended.
  - b. His content was reviewed by subject matter experts and some alterations were made.
  - c. His material and style were reviewed by artists and a UV and graffiti protective coating was added.
  - d. We developed some locational considerations and reviewed 30 or so locations. There are a number of sites that varying pros and cons. Some would need modifications to accommodate the mural. The only site that is mostly suitable and ready to go is the west façade of the Fuentes Building at Kleberg and 7<sup>th</sup> – which had been the original choice.
  - e. Staff picked up the mural panels, 12 4x8foot by ½ inch panels
  - f. We are getting installation proposals.
  
4. We are asking for City Commission review and approval for: acceptance of the mural from the artist and approval for the installation location.





From: Cynthia Martin, Downtown Manager

To: Robert Trescott, Tourism Director

Subject: Committee review of Downtown Historical Mural

Date: September 19, 2013

Robert, at the beginning of the year you had asked me to chair a committee to review content for the Downtown Historical Mural. Subcommittees were formed to review historical content and technical aspects of the design. A third subcommittee reviewed possible locations for the mural in Kingsville's historic downtown core.

Pat Allison, Lisa Neely and Glenn Jones reviewed the mural design proposed by the Artist for historical accuracy pertaining to the railroad, ranching and Navy themes respectively. Suggestions made for changes to the design were graciously accepted by the artist, Gerald Lopez, and incorporated into the final product. Mr. Lopez is an art instructor at Del Mar College in Corpus Christi and founder of a non-profit, K Space Studio, that encourage young artists a in the pursuit of a career in art. That committee is satisfied with the result.

Jesus Dela Rosa, Asst. Professor of Art at Texas A&M – Kingsville, and William Castillo, also from the university's art department., reviewed the mural for technical content. Jesus and William made several trips to the Artist's studio to review the work in progress and made their suggestions including the recommendation to coat the mural with a UV protectorant with anti-graffiti properties. The City paid for these materials and the artist applied it. There are no outstanding issues with that committee.

The location committee consisted of Frank Benevuto, Toni Nagel and Dianne Leubert. City staff prepared a document delineating possible locations downtown including photos and pros and cons of each location as a beginning point for the search for a suitable location. While a site for the mural had been selected by the KCVB who contracted with the artist, it was felt it best to take this choice through a public process. The final recommendation is to locate the mural on the west facing wall of the Fuentes building at 301 E. Kleberg Avenue.



From: R. R. Trescott, Tourism Director

To: City Commission via City Manager

Subject: Artist Commission Agreement for Downtown Historical Mural

Date: May 20, 2013

In August of 2012, the City of Kingsville contract with the Kingsville Convention and Visitors' Bureau expired and created the Tourism Department to manage the City's tourism program.

As part of the related transfer of operations, the City assumed certain rights, responsibilities and contractual obligations.

One of the contractual obligations was the Downtown Historical Mural contract with Mr. Gerald Lopez, artist, dated April 25, 2012.

The City Tourism Department and Mr. Lopez have agreed to certain changes to that contract to facilitate the completion of the project. They include: clarification of the desired content for the mural; extension of the contract delivery date; and establishing a process for selection of a site for the installation of the completed mural.

A Resolution and a Contract Amendment are attached.



Tourism & Heritage Jan 31, 2013

The City of Kingsville is making substantial investments into its downtown, into its historic resources and into tourism management and marketing. Many downtown redevelopment programs utilize public art on public and private sites as part of their overall revitalization strategy. Kingsville is embracing art in many forms in its efforts to embrace the creative class.

The Kingsville Mural Program is intended as an investment in cultural capital in support of improved aesthetics and marketing. The intent is to encourage public art on public and private sites that reflect our unique and authentic character, cultures and history. Creative themes might address, but are not necessarily limited to:

- Brush Country/Wild Horse Desert/Baffin Bay
- Ranching/animal husbandry/agriculture
- Vaqueros/cowboys
- Cattle/horses/wildlife
- TAMUK
- Railroad
- US Naval Air
- Oil/gas/chemical

The program will be managed by the Department of Tourism which will utilize its staff and separate ad-hoc advisory committees to address:

- Funding –public and private
- Location and installation
- Materials, style, composition, artistic value, and appropriateness
- Subject matter content and correctness

Murals are public art and require an appropriate level of scrutiny to be successful. Such ad-hoc committee review will be managed to not become onerous to artists but to assure accomplishment of our very public goals.

In addition to management by the Tourism Department, murals will often require approval from other authorities, as appropriate:

- Property owner
- Historic Development Board
- Building Official
- Planning and Development Department
- City Manager
- City Commission

Our first project was inherited in an incomplete state from the former Kingsville Convention and Visitors Bureau and is now being brought forward as our more general policies and procedures are being developed.

We propose to make a report to the City Commission on the policies, procedures and this project.

I am asking faculty from the Art Department at TAMUK to chair the ad-hoc committee on materials, etc.; Cynthia Martin to chair the ad-hoc committee on subject matter and content; and Frank Benvenuto to chair the ad-hoc committee on location.



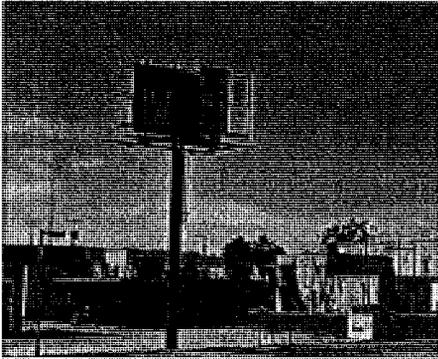
## **Mural Location Selection Protocol**

- Does the proposed mural physically fit the location?
  
- Is it visible/accessible? (to greatest numbers)
  - motorists
  
  - pedestrians
  
- Safety factor for viewers (e.g., rubbernecking in traffic)
  
- Scale suits the location (mural size and image elements scale compatible with surroundings)
  
- Is the site likely to be well maintained?
  
- Owner's permission (tenant vs property owner)
  - Willing to sign a mural agreement
  
- Graffiti resistance (tagging/vandalism)
  - Accessible on foot or is it placed higher , hiding places from which to tag, fenced off

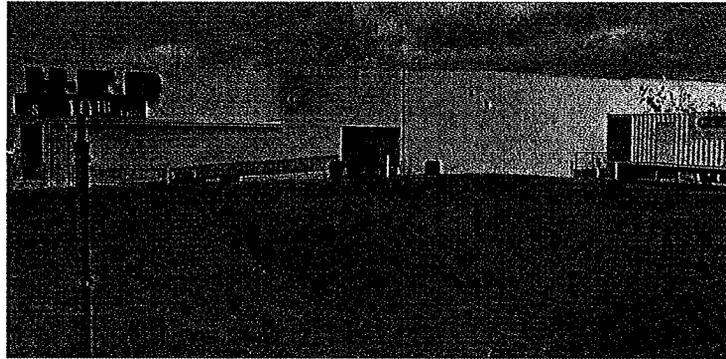


# Downtown Mural Possible Locations

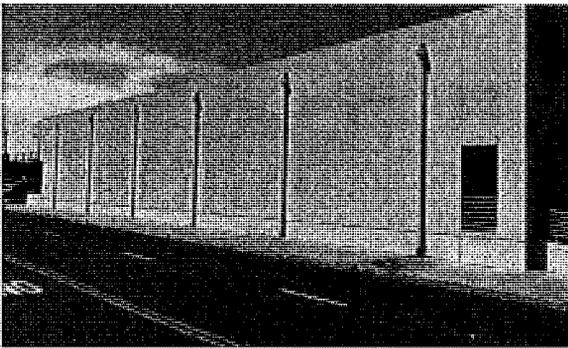
February 2013



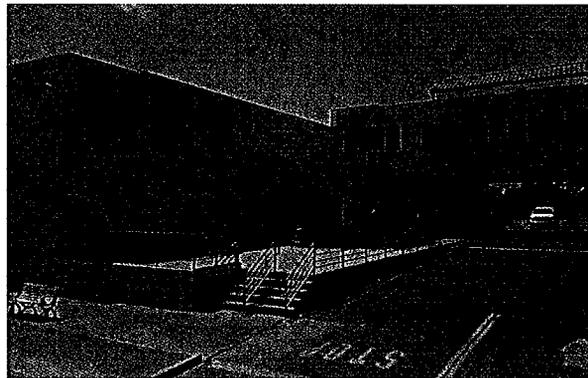
Bill Board on King



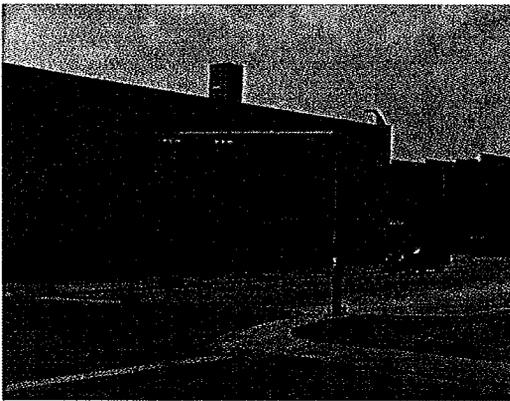
Rear of HEB



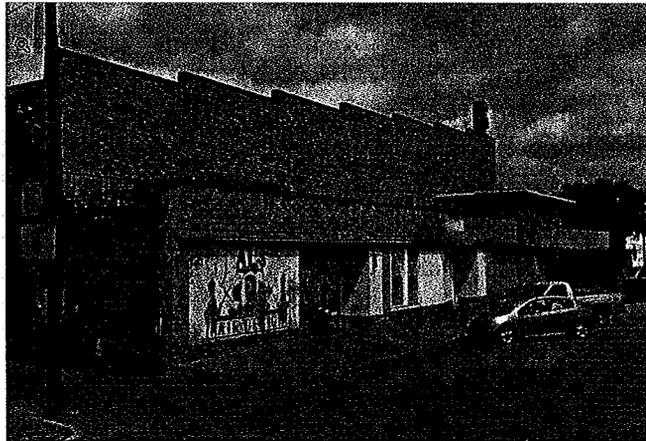
North side of HEB on King



West side of HEB



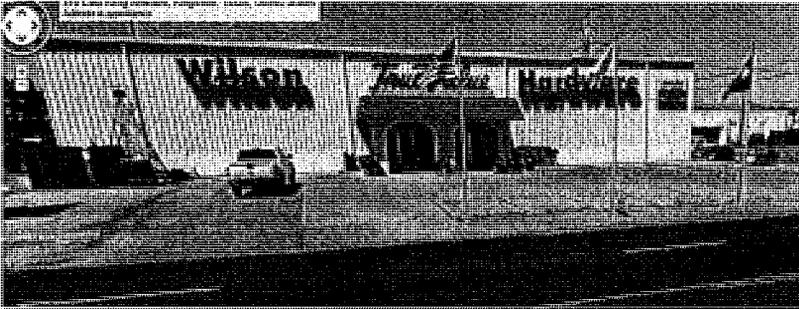
AT&T Eighth and King



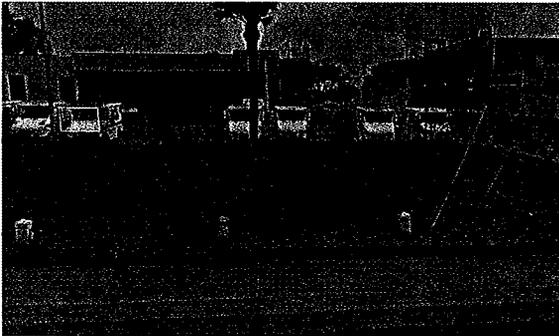
Texas Theater at Eighth



Embroid Me at Seventh



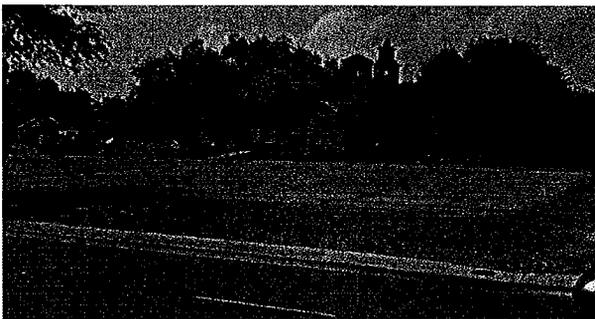
Embroid Me at King



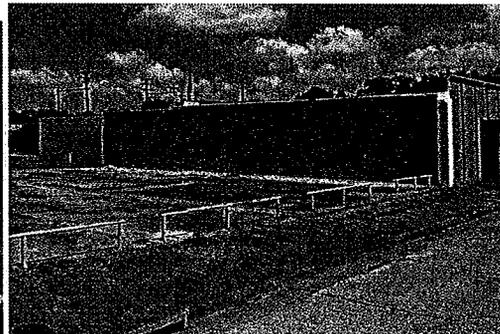
Post Office



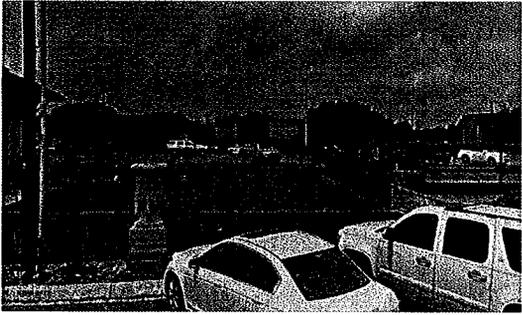
Post Office Side



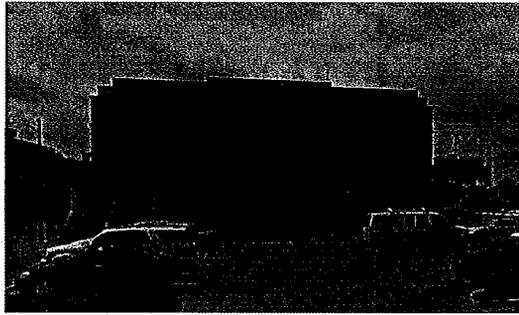
HM King



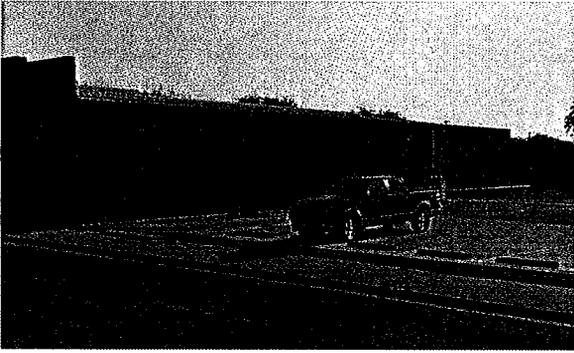
Kingsville Publishing



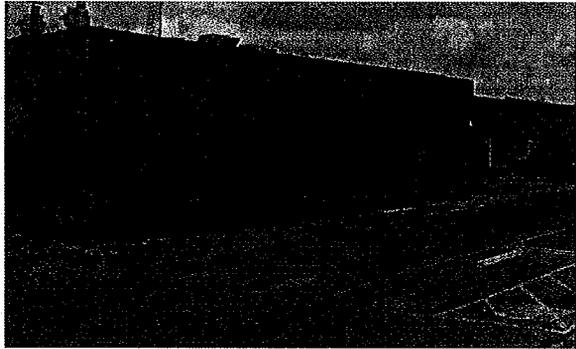
Behind Depot



Bank



Mayors



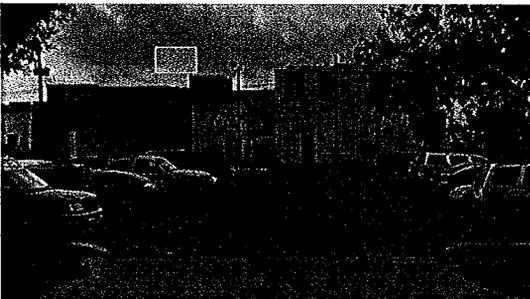
Butch's



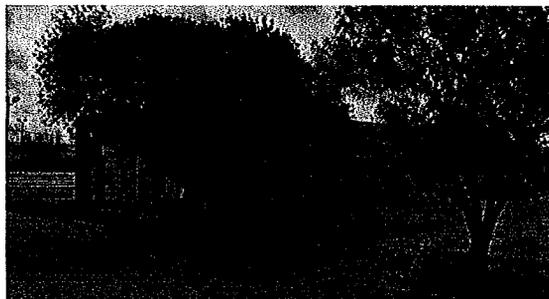
Xeriscape



Pump House



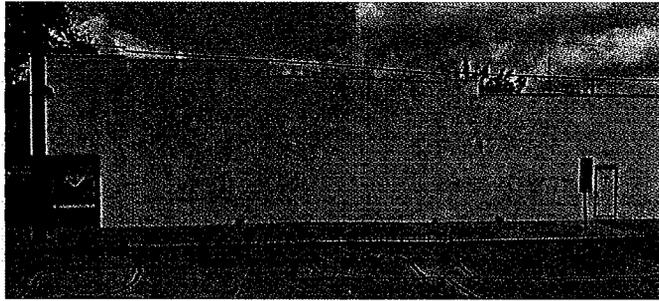
Parking Lot



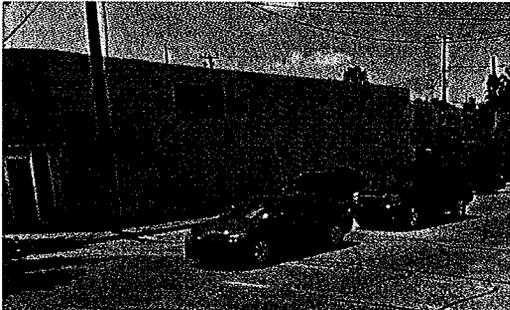
Parking Lot



Javelina



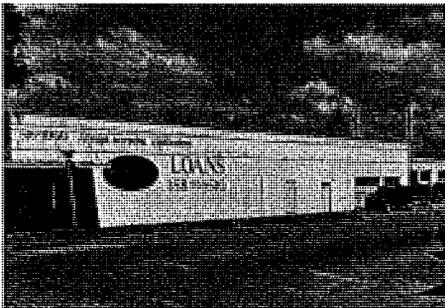
Cherry Tree



Consign What



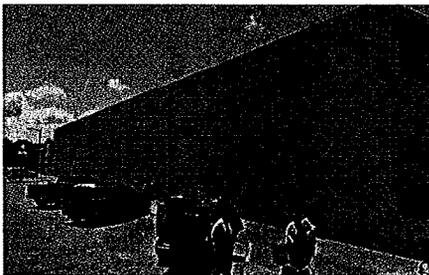
Totes and Things



Tesoro



Childs



HEB on Kleberg

1. AT&T, Texas Theater and Embroidme side have best visibility
2. ATT might be great if we can block windows, although trees might become problem
3. Texas Theater might be good
4. Bank would be great partnership, visible from Sixth, away from graffiti, continuity along sixth for new downtown emphasis
5. Mayor's office visible from Sixth Street, accessible, continuity along sixth for new downtown emphasis
6. The seventh/eighth street properties in the order of:
  - a. Javelina (if bushes trimmed/removed)
  - b. Cherry Tree
  - c. Fuentes
  - d. Tesoro
  - e. These might need sign on King

Need to explore partnerships and evaluate visibility from car, from foot and protection from graffiti

#### **Mural Location Selection Protocol**

- Does the proposed mural physically fit the location?
- Is it visible/accessible? (to greatest numbers)
  - motorists
  - pedestrians
- Safety factor for viewers (e.g., rubbernecking in traffic)
- Scale suits the location (mural size and image elements scale compatible with surroundings)
- Is the site likely to be well maintained?
- Owner's permission (tenant vs property owner)
  - Willing to sign a mural agreement
- Graffiti resistance (tagging/vandalism)
  - Accessible on foot or is it placed higher, hiding places from which to tag, fenced off

# **AGENDA ITEM #11**

**RESOLUTION # 2013-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE FEMA ASSISTANCE TO FIREFIGHTERS GRANT REQUESTING GRANT FUNDING FOR FIRE STATION EXHAUST REMOVAL SYSTEMS ON BEHALF OF THE KINGSVILLE FIRE DEPARTMENT WITH AN ANTICIPATED \$10,000 CASH MATCH.**

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Fire Department participate in an application for grant monies from the FEMA Assistance to Firefighters Grant for Fire Station Exhaust Removal Systems; and

**WHEREAS**, the Exhaust Removal Systems are used to remove fire vehicle emissions from the fire stations to reduce exposure by Fire Department employees and citizens to carcinogenic whole diesel exhaust smoke per National Fire Protection Association standard 9.1.6, and OSHA and NIOSH recommendations; and

**WHEREAS**, the Kingsville Fire Department is requesting Exhaust Removal Systems for the two fire stations within the City of Kingsville; and

**WHEREAS**, the FEMA Assistance to Firefighters Grant has a cash match and the City's anticipated portion of the cash match is \$10,000, which will come from the City's FY13 excess general fund balance surplus; and

**WHEREAS**, the City Commission of the City of Kingsville through this resolution has authorized the Fire Chief to submit the grant and administer the grant and necessary paperwork if the grant is awarded to the City;

**NOW THEREFORE, BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the City Commission approves the submission of a grant application to the FEMA Assistance to Firefighters Grant for fire station Exhaust Removal Systems on behalf of the City of Kingsville Fire Department, with an anticipated cash match of \$10,000 from the City and authorizes the Fire Chief to submit the grant and administer the grant and necessary paperwork if the grant is awarded to the City.

II.

**THAT** this Resolution shall be and become effective on or after adoption.

PASSED AND APPROVED by a majority vote of the City Commission the 23rd day of September, 2013.

\_\_\_\_\_  
Sam R. Fugate, Mayor

ATTEST:

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM**

\_\_\_\_\_  
Courtney Alvarez, City Attorney



# KINGSVILLE FIRE DEPARTMENT

**Joey Reed**  
**Fire Chief**  
119 N. 10<sup>th</sup> Street  
Kingsville, Texas 78363  
(361) 592-6445

September 19, 2013

**TO: Vincent J. Capell, City Manager**

**FROM: Joey Reed, Fire Chief**

**SUBJECT: FEMA ASSISTANCE TO FIREFIGHTERS GRANT REQUEST-  
FIRE STATION EXHAUST REMOVAL SYSTEMS**

This is a request to submit an application to FEMA to receive funds for Fire Station Exhaust Removal Systems. Both fire stations house multiple diesel operated vehicles that blow hazardous exhaust into the living and sleeping quarters of the stations. OSHA and NIOSH both recognize the hazards associated with enclosed exposure to diesel exhaust fumes and make recommendations to provide safe working environments. The National Fire Protection Agency standard 1500, section 9.1.6, recommends exhaust removal systems within fire stations as a matter of life and safety.

Firefighters and visitors to the fire station are exposed to carcinogenic fumes that may linger and coat interior surfaces of the building. For several years, FEMA has recognized this as a primary concern and given it priority in the awarding of grants to fire departments. We have received a quote from one of the major fire service exhaust removal companies for approximately \$100,000 to provide direct connection exhaust removal at both fire stations for a total of 10 vehicles.

FEMA requires that local governments share the cost of these grants by paying 10% of the total cost of the equipment. I propose that the approximately \$10,000 needed in matching funds from the City be allocated from the City's FY13 excess general fund balance surplus account.

Please let me know if you think this would be possible. Thank you for your consideration.

# **AGENDA ITEM #12**

**RESOLUTION # 2013-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE FEMA ASSISTANCE TO FIREFIGHTERS GRANT REQUESTING GRANT FUNDING FOR A FIRE ENGINE ON BEHALF OF THE KINGSVILLE FIRE DEPARTMENT WITH AN ANTICIPATED \$55,000 CASH MATCH.**

**WHEREAS**, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Fire Department participate in an application for grant monies from the FEMA Assistance to Firefighters Grant for a new Fire Engine; and

**WHEREAS**, the new Fire Engine is needed to replace Engine 2 that is 20 years old and will need to be replaced in order to ensure response to emergency calls, provide safer working conditions for firefighters by reducing loud noise inside the cab, provide air conditioning to keep firefighters core body temperatures down prior to arrival at fire calls, reduce emissions, and accommodate added equipment that needs to be carried; and

**WHEREAS**, the FEMA Assistance to Firefighters Grant has a cash match and the City's anticipated portion of the cash match is estimated to be \$55,000, which will come from the City's FY13 General Fund balance surplus; and

**WHEREAS**, the City Commission of the City of Kingsville through this resolution has authorized the Fire Chief to submit the grant and administer the grant and necessary paperwork if the grant is awarded to the City;

**NOW THEREFORE, BE IT RESOLVED** by the City Commission of the City of Kingsville, Texas:

I.

**THAT** the City Commission approves the submission of a grant application to the FEMA Assistance to Firefighters Grant for a Fire Engine on behalf of the City of Kingsville Fire Department, with an anticipated cash match of \$55,000 from the City and authorizes the Fire Chief to submit the grant and administer the grant and necessary paperwork if the grant is awarded to the City.

II.

**THAT** this Resolution shall be and become effective on or after adoption.

PASSED AND APPROVED by a majority vote of the City Commission the \_\_\_\_ day of September, 2013.

\_\_\_\_\_  
Sam R. Fugate, Mayor

ATTEST:

\_\_\_\_\_  
Mary Valenzuela, City Secretary

**APPROVED AS TO FORM**

\_\_\_\_\_  
Courtney Alvarez, City Attorney



# KINGSVILLE FIRE DEPARTMENT

**Joey Reed**  
**Fire Chief**  
119 N. 10<sup>th</sup> Street  
Kingsville, Texas 78363  
(361) 592-6445

September 19, 2013

**TO: Vincent J. Capell, City Manager**

**FROM: Joey Reed, Fire Chief**

**SUBJECT: FEMA ASSISTANCE TO FIREFIGHTERS GRANT REQUEST-  
FIRE ENGINE**

This is a request to submit an application to FEMA to receive funds for a new fire engine. Engine 2 is 20 years old and will need increasing maintenance and parts replacements. Its reliability will become more of a concern with each passing year. Engine 2 does not have air conditioning and the interior is worn out. Firefighters are exposed to both heat and noise while riding in the old fire engine. The process of having a grant awarded, writing specifications, ordering, building, and outfitting a new engine could take nearly a year to complete. During this time Engine 2 will degrade further and costs for new apparatus will rise.

Since Engine 2 was purchased 20 years ago, the fire service has changed. Now firefighters are required to respond to a wider variety of emergencies and require a wider variety of tools with which to address those situations. A new Fire Engine will allow additional space for needed equipment. National Fire Protection Association guidelines require that all new fire engines are built with state of the art safety features including better roll over protection, improved insulation for noise reduction, and other safety features not found on Engine 2.

A new custom Fire Engine with the needed components to provide another 20 years of improved service will cost about \$550,000. FEMA requires that local governments share the cost of these grants by paying 10% of the total cost of the equipment. I propose that the approximately \$55,000 needed in matching funds be allocated from the City's FY13 excess general fund balance surplus account.

Please let me know if you think this would be possible. Thank you for your consideration.