

City of Kingsville, Texas

AGENDA CITY COMMISSION MONDAY, OCTOBER 24, 2016 REGULAR MEETING

CITY HALL COMMUNITY ROOM
400 WEST KING AVENUE
5:30 P.M. - Workshop
6:00 P.M.-Regular Meeting

I. Preliminary Proceedings.

OPEN MEETING

WORKSHOP: Update on Wastewater Treatment Plants & Water Meter Infrastructure. (City Manager).

REGULAR MEETING RESUMES

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – October 10, 2016

II. Public Hearing - (Required by Law).¹

1. None.

III. Reports from Commission & Staff.²

“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, Investment Report, Quarterly Budget Report, 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, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time.”

APPROVED BY:



Jesús A. Garza
City Manager

IV. Public Comment on Agenda Items.³

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 consider final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter VII, Article 6, Schedule II, providing for no parking on the southernmost side of Corral Avenue lying anywhere between its intersection with Seale Street to its intersection with Santa Rosa Avenue. (City Engineer/Public Works Director).
2. Motion to approve renewal of membership with Electric Reliability Council of Texas (ERCOT) for 2017. (City Attorney).
3. Motion to consider re-appointment of Norma Sue Adrian for a three (3) year term on the City County Health Department. (Director of Health).
4. Motion to consider City participation in the 2016 Stride for Health 5K/10K Run & Walk to take place on November 19, 2016. (Downtown Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding between the City of Kingsville and Texas A&M University-Kingsville for student internships. (City Manager).
6. Consider award for master planning services (RFQ16-15) for J.K. Northway Exposition Center & Fairgrounds and authorize staff to negotiate a contract, as per staff recommendation. (Director of Purchasing).
7. Consider a resolution revising the City of Kingsville Investment Policy and Investment Strategies, designating the City Manager, Director of Finance, and City Accounting Manager as the authorized city representatives with full authority for investment purposes, and providing for disclosure of financial interest. (Director of Finance).
8. Consider introduction of an ordinance amending Chapter VII, Article 8, Traffic Control Devices, providing for the installation of stop signs on Santa Gertrudis Avenue at its intersection with Seale Street and for Seale Street at Santa Gertrudis Avenue. (City Engineer/Public Works Director).

9. Consider a resolution authorizing the City Manager to enter into an Interlocal Agreement between the Kleberg County and the City of Kingsville regarding the housing of City of Kingsville inmates at the Kleberg County Jail. (City Attorney).
10. Consider a resolution for Municipal Court Week. (City Attorney).
11. Consider a resolution authorizing the acquisition of real property for the City Landfill. (City Engineer/Public Works Director).
12. Consider a resolution in support of the intent to create a Railroad Quiet Zone within the City that will prohibit the use of horns by trains except in emergency situations. (City Engineer/Public Works Director).
13. Consider a resolution of the City of Kingsville, Texas authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for the Disaster Relief Fund, and authorizing the City Manager to act as the City's executive officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program for Disaster Relief. (Risk Manager).
14. Consider approval of and participation in certain events and parades for Fiscal Year 2016-2017 as stated in the memo and attachments. (Downtown Manager).
15. Consider accepting donations from La Posada De Kingsville Foundation for holiday decorations. (Downtown Manager).
16. Consider introduction on an ordinance amending Fiscal Year 2016-2017 Budget to accept and expend a donation from the La Posada De Kingsville Foundation. (Director of Finance).
17. Consider introduction on an ordinance amending Fiscal Year 2016-2017 Budget to include the grant projects not completed in Fiscal Year 2015-2016. (Director of Finance).
18. Consider introduction on an ordinance amending the Fiscal Year 2016-2017 Budget to include CO2016 projects not completed in Fiscal Year 2015-2016. (Director of Finance).
19. Consider introduction on an ordinance amending the Fiscal Year 2016-2017 Budget to include insurance claim recovery projects not completed in Fiscal Year 2015-2016. (Director of Finance).
20. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).

VII. Adjournment.

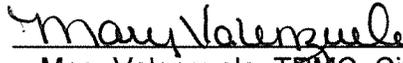
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative Commission votes. The speaker must identify himself by name and address.
4. Items being considered by the Commission for action except citizen's comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

NOTICE

This City of Kingsville and Community Room 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 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 located at City Hall, 400 West King Ave, 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:

October 20, 2016 at 11:00 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



Mary Valenzuela, TRMC, 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)

OCTOBER 10, 2016

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 10, 2016 IN THE CITY HALL COMMUNITY ROOM 400 EAST KING AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam Fugate, Mayor
Edna Lopez, Commissioner
Arturo Pecos, Commissioner
Noel Pena, Commissioner
Al Garcia, Commissioner

CITY STAFF PRESENT:

Jesús Garza, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Tom Ginter, Director of Planning & Development Services
Emilio Garcia, Health Director
Bill Donnell, Assistant Public Works Director
Diana Gonzales, Human Resources Director
David Solis, Risk Manager
Deborah Balli, Finance Director
Charlie Cardenas, Public Works Director/Engineer
Sharam Santanilla, Capital Improvement Manager
Leo Alarcon, Tourism Director
Robert Rodriguez, Library Director
Cynthia Martin, Downtown Manager
Ricardo Torres, Chief of Police
Kyle Benson, IT Help Desk Coordinator
David Mason, Purchasing Director
Jessica Montalvo, Health Department
Jennifer Bernal, Community Appearance Supervisor
Adrian Garcia, Fire Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 6:00 P.M. with all five Commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mrs. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S)

Special Meeting – August 31, 2016

Regular Meeting – September 26, 2016

Mayor Fugate asked for a motion to approve the minutes of August 31, 2016 and September 26, 2016.

Motion made by Commissioner Lopez and Commissioner Pena to approve the minutes of August 31, 2016 and September 26, 2016. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting “FOR”.

II. Public Hearing - (Required by Law).¹

1. None.

III. Reports from Commission & Staff.²

"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, Investment Report, Quarterly Budget Report, 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, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."

Mayor Fugate announced that today is the first City Commission meeting held in the new City Hall Community Room. This has been an eleven-year project as talks about making this building into the new City Hall started back in 2005. Fugate thanked the King Ranch Family and the community for helping with the project. He further thanked prior Commission members such as Stanley Laskowski, Dianne Leubert, and Charlie Wilson. This was an old building that was renovated and put to good use.

Commissioner Garcia thanked the citizens and staff for seeing this project through. He further thanked the King Ranch Family and the Foundation for assisting in this project.

Commissioner Lopez stated that when she was City Secretary this project was beginning and felt that she wouldn't be able to enjoy the new City Hall as she retired prior to the project being completed. Lopez further stated that she's back now as a City Commissioner and will be able to enjoy the new City Hall.

Commissioner Pecos commented that he is proud of the City of Kingsville citizens for allowing the restoration of the new City Hall. He further stated that the City of Kingsville's priority is still the repairs of the city streets.

Commissioner Pena commented that he at one point taught a class back when this building was a school. He has seen it transition from an educational building to Municipal Government building. Pena further stated that he would like for staff to look into making this building a Historical site.

Mayor Fugate commented that the project is not yet complete as the landscaping and the renovation of the Cottage Building still needs to be completed. He further commented that in the evenings, you can see about 50 to 100 kids practicing football to cheerleading or just playing around the grounds.

Mayor Fugate read and presented a proclamation to Fire Chief Garcia for Fire Prevention Week.

Mr. Jesús Garza, City Manager presented two Employee of the Month certificates to Jessica Montalvo for the month of July and George Delgado for the month of August. Mr.

Garza commented that the 6th Street project is about complete. The only thing left to do on this project is the striping of the road.

Mrs. Courtney Alvarez, City Attorney reminded staff that the next scheduled City Commission meeting will be on October 24th. Agenda items for this meeting are due on Friday, October 14, 2016.

IV. Public Comment on Agenda Items.³

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

Mr. David Richard Barrera, a student of Texas A&M University-Kingsville commented that recently a student was struck by a vehicle near the Legend Apartment Complex. He asked that the City look into how to prevent another incident like this to occur.

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.

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, Garcia, Lopez, Fugate voting "FOR".

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 acceptance of Keep Kingsville Beautiful donation/fundraiser proceeds of \$700.13 for that organization. (Director of Finance).**
2. **Motion to appointment of Rey Suarez to the Zoning Board of Adjustment for a two (2) year term. (Director of Planning and Economic Development).**

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. **RESOLUTION NO. 2016-67. Consider a resolution of the City of Kingsville City Commission in support of the planning, design, and construction of sidewalks on SH 141 (King Street), from BU77V (14th Street) to US77. (City Engineer/Public Works Director)**

Mr. Charlie Cardenas, Engineer/Public Works Director stated that this is a resolution in support for the planning, design, and construction of sidewalk on King Street between 14th Street and US Highway 77. This will be funded by Texas Department of Transportation.

Motion made by Commissioner Pena to approve this resolution, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Garcia, Pena, Lopez, Fugate voting "FOR".

4. Consider out of state travel for two Fire Department personnel to Winter Park, Florida within the last week of October 2016 and the first week of November 2016 to conduct a final inspection of a new Fire/EMS Ambulance for the department. (Fire Chief).

Mr. Adrian Garcia, Fire Chief commented that there has been a last minute change in the travel timeframe. This travel will take place sometime in November 2016 and not the last week of October 2016 and the first week of November 2016.

Commissioner Garcia asked exactly what will be inspected.

Fire Chief Garcia responded that they will conduct a final inspection of a new Fire/EMS Ambulance that is being assembled in Winter Park, FL.

Motion made by Commissioner Pena to approve the out of state travel for two Fire Department personnel anytime in November 2016 to conduct a final inspection of a new Fire/EMS Ambulance of the department, seconded by Commissioner Pecos. The motion was approved by the following vote: Garcia, Lopez, Pena, Pecos, Fugate voting "FOR".

5. RESOLUTION NO. 2016-68. Consider a resolution expanding the Main Street District for the City of Kingsville, Texas. (Downtown Manager).

Mrs. Cynthia Martin, Downtown Manager stated that this item seeks to expand the boundaries of Kingsville's current Main Street District to include properties along Kleberg Avenue from the railroad tracks on the east to 2nd Street on the west and from Yoakum Avenue on the north to King Ave. on the south. Martin further stated that there is no expense to the city or zoning changes.

Motion made by Commissioner Garcia to approve this resolution, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Lopez, Pena, Pecos, Garcia, Fugate voting "FOR".

6. RESOLUTION NO. 2016-69. Consider a resolution authorizing the City Manager to enter into a Collective Bargaining Agreement between the City of Kingsville, Texas and the Kingsville Law Enforcement Association for Fiscal Years 2016 through 2019. (City Manager).

Mr. Garza stated that the Collective Bargaining between the City of Kingsville and the Kingsville Law Enforcement Association has concluded. He thanked Mrs. Alvarez and Mrs. Gonzalez for their hard work during the negotiations. These negotiations lasted in a span of ten meetings. In the agreement there was some typo corrections of common things that both parties agreed too. There are also some language revisions and with the biggest impact being compensation. For this particular there was a big emphasis based on salaries as oppose as soft money issues. The summary of the expenses for the City is for the first year is zero to minimal. There was one adjustment made to an entry level rate that can be absorbed with the current budget. Year one is settled with the settlement that this City Commission approved at a prior meeting. This contract begins with year two with a financial impact to be estimated at \$77,000 and year three at \$83,000.

Mrs. Alvarez announced that staff received an email from KLEA had a meeting on September 28, 2016 approving this contract. The only action left is for the City of Kingsville to approve and for both parties to sign the contract.

Commissioner Pecos asked for a percentage that was agreed and if it was done across the board.

Mrs. Alvarez responded that there are not across the board increases. As with the 2013-2016 contract the parties looked at the various ranked positions such as patrol corporal lieutenant and see where they were at market as what was done with the non-civil service staff.

Motion made by Commissioner Pena to approve this resolution, seconded by Commissioner Garcia and Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Lopez, Fugate voting "FOR".

7. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter VII, Article 6, Schedule II, providing for no parking on the southernmost side of Corral Avenue lying anywhere between its intersection with Seale Street to its intersection with Santa Rosa Avenue. (City Engineer/Public Works Director).

Mr. Charlie Cardenas, City Engineer/Public Works Director, reported that on August 22, 2016, the Engineering Department received a request from Officer Eric Perez of the Kingsville Police Department to establish a no parking zone on the south side of Corral Avenue, from Seale Street to Santa Rosa Ave. It was observed that the cars parking on Corral Avenue was unsafe to pedestrians and west bound Corral Avenue traffic. Cars parked in this area are in danger of driving into the drainage ditch. There is currently no parking on the south side of Corral Avenue from Armstrong Avenue to Seale Street. There is no financial impact to the City. Changing this condition is in accordance with State and Federal Guidelines and the Manual of Uniformed Traffic Control Devices (MUTCD). Staff has been in contact to make them aware of what the City is trying to accomplish.

Mr. Garza commented that staff has communicated this to the University and is in support with this effort.

Commissioner Lopez asked if signs will be placed. Mr. Cardenas responded that once this ordinance is approved, staff will be installing signs.

Introduction item.

8. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).

Mayor Fugate announced and convened the meeting into Executive Session at 6:41 P.M.

Mayor Fugate reconvened the meeting into open session at 6:58 P.M.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:58 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, City Secretary

CONSENT AGENDA

AGENDA ITEM #1

**City of Kingsville
Engineering/Public Works**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Charlie Cardenas, P.E., City Engineer/Director of Public Works

DATE: September 29, 2016

SUBJECT: Establish "No Parking" on the south side of Corral Ave. from Seale Street to Santa Rosa Ave.

Summary:

This item authorizes the city to establish no parking on the south side of Corral Ave., from Seale Street to Santa Rosa Ave.

Background:

The Engineering Department August 22, 2016, the City of Kingsville Engineering Department received a request from Officer Eric Perez KPD on motorist parking on the south side of Corral Ave. from Seale Street to Santa Rosa Ave. in front of the new TAMUK sports facilities. It was observed that the cars parking on Corral Ave. was unsafe to pedestrians and west bound Corral Ave. traffic. Furthermore, cars parked in this area are in danger of driving into the drainage ditch. There is currently "no parking" on the south side of Corral Ave. from Armstrong Ave. to Seale Street.

Financial Impact:

No financial impact to the City of Kingsville. Changing this condition is in accordance with state and federal guidelines and the Manual of Uniformed Traffic Control Devices (MUTCD).

Recommendation:

Staff recommends that the south side of Corral Ave. from Seale Street to Santa Rosa Ave. be established as a "No Parking" zone.



ORDINANCE NO. 2016-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER VII, ARTICLE 6, SCHEDULE II, PROVIDING FOR NO PARKING ON THE SOUTHERNMOST SIDE OF CORRAL AVENUE LYING ANYWHERE BETWEEN ITS INTERSECTION WITH SEALE STREET TO ITS INTERSECTION WITH SANTA ROSA AVENUE; 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.

WHEREAS, the Police Department has requested this parking restriction due to safety issues and traffic congestion in this area and the Texas A&M University-Kingsville administration has been contacted and is unopposed to this action.

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

I.

THAT Schedule II -Parking Restricted on Certain Streets of Article 6: Parking Schedules of Chapter VII, Traffic Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

SCHEDULE II. PARKING RESTRICTED ON CERTAIN STREETS

It shall hereafter be unlawful for any person to park or leave standing any vehicle on the following streets:

TABLE INSET:

Street	Location	Side	Time	Ord.#	Date Passed
<u>Corral Ave. (Farm to Market Rd. 1898)</u>	<u>Lying anywhere between its intersection with Seale St. and its intersection with Santa Rosa Ave.</u>	<u>Southernmost</u>	<u>All times</u>	---	---

II.

THAT all Ordinances or 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 10th day of October, 2016.

PASSED AND APPROVED on this the 24th day of October, 2016.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #2



**CITY OF KINGSVILLE
LEGAL DEPARTMENT**

P.O. Box 1458, Kingsville Texas 78364 Phone: 361-595-8016 Fax: 361-592-4696

Date: October 12, 2016

To: City Commission Members

From: Courtney Alvarez, City Attorney

Re: ERCOT Membership Renewal

AGENDA ITEM: Consider joining the Electric Reliability Council of Texas ("ERCOT") for 2017.

ISSUE: The City received notice that the ERCOT membership applications for 2017 are due by November 11, 2016, and it has been recommend that we join to give cities greater representation in ERCOT and on ERCOT's policy-making boards.

BACKGROUND: The City has been a member of ERCOT each year since 2009. ERCOT has begun accepting membership applications for 2017. In order to vote in the upcoming ERCOT elections, our city must be a member of ERCOT by November 11, 2016.

Since 2008, cities succeeded in placing city representatives on ERCOT's Board of Directors and on the Technical Advisory Committee due to their strong presence at ERCOT. ERCOT is an important arena in the effort to ensure that electricity rates in the deregulated Texas market are reasonable and stable. ERCOT membership is a straightforward way to influence electric market policy and costs \$100 to join. Membership in ERCOT gives the consumer presence greater clout at ERCOT and allows us to vote for city representatives to serve on ERCOT's most important policy-making bodies.

REQUIRED COMMISSION ACTION: Authorize staff to submit an application to join ERCOT for 2017 that includes payment of a \$100 membership fee.

FUNDING: Funds are available in the General Fund-City Special.

CONCLUSION & RECOMMENDATION: Authorize staff to submit an application to join ERCOT for 2017.



**ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC.
MEMBERSHIP APPLICATION AND AGREEMENT FOR MEMBERSHIP YEAR 2017**

This Membership Application and Agreement (Agreement) is by and between Electric Reliability Council of Texas Inc. (ERCOT) and the City of Kingsville, Texas (Applicant). In consideration of the mutual covenants contained herein, the parties hereby agree that the Applicant shall become an ERCOT Member and receive the ERCOT Member Services and benefits described herein, subject to the terms and conditions of this Agreement. This Agreement shall be effective as of the date signed by the Applicant provided that the Applicant meets all of the qualifications for ERCOT Membership.

Capitalized terms that are not defined in this Agreement shall have the meaning as defined in the ERCOT Bylaws or the ERCOT Protocols.

A. Membership Application Information

1. Name of Entity applying for Membership: the City of Kingsville, Texas
2. Type of Membership: Check **ONE** type of Membership. *Affiliated Entities as defined in the ERCOT Bylaws may hold only one Corporate Membership.*

Entities applying for additional Memberships, such as an Associate Membership, must use a separate Agreement for each Membership. The applicable fees are listed below and entitle Members to services ERCOT provides such as hosting ERCOT meetings, providing Members with necessary information and such other Member Services as may from time to time be offered. Please note that any Member may request that the Member's Annual Member Service Fees be waived for good cause shown.

Corporate. Voting. \$2,000 per Membership Year (except Residential and Commercial Consumer Members fees are \$100 per year). Corporate Membership includes the right to vote on matters submitted to the general membership such as election of Board Directors, election of Technical Advisory Committee (TAC) Representatives and TAC subcommittees thereof and amendments to the Articles of Incorporation and the ERCOT Bylaws. Residential Consumer Members do not elect a Director to represent the Residential Consumer interests as the Public Counsel is mandated to represent these interests.

Associate. Non-voting. \$500 per Membership Year (except Residential and Commercial Consumer Members fees are \$50 per year). Associate Membership includes no voting rights. However, an Associate Member may be elected by Corporate Members to serve as a voting member of the Board, TAC or a TAC subcommittee thereof.

Adjunct. Non-voting. \$500 per Membership Year. Entities not meeting the Segment requirements for Membership may join as Adjunct Members upon Board approval. Adjunct Membership does not include voting rights or the right to be elected to the Board, TAC or a TAC subcommittee thereof.

3. The Applicable Annual Member Services Fee must be delivered to ERCOT by the Record Date in order for the Member to participate in the elections for the Membership Year. Please make checks payable to ERCOT and mail to ERCOT, Attention: Treasury Department, 7620 Metro Center Drive, Austin, Texas 78744. Please send an email to membership@ercot.com for wire instructions.

4. Segment Participation: (Check **ONE** Segment designation.)

Consumer. Any Entity representing the interests of end-users of electricity in the ERCOT Region.

Check **ONE** Subsegment designation:

- Residential Consumer**
- Small Commercial Consumer** (Peak demand of 1000 KW or less)
- Large Commercial Consumer** (Peak demand greater than 1000 KW)
- Industrial Consumer** (Average monthly demand greater than 1 megawatt and engaged in an industrial process)

Cooperative. An Entity operating in the ERCOT Region that is: (i) a corporation organized under Chapter 161 of the Texas Utilities Code or a predecessor statute to Chapter 161 and operating under that chapter; (ii) a corporation organized as an electric cooperative in a state other than Texas that has obtained a certificate of authority to conduct affairs in the State of Texas; (iii) a cooperative association organized under Tex.Rev.Civ.Stat. 1396-50.01 or a predecessor to that statute and operating under that statute; or (iv) a River Authority as defined in Tex. Water Code §30.003.

Independent Generator. Any Entity that is not a Transmission and Distribution Entity (T&D Entity) or an Affiliate of a T&D Entity and (i) owns or controls generation of at least 10 MW in the ERCOT Region; or (ii) is preparing to operate and control generation of at least 10 MW in the ERCOT Region, and has approval of the appropriate governmental authority, has any necessary real property rights, has given the connecting transmission provider written authorization to proceed with construction and has provided security to the connecting transmission provider.

Independent Power Marketer. Any Entity that is not a T&D Entity or an Affiliate of a T&D Entity and is registered at the Public Utility Commission of Texas (PUCT) as a Power Marketer to serve in the ERCOT Region.

Independent REP. Any Entity that is certified by the PUCT to serve in the ERCOT Region as a Retail Electric Provider (REP) under PURA §39.352 and that is not an Affiliate of a T&D Entity operating in the ERCOT Region.

Aggregators may register to participate in this Segment if unable to qualify in any other Segment.

Investor-Owned Utility. (i) An investor-held, for-profit "electric utility" as defined in PURA §31.002(6) that (a) operates within the ERCOT Region, (b) owns 345 kV interconnected transmission facilities in the ERCOT Region, (c) owns more than 500 pole miles of transmission facilities in the ERCOT Region, or (d) is an Affiliate of an Entity described in (a), (b) or (c); or (ii) a public utility holding company of any such electric utility.

Municipal. An Entity operating in the ERCOT Region that owns or controls transmission or distribution facilities, owns or controls dispatchable generating facilities, or provides retail electric service and is either: (i) a municipally owned utility as defined in PURA §11.003 or (ii) a River Authority as defined in Tex. Water Code §30.003.

5. Identify your designated representative for required notices to ERCOT Members, participation in meetings of the Corporate Members and voting issues:

Name: Courtney Alvarez
Title: City Attorney
Address: P.O. Box 1458
City, State, Zip: Kingsville, TX 78364
Phone: (361) 595-8016
Fax: (361) 592-4696
Email: attny@cityofkingsville.com

6. List any other ERCOT Memberships held by the Applicant or any Affiliates (attach extra pages if necessary):

(a) Entity name: _____
Segment: _____

(b) Entity name: _____
Segment: _____

(c) Entity name: _____
Segment: _____

B. Membership Agreement

1. **Membership.** Membership in ERCOT is open to any Entity that meets any of the Segment definitions set forth in the Bylaws. Members must be an organization that either operates in the ERCOT Region or represents consumers within the ERCOT Region. Members may join as a Corporate, Associate or Adjunct Member subject to the criteria set forth in the ERCOT Bylaws. Members must apply for Membership through an authorized officer or agent.

2. **Fees.** Annual Member Services Fees are described in the ERCOT Bylaws and may be changed through the procedure set forth therein. Any change in fees shall automatically become effective as to all ERCOT Members without the necessity of amending this Agreement. All Memberships are year to year and must be renewed annually. Annual Member Services Fee renewals shall be due by the record date for the annual membership meeting. Membership fees may not be prorated. This Agreement shall renew in yearly increments upon ERCOT's receipt of the following (1) Member's Renewal Application and (2) Member's applicable Annual Member Services Fee. Any Member may request that the Member's Annual Member Service Fees be waived for good cause shown.

3. **Application for Membership.** Members will submit the following items in order to apply for Membership: (i) payment of the Annual Member Services Fee and (ii) a signed copy of this Agreement. Upon approval, ERCOT will promptly notify Member Applicant of the same.

4. **Change of Designated Representative.** An ERCOT Member may change its representative at any time by written request (signed by a duly authorized representative of the ERCOT Member) submitted to the ERCOT Legal Department at membership@ercot.com.

5. **Suspension and Expulsion.** All ERCOT Members shall abide by the ERCOT Bylaws, as they may be amended from time to time, and any other rule or regulation duly adopted by the Board

of Directors. Any ERCOT Member, who willfully violates any provision of this Agreement, the ERCOT Bylaws, or any other rule or regulation duly adopted by the Board of Directors, may be reprimanded, suspended, and/or expelled in accordance with procedures adopted by the Board of Directors or set forth in the ERCOT Bylaws. Such action will affect all persons deriving Membership privileges through such ERCOT Member.

6. **Amendment.** This Agreement may be amended, modified, superseded, canceled, renewed, or extended and the terms and conditions hereof may be waived only by a written instrument executed by both parties hereto or, in the case of a waiver, by the party waiving compliance.

7. **Governing Law.** This Agreement shall be governed by and construed and interpreted in accordance with the laws of the State of Texas that apply to contracts executed in and performed entirely within the State of Texas, without reference to any rules of conflict of laws. Parties consent to the exclusive jurisdiction of Texas.

IN WITNESS WHEREOF, the Member certifies that (i) the Member meets the requirements for ERCOT Membership in the Segment designated herein; (ii) all information provided herein is true and correct to the best of the Member's knowledge; and (iii) through its authorized representative the Member agrees to be bound by the terms of this Agreement, the ERCOT Bylaws and any other requirements duly adopted by the Board of Directors.

By: _____

Printed Name: Courtney Alvarez

Title: City Attorney, City of Kingsville, TX

Date: October 24, 2016

AGENDA ITEM #3

Memorandum

Date: 10/14/2016
To: Jesus Garza, City Manager
CC: Courtney Alvarez, City Attorney, Mary Valenzuela, City Secretary
From: Emilio H. Garcia, City-County Health Director
RE: Health Board Re-Appointment

Please be advised that City-County Board of Health member Norma Sue Adrian, 3-year term has expired on September 23, 2016. Ms. Adrian has express her desire to be re-appointed for another three-year term. This re-appointment requires a joint approval of the City and County Commission. Ms. Adrian's re-appointment, shall be placed on the next Kleberg County Commissioner's Meeting on October 24, 2016. (Approval Pending)

I am requesting that Mrs. Norma Sue Adrian's re-appointment to the Board of Health be placed as an agenda item on the next City Commissioners meeting on October 24, 2016 for approval by City Commissioner's.

Thank you,

Emilio H. Garcia

City-County Health Director

AGENDA ITEM #4

**City of Kingsville
Downtown**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Cynthia Martin, Downtown Manager
DATE: October 12, 2016
SUBJECT: Request for City Support for 2016 Stride for Health 5K/10K Run

Summary: The First United Methodist Church of Kingsville has applied for sponsorship of the 2016 Stride for Health 5K/10K Run from the City of Kingsville in terms of waiver of the street closing fee and support costs from City departments for this event. It is requested that these waiver and services be considered an in-kind sponsorship.

Background: The event will be held Saturday, November 19th starting at 7:15 am. The course will close at 10 am. The run will begin in front of the First United Methodist Church Community Life Center at 5th & Yoakum. Runners will proceed east on Kleberg, north on 3rd, west on Santa Gertrudis to the University. The longer course will circle the University and return back. The shorter course will go north on University Blvd to the Main Building then back around to Armstrong and back again to the Life Center.

The timing of the event is to coincide with the Ranch Hand Festival. The run is competitive and the hope is to bring in some out of town people to participate. The run also is meant to encourage a healthy life style. Entry fees are charged and sponsorships are available. All proceeds will go to a local non-profit organizations of the participants' choice.

Financial Impact: Estimated cost to the City is \$630. Budget is attached.

Recommendation: It is recommended that the City waive the street closing fee and support costs for this event.





5K/10K RUN & WALK

Sponsored by First United Methodist Church, Kingsville, TX

DATE

November 19, 2016

LOCATION

First United Methodist Church
Corner of Kleberg & 5th St,
Kingsville, TX

START TIME

7:15AM

Course will close at 10AM

ENTRY FEE

\$25 Adult

\$15 Child (18 or under)

\$5 Military Discount

PACKET PICK-UP

- Friday, Nov. 18th 4-7PM
- Race Morning 6-7AM in the foyer of the Community Life Center on the corner of 5th and Yoakum Streets, Kingsville, Texas

AWARDS

- Male and Female winners for each age group
Age Groups: Under 10, 10-14, 15-19, 20-24, 25-34, 35-55, 55-65, 65+
- All kids under 10 will receive a medal for finishing the Run/Walk

HOW TO REGISTER

ON-LINE at www.FUMCK.org

- Click on the link to www.signmeup.com

MAIL ENTRY FORM AND CHECK to

- First United Methodist Church
230 West Kleberg, PO Box 553
Kingsville, TX 78363
ATTN: Community Connection Team

*Make checks payable to: FUMCK

ENTRY FORM (ONE PER RUNNER)

Check Race _____ 10K _____ 5K

Name (please print clearly)

First _____

Last _____

Gender M F

Date of Birth _____

Age on Race Day _____

Address _____

City _____ State _____

Email _____

Phone _____

- Acknowledgement of received registration will be sent via email

Shirt Size Adult S M L XL XXL
please circle Child S M L

Notice: Extreme weather conditions are possible; therefore, only knowledgeable and conditioned runners should enter. Walkers are welcome.

I accept ALL and FULL responsibility for any injury or accident to myself resulting from my participation in the Stride For Health with FUMC, Kingsville 5K/10K Run. I also waive any and all claims for myself against the officials or sponsors of this event.

Signature _____

If under 18, must be signed by parent or guardian

Date _____

No entry accepted without a signature.

\$500+ will be donated to the Local Non-Profit Organization which receives the **most votes**.

PLEASE ONE

- ARK (Animal Rescue Kleberg)
- Boys and Girls Club
- Boy Scouts
- CASA
- Church: _____
- Douglas Center
- 4-H
- Girl Scouts
- Kleberg County Adult Literacy Council
- South Texas Youth Development
- TAMUK Student Organization
Name: _____
- Weavers of Love
- Woman's Shelter
- Other: *please print clearly*

Must be a registered 501(c)3

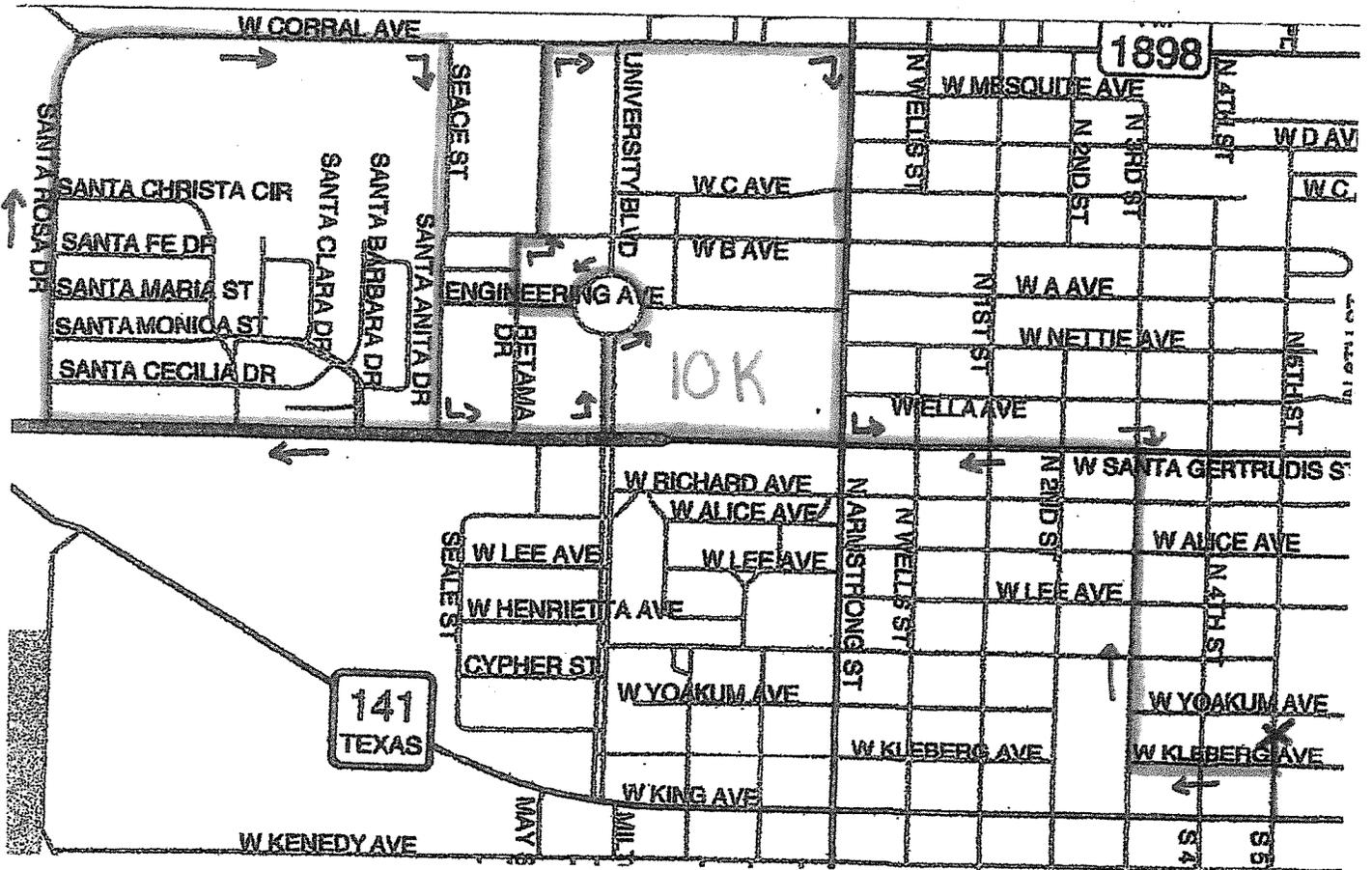
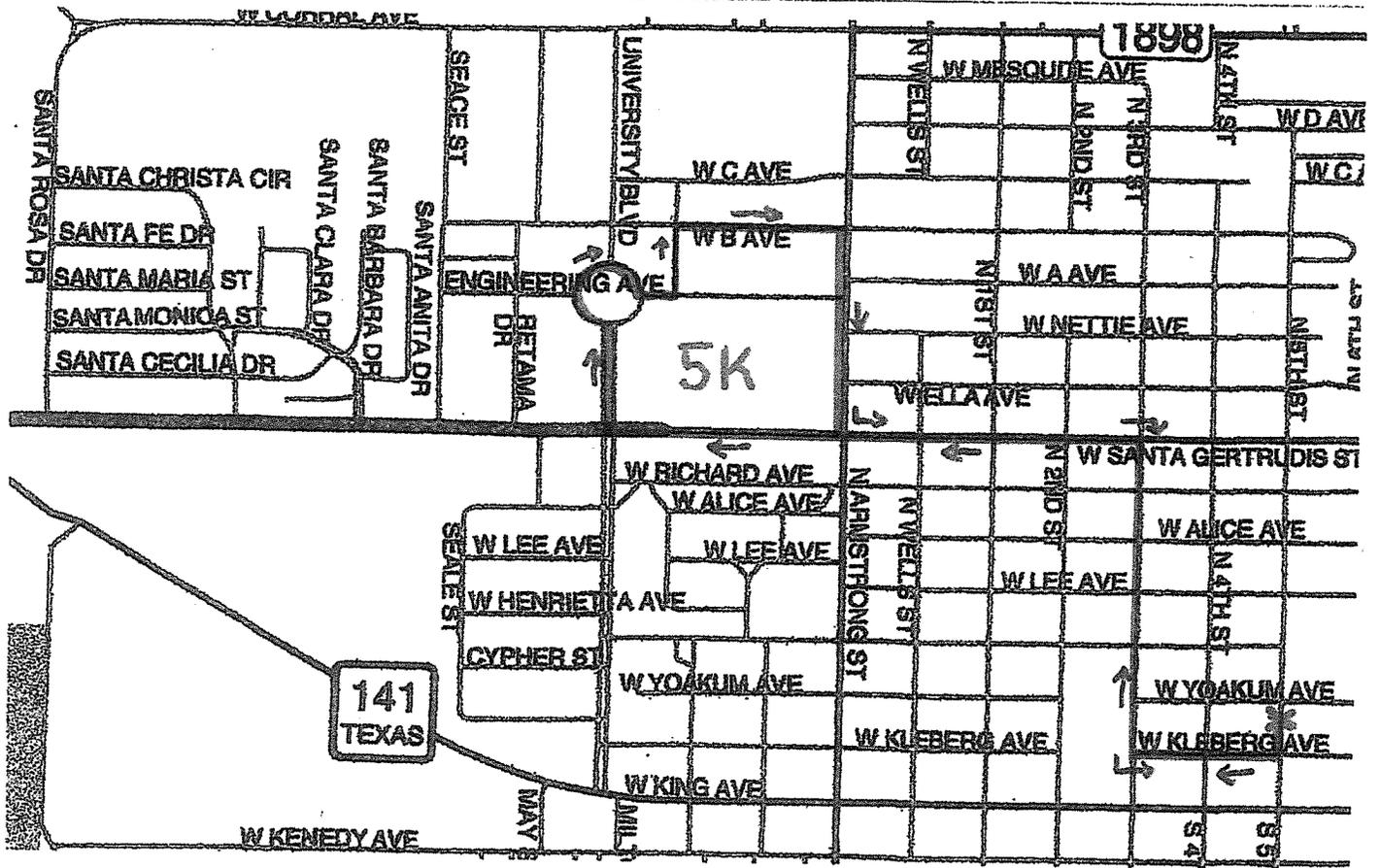
Tie Breaker for equal votes:

- 1) the number of participants that voted for the organization who actually complete the run
- 2) total supporting participant placement in the run

ENTRY FEE

- Adult \$25
- with Military discount \$20
- Child \$15

AMOUNT INCLUDED:



Cost to the City
Stride for Health 5K/10K Run
Nov. 19, 2016

Public Works

Barricades: Build-up & Tear-down \$20/hr. (6 men/4hrs) = \$480

Other

Street closing permit for large events = \$150

Total \$ 630

REGULAR AGENDA

AGENDA ITEM #5

RESOLUTION #2016-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KINGSVILLE AND TEXAS A&M UNIVERSITY-KINGSVILLE FOR STUDENT INTERNSHIPS; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") and Texas A&M University-Kingsville ("TAMUK") try to work together for the benefit of our community when able to do so; and

WHEREAS, the City of Kingsville has areas where additional personnel assistance would be beneficial but is not financially feasible and it no available at the university; and

WHEREAS, TAMUK has students who would benefit from real world experience working in a municipal government/administrative setting; and

WHEREAS, TAMUK has a student internship program that would pair students with identified positions within the City and TAMUK would pay for a maximum of four student interns in an amount not to exceed \$10/hour for a maximum of 19 hours per week for 30 weeks per year in the fall and spring semesters, subject to available funding; and

WHEREAS, the City of Kingsville and TAMUK would both benefit from the local university students performing work for the City; and

WHEREAS, the City Commission has previously approved agreements with TAMUK relating to design engineering work by student interns; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this agreement to render assistance to one another whenever practical in accordance with the terms of the agreement attached hereto.

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

1.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a Memorandum of Understanding Between the City of Kingsville and the Texas A&M University-Kingsville relating to student internships 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
24th day of October, 2016.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

TAMUK / CITY OF KINGSVILLE STUDENT INTERNSHIP

Memorandum of Understanding

Parties: The parties to this Memorandum of Understanding (“MOU”) are the City of Kingsville (“City”), a Texas home rule municipality, and Texas A&M University Kingsville (“TAMUK”), a member of the Texas A&M University System, a state agency, and Texas institution of higher education.

Purpose: The purpose of this MOU is to create an internship program between TAMUK and the City whereby students from the university would be placed in non-university career growth and exposure to work assignment which supplements their classroom development.

Objectives:

- Enhance our community partnership with the City and provide them potential work assistance in areas of need.
- Provide TAMUK student interns an opportunity to work in career environments that would otherwise not be available in a university, and
- Establish a relationship that could lead to long-term employment considerations for the student in municipal government/administration in Kingsville or elsewhere.

City Will:

- Upon program approval, the City will designate a City Internship Program Coordinator to work with the management of this internship program with TAMUK’s Human Resources Department Executive Director Leon Bazar.
- Identify three to four internship opportunities for review reflecting non-university career growth work opportunities. Upon review and agreement, these would be posted on the university’s career center student job postings.
- City and TAMUK HR (“HR”) will jointly interview candidates, as they are still employees of the university, and select the student(s) for the identified positions.
- Provide the student interns work uniforms if the work area requires a uniform. Related safety equipment (steel toe shoes, protective eyewear, etc.) would be provided by the City per its practice with their employees. If no related uniform is required, the student intern would be expected to dress appropriately and professionally for the work environment (listed in the job description).
- Provide training for interns and provide copies of all pertinent laws, policies, rules, and procedures which govern work.
- Actively work to ensure a safe work environment and provide Worker’s Compensation while the intern is physically present in the work environment.

TAMUK will:

- Provide salaries of up to but not to exceed \$10/hour for a maximum of 19 hours per week for a maximum of 4 interns for 30 weeks/year in the fall and spring semesters.
- Employment offers at the funded hourly rate would be extended jointly and the onboarding would be done through HR before the student can begin the work assignment.
- HR will work with UPD to conduct criminal background checks, I-9 and eVerify processes.
- HR would submit a Remote Location approval form through appropriate channels for Presidential approval.
- Provide Workers' Compensation coverage, should any injury occur on the way to the assigned work location or during the time there, will be reported and covered by the university plan as he/she is our employee.

Interns will:

- Enter accurate work hours on a weekly basis via the SSO log on system. Time must be entered by the required/published deadlines in order for payroll to be processed.
- Follow the published TAMUK Student Code of Conduct.
- Follow any written laws, policies, rules, or procedures required by the employing department.
- Agrees that any performance issues and resolution thereof would be addressed jointly by Human Resources and the City designee.
- Receive performance evaluations at the end of the work period which will be conducted by the City designee and provided to HR. A joint review will be conducted with the student.
- Abide by a confidentiality agreement that any information in the records and files of the TAMUK-CNED and records and files or other communications of the City shall be considered confidential by law. Any violation of confidentiality with security sensitive information by the Intern Participant will result in immediate termination from the Internship program.

This MOU will be continued through June 1, 2017, as long as funding is available for this program through Texas A&M University-Kingsville. Either party has the ability to discontinue the partnership with sixty (60) days' written notice.

Jesús A. Garza, City Manager
City of Kingsville, Texas

Terisa Riley, Ph.D., Senior Vice President
Texas A&M University-Kingsville

Date

Date

NOTE: Notice required by this Agreement may be given or served by depositing the notice in the United States Mail, in certified or registered form, postage prepaid, addressed to the other party, or by delivering the notice in person to the other party. Notice deposited in the United States Mail in the manner prescribed in this subsection is effective upon deposit. The addresses of the parties are as follows:

CITY: City of Kingsville, Texas
Attention: City Manager
P.O. Box 1458
Kingsville, Texas 78364
Telephone: (361) 595-8002
Facsimile: (361) 595-8035

TAMUK: Texas A&M University Kingsville
Attention: Associate VP for Support Services
700 University Blvd. MSC 212
Kingsville, Texas 78363-8202
Telephone: (361) 593-3219
Facsimile: (361) 593-3409

AGENDA ITEM #6



Purchasing/IT Department

361-595-8025
361-595-8035 Fax

DATE:

TO: City Commission through City Manager

FROM: David Mason, Purchasing Director

SUBJECT: RFQ 16-15 Master Planning Services for Capital Improvements at the J.K. Northway Exposition Center & Fairgrounds

SUMMARY

This items provides staff recommendation for RFQ 16-15 Master Planning Services for Capital Improvements at the J.K. Northway Exposition Center & Fairgrounds. We advertised in the Kingsville Record on September 18 and September 25, 2016 and it was available on the City of Kingsville website. A total of three (3) proposals were received on October 11, 2016 and subsequently evaluated by the review committee of Jesús Garza, Susan Ivey, Leo Alarcon, Charlie Cardenas, and David Mason.

Cumulative results are in the table below:

BACKGROUND

	ICE	Naismith	Halff/Populous
Project Approach 30/150	122	141	137
Key Personnel 40/200	160	176	194
Firm Qualifications 25/125	93	115	122
Firm Location 5/25	25	23	12
TOTAL 100/500	400	455	465

EVALUATION CRITERIA

Statements of Qualifications will be evaluated and ranked on the following criteria and point range respectively.

1. Project Approach/Project Management Plan (30 POINTS)

- Understanding of Request for Qualifications and scope of work
- Proposed approach
- Detailed work plan for the proposed project
- Firm's ability to meet the project schedule
- Interaction and coordination
- Knowledge of City work and previous project experiences with the City

2. Key Project Personnel Qualifications & Experience (40 POINTS)

- Project manager
- Project manager's past performance on recent City projects
- Project personal and roles, including lead project engineer
- Project team organization
- Staff/project manager availability, commitment to the project, and staff location
- Project team member's ability to meet on short notice at City Offices

3. Firm Qualifications and Experience (25 POINTS)

- Directly related experience and qualifications
- Recent experience in other municipal projects comparable to the one proposed.
- Experience with Exposition Center and fairgrounds master planning, particularly in the central Texas region

4. Firm Location (5 POINTS)

- Firm's location and ability to meet with City personnel as required

TOTAL POSSIBLE SCORE 100 POINTS MAXIMUM

FINANCIAL IMPACT

There is no financial impact until the contract is negotiated. Funding is available from 002-5-1076-31400.

RECOMMENDATION

It is recommended that RFQ 16-15 be awarded to the firm Halff Associates and Populous, Inc., the most highly qualified provider based on demonstrated competence and qualifications. Staff will negotiate a contract for a fair and reasonable price

AGENDA ITEM #7

CITY OF KINGSVILLE



MEMORANDUM

TO: JESUS A GARZA, CITY MANAGER
FROM: DEBORAH R BALLI, FINANCE DIRECTOR
DATE: OCTOBER 10, 2016
SUBJECT: INVESTMENT POLICY REVIEW AND ADOPTION

Chapter 2256. Public Funds Investments of the Government Code requires the governing body to review and adopt it's Investment Policy by ordinance or resolution at least annually. It was previously adopted on May 24, 2015.

There is one minor change under the Training and Education section VIII. Responsibility and Controls where previously it referenced section 2256.007 and needs to be changed to 2256.008. No other changes are necessary at this time.

The Investment Policy will be sent in again for a 2 year re-certification which expires on March 6, 2017.

RESOLUTION NO. 2016-_____

A RESOLUTION REVISING THE CITY OF KINGSVILLE INVESTMENT POLICY AND INVESTMENT STRATEGIES; DESIGNATING THE CITY MANAGER, DIRECTOR OF FINANCE, AND CITY ACCOUNTING MANAGER AS THE AUTHORIZED CITY REPRESENTATIVES WITH FULL AUTHORITY FOR INVESTMENT PURPOSES, AND PROVIDING FOR DISCLOSURE OF FINANCIAL INTEREST.

WHEREAS, the City Commission previously adopted a formal Investment Policy, which was most recently re-adopted on May 26, 2015; and

WHEREAS, in 2015 the Finance Department submitted the City's Investment Policy to the Government Treasurer's Organization of Texas (GTOT) certification program and was awarded a Certificate of Distinction for a two year period which will end on March 6, 2017; and

WHEREAS, the GTOT has established this certification program for those entities that develop an investment policy that meets the requirements of the Public Funds Investment Act and the standards for prudent public investing established by the GTOT;

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

THAT the INVESTMENT POLICY (THE "Investment Policy", attached as Exhibit A) is hereby approved:

I.

THAT the City Manager, Director of Finance, and the City Accounting Manager are hereby authorized as City Representatives. The Director of Finance and the City Accounting Manager are authorized as the investment officers responsible for the investment of the City's funds consistent with the investment policy adopted by the City;

II.

THAT the persons designated as investment officers shall exercise the judgment and care, under prevailing circumstances that a prudent person would exercise in the management of the person's own affairs, but that the City Commission retains ultimate responsibility as fiduciary of the assets of the City;

III.

THAT the authorized officers are hereby granted authority to invest the City's funds until rescinded by the City Commission, until expiration of an officer's term, or the termination of the person's employment with the City.

IV.

THAT the changes recommended by staff and the Government Treasurer's Organization of Texas that are incorporated into the attached policy be approved.

V.

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

VI.

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 24th day of October, 2016.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



INVESTMENT POLICY

Approved by City Commission via Resolution Dated
October 24, 2016

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APPENDICES

A. PUBLIC FUNDS INVESTMENT ACT
B. LIST OF AUTHORIZED CITY REPRESENTATIVES
C. INTEREST DISCLOSURE FORMS
D. INVESTMENT POLICY RESOLUTION

I. INTRODUCTION

It is the policy of the City of Kingsville to invest all available monies in conformance with these legal and administrative guidelines.

Effective cash management is recognized as essential to good fiscal management. A cash management program will be pursued to maximize interest earnings as a viable and material revenue source. The City's portfolio shall be designated and managed in a manner responsive to the public trust and consistent with local, state, and federal law.

Investments shall be made with the primary objective of:

- Preservation of capital and protection of principal;
- Maintenance of sufficient liquidity to meet operating needs;
- Security of city funds and investments;
- Diversification of investment to minimize risk while maximizing interest earnings; and
- Maximization of return on the portfolio.

Earnings from investments will be used in a manner that will best serve the interests of the City of Kingsville.

II. PURPOSE

Authorization

This Investment Policy is authorized by the City Commission (see Appendix C) in accordance with Chapter 2256, Subchapter A of the Government Code - The Public Funds Investment Act (see the attached and incorporated Appendix A).

Scope

This Investment Policy applies to activities of the City, excluding pension funds, with regard to investing the financial assets of Funds, including, but not limited to:

- General Funds
- Special Revenue Funds
- Enterprise Funds
- Internal Service Funds
- Capital Improvement Funds (Bond Proceeds, Bond Reserves and Debt Service)
- Endowments, Benevolence Fund

In addition to this policy, the investment of Bond Funds, Debt Service, and Reserve Funds shall be managed by their governing ordinances and Federal Law, including the Tax Reform Act of 1986 and subsequent legislation.

Review and Amendment

This policy shall be reviewed annually by the City Commission on or before December 31 of each calendar year subsequent to its adoption. The City Commission must authorize amendments to the policy. The City Commission shall adopt a written instrument by ordinance or resolution stating that it has reviewed the Investment Policy. The written instrument so adopted shall record any changes made to the Investment Policy.

III. DEFINITIONS

Director of Finance – The Director of Finance is the Municipal Finance Officer responsible for City investments.

Director of Finance Designee – Accounting Manager.

Excess Cash Balances – Collected bank balances not needed to pay estimated check clearings.

Investment Officers – Director of Finance and Accounting Manager.

Investment Portfolio – all City monies being invested under authority of the Investment officers.

Institution – Any firm, bank, bondholding company, broker or dealer who provides quotes for either the purchase or sale of investments.

Third Party Safekeeping Institution – Any Institution not affiliated with Institution delivering the Investment.

Investment – All authorized Securities listed in Item V. Authorized investments and maximum term investments approved by the Investment Committee include U.S. Treasuries, U.S. Agencies, Repurchase Agreements, Local Government Investment Pool, and Collateralized Certificates of Deposit.

D.K.'ed (Don't Know) Transaction – An Investment that an Institution fails to deliver to the City's third Party Safekeeping Institution.

Collateral - Securities or surety bond pledged by an Institution to safeguard City assets; the City requires either U.S. Treasuries or U.S. Agencies Securities so that the market values can be readily determined at any point in time.

Authorized City Representative – Officers authorized to transact as set out in the attached and incorporated Appendix B on behalf of the City (City Manager, Director of Finance and Accountant).

Reserve Funds – Funds designated by Commission for specific purposes, which have not been appropriated for spending.

Securities – Approved Investments designated by the Investment committee to be held in the Investment Portfolio or acceptable to be pledged as Collateral to secure the monies of the City.

Authorized Selling Group – Primary dealer and regional firms that have been selected by the underwriter to sell their securities. Each authorized member of a selling group will offer the issue at the price authorized by the governmental agency.

Qualified Representative – A person, who holds a position with a business organization, who is authorized to act on behalf of the business organization, and who is one of the following:

- For a business organization doing business that is regulated by or registered with a securities commission, a person who is registered under the rules of the Financial Industry Regulatory Authority (FINRA);
- For a state or federal bank, a savings bank, or a state or federal credit union, a member of the loan committee for the bank or branch of the bank or a person authorized by corporate resolution to act on behalf of and bind the banking institution; or
- For an investment pool, the person authorized by the elected official or board with authority to administer the activities of the investment pool to sign the written instrument on behalf of the investment pool; or
- For an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80-b-1 et seq.) or if not subject to registration under that Act registered with the State Securities Board, a person who is an officer or principal of the investment management firm.

IV. INVESTMENT OBJECTIVES

Preservation and Safety of Principal

Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall Investment Portfolio.

Liquidity

The City's Investment Portfolio must be structured in a manner that maintains the liquidity necessary to pay obligations as they become due. Timing disbursements and depositing funds as quickly as possible can generally maintain sufficient cash flows. Generally, investments are matched to specific cash flow requirements such as payrolls, debt service payments and other payables. Liquidity is also achieved by investing in investments with active secondary markets or in Local Government Pools with stable net asset values.

Return on Investments

The City's Investment Portfolio shall be designed with the objective of regularly exceeding the average yield of the three-month U.S. Treasury bill in a manner consistent with the principles of this policy described in IV. A and B. However, it must be recognized that during a declining market, satisfying this objective may not be practical until investments mature and can be re-invested.

Diversification

Diversification is required because of differing liquidity needs of the City and is employed as a way to control risks. Diversification minimizes the risk to the overall Investment Portfolio of potential losses on individual securities and enhances the safety of the Investment Portfolio.

Through the solicitation of competitive proposals, the City shall allocate and diversify its Investments through various Institutions. The following types of Investments will be solicited from the following types of Institutions:

- Government Securities – through approved brokers;
- Repurchase Agreements – through a Third Party Safekeeping Institution Agreement, which includes an approved primary dealer;
- Public Funds Investments Pools – through participation agreements; and
- Certificates of Deposit – as allowed by state law and this policy.

The City recognizes that investment risks can result from default risk and market price risks due to various technical and fundamental economic factors, and other complications, leading to temporary illiquidity.

To control market price risks, volatile Investments shall be avoided. To control default risk, the only acceptable method of payment will be on a delivery versus payment-basis for all transactions, except investment pool funds and repurchase agreements.

A delivery versus payment basis provides for payment to Institutions at the time the Investments are recorded in book entry form at the City's Third Party Safekeeping Institution, currently maintained at the Federal Reserve. For certificates of deposit, sufficient Collateral at 102% of current market values must be pledged to protect all City monies or monies under its control that exceed Federal Deposit Insurance Corporation (FDIC) overage; the Collateral must be safe kept at a Third Party Safekeeping Institution not affiliated with the bank or bank holding company providing the certificate of deposit. (See addendum.)

V. AUTHORIZED INVESTMENTS AND MAXIMUM TERM

The City of Kingsville is authorized to invest in:

Authorized Investments – Obligations of, or Guaranteed By Governmental Entities

- obligations, including letters of credit, of the United States or its agencies and instrumentalities;
- direct obligations of this state or its agencies and instrumentalities
- collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

- other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;
- obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; and
- bonds issued, assumed, or guaranteed by the State of Israel.

Unauthorized Investments

The following are not authorized investments:

- obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal
- obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
- collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and
- collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Authorized Investments – Certificates of Deposit and Share Certificates

A certificate of deposit or share certificate is an authorized investment if the certificate is issued by a depository institution that has its main office or a branch office in this state and is:

- guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;
- secured by obligations that are described by Sec V (A), including mortgage backed securities directly issued by less than the principal amount of the certificates, but excluding those mortgage backed securities of the nature described by Section V; or
- secured in any other manner and amount provided by law for deposits for the City of Kingsville.

In addition to the authority to invest funds in certificates of deposit under this section, an investment in certificates of deposit must be made in accordance with:

- the funds are invested by the City of Kingsville through:
 - a broker that has its main office or a branch office in this state and is selected from a list adopted by the City of Kingsville Commission or
 - a depository institution that has its main office or a branch office in this state and that is selected by the City of Kingsville
- the broker or depository institution selected by the City of Kingsville which arranges for the deposit of funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the City of Kingsville;

- the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and
- the City of Kingsville appoints the depository institution selected by the City of Kingsville, or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.

Authorized Investments - Repurchase Agreements

A fully collateralized repurchase agreement is an authorized investment under this subchapter if the repurchase agreement:

- has a defined termination date;
- is secured by a combination of cash and obligations described by this section; and
 - requires the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity’s name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity;
 - is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state

In this section, “repurchase agreement” means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations described by Section V (A) 1, at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.

Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered.

Money received by an entity under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

Only those investments listed in this section are authorized.

Local Government Investment Pool

The City of Kingsville may invest its funds and funds under its control through an eligible investment pool by way of rule, order, ordinance, or resolution by the City Commission. An investment pool shall invest the funds it receives from entities in authorized investments permitted by this section. An investment pool may invest its funds in money market mutual funds to the extent permitted by and consistent with this section and the investment policies and objective adopted by the investment pool.

To be eligible to receive funds from and invest funds on behalf of the City of Kingsville, an investment pool must furnish to the investment officer or other authorized representative an offering circular or other similar disclosure of the instrument that contains, at a minimum, the following information:

- the types of investments in which money is allowed to be invested;
- the maximum average dollar-weighted maturity allowed, based on the stated maturity date, or the pool;
- the maximum stated maturity date any investment security within the portfolio has;
- the objectives of the pool;
- the size of the pool;
- the names of the members of the advisory board of the pool and the dates their terms expire;
- the custodian bank that will safekeep the pool's assets;
- whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;
- whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;
- the name and address of the independent auditor of the pool;
- the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; and
- the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.

To maintain eligibility to receive funds from and invest funds, an investment pool must furnish to the investment officer or other authorized representative of the entity:

- investment transaction confirmations; and
- a monthly report that contains, at a minimum, the following information:
 - the types and percentage breakdown of securities in which the pool is invested;
 - the current average dollar-weighted maturity, based on the stated maturity date, of the pool;
 - the current percentage of the pool's portfolio in investments that have state maturities of more than one year;
 - the book value versus the market value of the pool's portfolio, using amortized cost valuation;
 - the size of the pool;
 - the number of participants in the pool;
 - the custodian bank that is safekeeping the assets of the pool;
 - a listing of daily transaction activity for the City of Kingsville
 - the yield and expense ratio of the pool, including a statement regarding how yield is calculated;
 - the portfolio managers of the pool; and
 - any changes or addenda to the offering circular.

The City of Kingsville may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

In this section, “yield” shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the federal Securities and Exchange Commission.

To be eligible to receive funds from and invest funds on behalf of the City of Kingsville, a public funds investment pool created to function as a money market mutual funds must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a \$1 net asset value. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ratio between 0.995 and 1.005. In addition to the requirements of the Investment Policy and any other forms of reporting, a public funds investment pool created to function as money market mutual fund shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

To be eligible to receive funds from and invest funds on behalf of the City of Kingsville under this section, a public funds investment pool must have an advisory board composed:

- equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created under Chapter 791 and managed by a state agency; or
- of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

To maintain eligibility to receive funds from and invest funds on behalf of the City of Kingsville, an investment pool must be continuously rate no lower than AAA or AA-m or at an equivalent rating by at least one nationally recognized rating service.

If the investment pool operates an Internet website, the information in a disclosure instrument or report described in section b, c (ii) and f must be posted on the website.

To maintain eligibility to receive funds from and invest funds on behalf of the City of Kingsville under this section, an investment pool must make available an annual audited financial statement of the investment pool in which funds are invested.

If an investment pool offers fee breakpoints based on fund balances invested, the investment pool in advertising investment rates must include either all levels of return based on the breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested.

Collateralized Certificates of Deposit – maximum term up to 1 year

Certificates of deposit to other instruments issued by state and national banks doing business in Texas that are:

- Guaranteed or insured by the Federal Deposit Insurance Corporation or its successor; or
- Secured by obligations that are described by Section V

Certificates of deposit must be fully collateralized at 102% of their market value. The City requires the bank to pledge U.S. treasuries or U.S. agencies as collateral, (Collateral Mortgage Obligations will not be eligible as Collateral see X.C.).

Weighted Average Maturity

In order to minimize risk of loss to Investment Portfolio due to interest rate fluctuations, Investment maturities will not exceed the anticipated cash flow requirements of the Funds. Maturity guidelines by Fund are as follows:

- Operating Funds - The weighted average days to maturity of Investments, other than Reserve Funds, shall be 365 days or less. The Investment Officers will monitor the maturity level and make changes as appropriate.
- Capital Improvement Funds (Bond Proceeds, bond Reserves, and Debt Service) - The Investment maturity of that portion of the City Portfolio that represents Capital Improvement Funds (bond proceeds, reserve funds, and debt service) shall be determined considering:
 - The anticipated cash flow requirements of the Capital Improvement Funds; and
 - The "temporary period" as defined by Federal tax law during which time bond proceeds may be invested at an unrestricted yield. After the expiration of the temporary period, bond proceeds subject to yield restriction shall be invested considering the anticipated cash flow requirements of the Capital Improvement Funds.

Before an Investment can be made of bond proceeds from all bond issues affected by the Tax Reform Act of 1986, a careful yield analysis must be performed to comply with the Tax Reform Act. Also, an annual rebate calculation must be performed to determine if the City is required to rebate interest at the end of each respective bond issue's five-year term. Beginning on the anniversary of the third year for the respective bond issues, all bond proceeds will be yield restricted as required by the Tax Reform Act.

- Reserve Funds: Established by Operative Bond Fund or by the City Commission - the following Reserve Funds may be invested up to two years in U.S
- Revenue Bond Interest & Sinking – Treasuries with a maximum value of \$400,000
- G.O. Debt Service Fund – Treasuries with a maximum value of \$750,000

City monies governed by this Policy may not be invested in other investments permitted by law unless (i) such investments are specifically authorized for the investment of these monies by an ordinance adopted by the City Commission issuing bonds or other debt obligations or (ii) this Policy is amended to permit such investment.

VI. EXEMPTION FOR EXISTING INVESTMENTS

The City of Kingsville is not required to liquidate investments that were authorized investments at the time of purchase.

VII. INVESTMENT MIX AND STRATEGIES

Investment Mix

As a target to ensure adequate liquidity, the Investment Portfolio administered by the Investment Officers should consist of at least 10% in U.S. Treasury Securities described in V.A.I.a. and/or certificates of deposit. A minimum of 35% of the total Investment Portfolio shall be held in Investments with maturity dates of 90 days or less for liquidity. U.S. Treasuries/Agencies may be purchased for longer term maturities (greater than one year) but shall not exceed 10% of the total Investment Portfolio to preserve liquidity.

Investment reports shall specifically address whether stated Investment mix requirements are being met. Unless approved by the Investment Advisory Committee, the target percentages specified shall not be exceeded for temporary periods greater than (30) thirty days without the Investment Officers taking corrective action.

Strategies

Investment strategies for Operating Funds and Capital Improvement Funds have as the primary objective the assurance that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create an Investment Portfolio structure that will experience minimal volatility during economic cycles. To accomplish this strategy, the City will purchase high quality, short-to-medium term investments which will complement each other.

To pay for anticipated disbursements, investments will be laddered to correspond with the projected cash needs of the City. Some Investments are acquired on the short end of the yield curve (90 days or less) to meet immediate cash needs. A few Investments are purchased on the intermediate part of the yield curve (1-2 years) to lock in high interest rates when rates are projected to decline due to the economic cycle of the economy. The dollar weighted average investment maturity of 365 days or less will be calculated using the stated final maturity dates of each investment.

Investment strategies for debt service funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligations on the required payment date. Investments purchased shall not have a stated final maturity date that exceeds the debt service payment date.

Investment strategies for debt service reserve funds shall have as the primary objective the ability to generate a dependable revenue stream to the appropriate debt service fund from investments with a low degree of volatility. In accordance with the bond ordinance specific to an individual bond issue that sets out the maximum investment term, Investments should be of high quality, with short-to-intermediate-term maturities.

Achieving Investment Return Objectives

Investment selection shall be based on legality, appropriateness, liquidity, and risk/return considerations. Monies designated for immediate expenditure should be passively invested.

Passive Investment provides for:

- Liquidity to pay upcoming disbursements (payroll, debt service, payments, payables, etc.);
- Maximizing investment terms under the current budget; and
- Structuring the Investment Portfolio on a "laddered" basis.

The remaining portion of the Investment Portfolio may be invested actively.

VIII. RESPONSIBILITY AND CONTROLS

Authority to Invest

The authority to invest City funds and the execution of any documentation necessary to evidence the investment of City funds is granted to the Director of Finance. The Director of Finance or Designee will approve all investments in writing.

The City Commission may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of public funds or other funds under its control. A contract made under authority of this subsection may not be for a term longer than two years. The City Commission must approve a renewal or extension of the contract by ordinance or resolution.

Establishment of Internal controls

The Director of Finance will establish a system of internal controls over Investment activities of the City and document such controls in the Investment Procedure Manual.

Prudent Investment Management

Investments shall be made with the same judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Prudent investment is to be judged by the Investment Portfolio as a whole, not on individual Investments.

If liquidation is necessary due to a ~~poor~~ security losing its AAA rating or for other reasons, liquidation will be done in a prudent manner consistent with the investment objectives of this policy and as provided in 2256.021 of the Government Code.

Investment of monies shall be governed by the following investment objectives in order of priority:

- preservation and safety or principal;
- liquidity; and
- yield.

The designated Investment Officers shall perform their duties in accordance with the adopted Investment Policy and Procedures set forth in the Investment Procedures Manual. Investment Officers acting in good faith and in accordance with these policies and procedures shall be relieved of person liability.

Standards of Ethics

To the extent required by section 2256.005(i) of the Government Code, the Authorized City Representatives shall make such filings as required by law.

Training and Education

Recognizing that the training and education of Investment Officers contributes to efficient and effective investment management, the City requires its Investment Officers to obtain appropriate professional training. Such training is currently required by, and shall be obtained in accordance with ~~Section 2256.007~~ **Section 2256.008-Investment Training; Local Governments** of the Government Code Public Funds Investment Act. The Investment Committee approves investments - training seminars presented by the following organizations.

- Government Finance Officers Association
- Government Finance Officers Association of Texas
- Government Treasurers Organization of Texas
- Municipal Treasurers Association
- Texas Municipal League

If the Investment Officer desires to attend an investment training seminar presented by another organization for training credit, such seminar must be approved by the City Manager or his designee.

IX. COMPETITIVE SOLICITATION

Except for repurchase agreements and public funds investment pools, any new issue investment will be purchased through an Authorized Selling Group or directly through the issuer.

For any Investment purchased or sold through the secondary market, the City will obtain at least three proposals from authorized Institutions.

Any Institution authorized to participate in the City's investment program must meet Collateral pledge requirement outlined in Section IV.D. and must submit annual financial reports.

X. AUTHORIZED INSTITUTIONS

All institutions who seek to sell an authorized Investment to the City are required to complete the questionnaire approved by the Investment Committee and furnish supporting documentation required by the Investment Committee. Securities shall only be purchased through those Institutions approved by the Investment Committee.

Investments shall only be made with those Institutions who have executed a written instrument in a form acceptable to the City, executed by a Qualified Representative of the Institution, and substantially to the effect that the Institution has:

- Received, thoroughly reviewed and acknowledged, in writing, receipt and understanding of the City's Investment Policy, and;
- Acknowledged that the Institution has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the Institution and the City that are not authorized by the City's Investment Policy.

~~A. Investments shall only be made with those Institutions who have met the qualifications and standards established by the City's Investment Committee and set forth in the Investment Procedures Manual~~

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Investments shall only be made with those business organizations (including money market mutual funds and local government invest pools) that have provided the entity with a written instrument, executed by a qualified representative of the firm, acknowledging that the business organization has:

~~B. received and reviewed the entity's investment Policy; and~~

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- implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

The Investment Committee shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the City.

The Director of Finance will request the Investment Committee to authorize deletion of Institutions for:

- slow response time;
- less than competitive pricing;
- little or no information on technical or fundamental expectations based on economic indicators;
- D.K.'ed Transactions or continuing operational difficulties;
- unwillingness to continue to abide the provisions listed in IX.A; or
- Other reasons as approved by the Investment Committee.

XI. PLEDGED COLLATERAL

The market value of pledged collateral must be at least 102% of the principal plus accrued interest for Excess Cash Balances, certificates of deposit, and repurchase agreements. Evidence of proper collateralization in the form of original safekeeping receipts held at a Third Party Safekeeping Institution not affiliated with the Institution pledging the Collateral will be approved by the Director of Finance and will be maintained in his/her Office. An authorized City Representative (See Appendix B) will approve and release all pledged collateral.

Collateral Substitution

Collateralized Investments and certificates of deposit often require substitution of collateral. Any Institution must contact the Investment Officers for approval and settlement. The substituted collateral's value will be calculated and substitution approved if its value is equal to or greater than the required collateral value. Substitution is allowable for all transactions, but should be limited, to minimize the City's potential administrative problems.

Collateral Reductions

Should the collateral's market value exceed the required amount, any Institution may request approval from the Investment Officer to reduce collateral. Collateral reductions may be permitted only if the City's records indicate that the collateral's market value exceeds the required amount.

Prohibited Securities

Investment securities described in Section 2256.009(b), Government Code, shall not be eligible for use as collateral of City's monies governed by this Policy.

XII. SAFEKEEPING

Third Party Safekeeping Agreement

The City shall contract with a Bank or Banks for safekeeping Securities either owned by the City as a part of its Investment Portfolio or held as Collateral to secure certificates of deposit, repurchase agreements, or Excess Cash Balances.

Safekeeping of Certificate of Deposit Collateral

All Collateral Securing bank and savings and loan deposits must be held in the City of Kingsville's name by a Third Party Safekeeping Institution approved by the City as evidenced by safekeeping receipts of the institution with which the securities are deposited, or Collateral may be held at the Federal Reserve Bank.

Safekeeping of Repurchase Agreement Collateral

The U.S. treasuries that serve as Collateral for repurchase agreements with Institutions must be delivered to a Third-Party Safekeeping Institution with which the city has established a third-party safekeeping agreement.

XIII. INFORMATION REPORTING/EVALUATION

The Director of Finance and Accounting Manager are hereby designated as the Investment Officers and are responsible for the daily operation of the Investment program and will report to the Investment Committee on a quarterly basis.

Investment Committee Consists of:

- City Commissioner (1)
- City Manager
- Assistant City Manager (if any)
- Director of Finance

- City Attorney

The Investment Committee will be responsible for monitoring, reviewing, and making recommendations regarding the City's Investment program to the City Commission. Reports will be provided to the City Commission by the Investment Officers no less than quarterly, as required by the Public Funds Investment Act.

On a quarterly basis, the City's main depository and all applicable Institutions providing certificates of deposit in excess of FDIC coverage will provide to the Investment Officer for review a copy of the balance sheet and income statement for the Call Report. All Institutions will provide annual audited financial statements. Any local government investment pools must provide reports and disclosure statements as required by the Public Funds Investments Act.

The market value of the portfolio must be determined at least quarterly from a reputable and independent source and disclosed to the governing body quarterly in the investment report.

Record Retention

The City follows the guidelines of retaining records for five years from City's current fiscal year, as required and authorized by the City's local records management guidelines.

XIV. BANKING SERVICES

All depository services are provided in the City's main depository agreement. Other services such as credit cards, direct deposit of payroll or other services may be administered through separate agreements. To aggressively invest Excess Cash Balances, controlled disbursements accounts, zero balance accounts and other cash management tools may be employed.

XV. GENERAL PROVISIONS

Audits and Inspections

During regular business hours and as often as the Investment Officers deem necessary, the Institution providing certificates of deposit will make available for examination by the City Manager, his duly authorized agent, accountant, or legal representative, such records and data to assure to the pledge of collateral, availability of Collateral, and financial stability of the Institution.

Compliance with Laws

Each Institution agrees to comply with all federal, state, and local laws, rules, regulations, and ordinances. The personnel or officers of such Institution shall be fully qualified and authorized under federal, state, and local law to perform the services set out under this Policy. Each Institution shall permit the Investment Officers to audit, examine, and make excerpts or transcripts from such records and to make audits of all contract, invoices, materials, and other data relating to applicable Investment.

Performance Audits

The City's Annual External Financial Audit shall include a compliance audit of management controls on Investments and adherence to this Policy. The quarterly reports prepared by Investment Officers for the City commission must be formally reviewed at least annually by an independent auditor if the city invests in other than money market mutual funds, investment pools or accounts offered by its depository in the form of certificates of deposit or money market accounts. The auditor shall report the results of the review to the City Commission.

Investment Policy Resolution

The resolution authorizing this Investment Policy is attached and incorporated as Appendix C "Investment Policy Resolution."

APPENDIX A

APPENDIX B
LISTING OF
AUTHORIZED CITY REPRESENTATIVES

CITY OF KINGSVILLE

Attached to and made a part of the City of Kingsville
Investment Policy Approved by the City Commission on October 24, 2016

The signatures below are the signatures of Authorized City Representatives vested with full authority to sign and transact business related to the investment of funds for the City of Kingsville. The Authorized City Representatives are authorized to deposit funds, transfer funds within accounts or withdraw funds as necessary to efficiently carry out the requirements of the City of Kingsville's Investment Policy.

The signatures of the officers subscribed below are true and genuine:

City Manager

Director of Finance

Accounting Manager

THIS LISTING OF AUTHORIZED CITY REPRESENTATIVES is effective this 24th day of October, 2016 and revokes all previous authorizations.

APPENDIX C
INTEREST DISCLOSURE FORM

TO: Texas Ethics Commission, Mayor and City Commission

FROM: _____

SUBJECT: Disclosure under the Public Funds Investment Act

As City Manager and Authorized City Representative, for purposes of investing City funds. I submit this disclosure of my relationships with entities or individuals who are offering, have offered, or may offer to engage in an investment transaction with the City as of the date of the completion of this form, in compliance with Public Funds Investment Act.

1. I have the following "personal business relationships" with individual or entities who are offering to engage, have offered or may offer to engage in an investment transaction with the City of Kingsville.

2. I own ten per cent (10%) or more of the voting stock or shares of or \$5,000 or more of the fair market value of the following business organization.

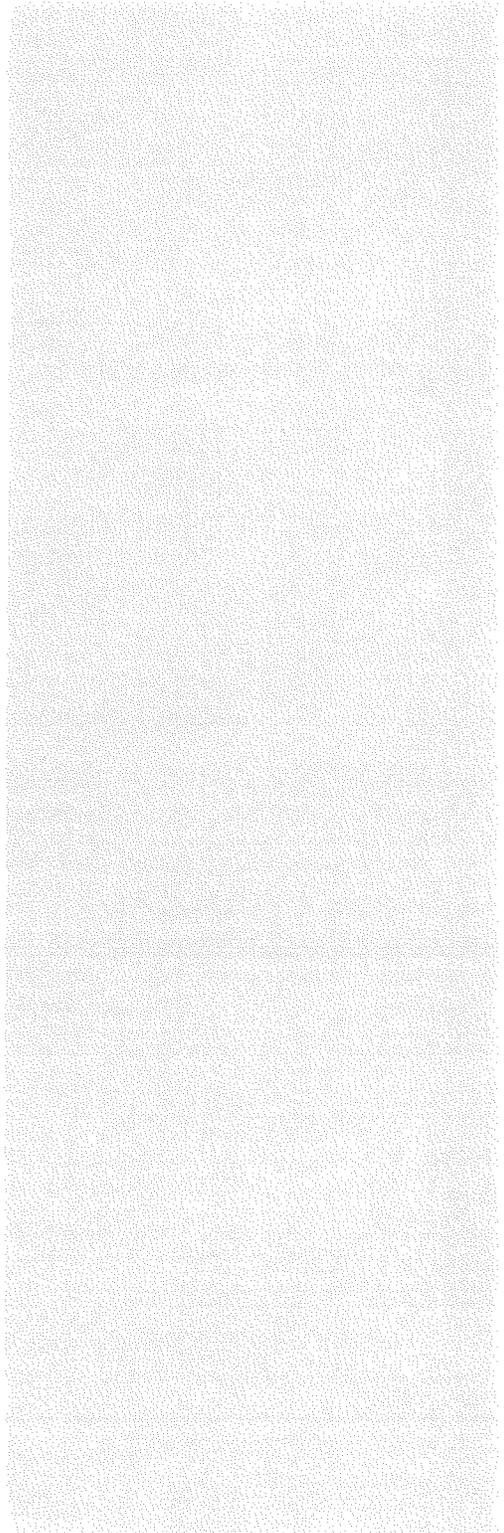
3. I have received from the following business organizations funds that exceed ten percent (10%) of my gross income for the previous year.

4. I acquired from the following business organizations during the previous year investments with a book value of \$2,500 or more for my personal account.

5. I am related within the second degree of affinity (marriage) or consanguinity (blood) as determined by Chapter 573, Government Code, to the following individuals who are seeking, have sought or may seek to sell as investment to the City of Kingsville.

City Manager

Date



APPENDIX C
INTEREST DISCLOSURE FORM

TO: Texas Ethics Commission, Mayor and City Commission

FROM: _____

SUBJECT: Disclosure under the Public Funds Investment Act

As Finance Director and Authorized City Representative, for purposes of investing City funds. I submit this disclosure of my relationships with entities or individuals who are offering, have offered, or may offer to engage in an investment transaction with the City as of the date of the completion of this form, in compliance with Public Funds Investment Act.

1. I have the following "personal business relationships" with individual or entities who are offering to engage, have offered or may offer to engage in an investment transaction with the City of Kingsville.

2. I own ten per cent (10%) or more of the voting stock or shares of or \$5,000 or more of the fair market value of the following business organization.

3. I have received from the following business organizations funds that exceed ten percent (10%) of my gross income for the previous year.

4. I acquired from the following business organizations during the previous year investments with a book value of \$2,500 or more for my personal account.

5. I am related within the second degree of affinity (marriage) or consanguinity (blood) as determined by Chapter 573, Government Code, to the following individuals who are seeking, have sought or may seek to sell as investment to the City of Kingsville.

Finance Director

Date

APPENDIX C
INTEREST DISCLOSURE FORM

TO: Texas Ethics Commission, Mayor and City Commission

FROM: _____

SUBJECT: Disclosure under the Public Funds Investment Act

As Accounting Manager and Authorized City Representative, for purposes of investing City funds. I submit this disclosure of my relationships with entities or individuals who are offering, have offered, or may offer to engage in an investment transaction with the City as of the date of the completion of this form, in compliance with Public Funds Investment Act.

1. I have the following "personal business relationships" with individual or entities who are offering to engage, have offered or may offer to engage in an investment transaction with the City of Kingsville.

2. I own ten per cent (10%) or more of the voting stock or shares of or \$5,000 or more of the fair market value of the following business organization.

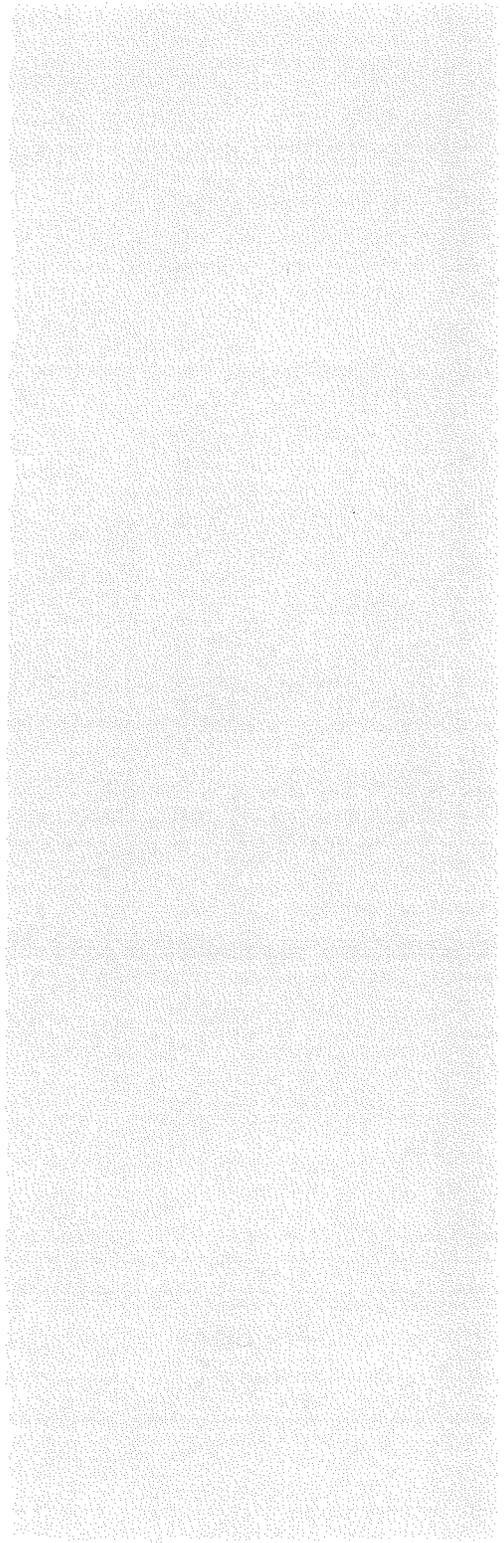
3. I have received from the following business organizations funds that exceed ten percent (10%) of my gross income for the previous year.

4. I acquired from the following business organizations during the previous year investments with a book value of \$2,500 or more for my personal account.

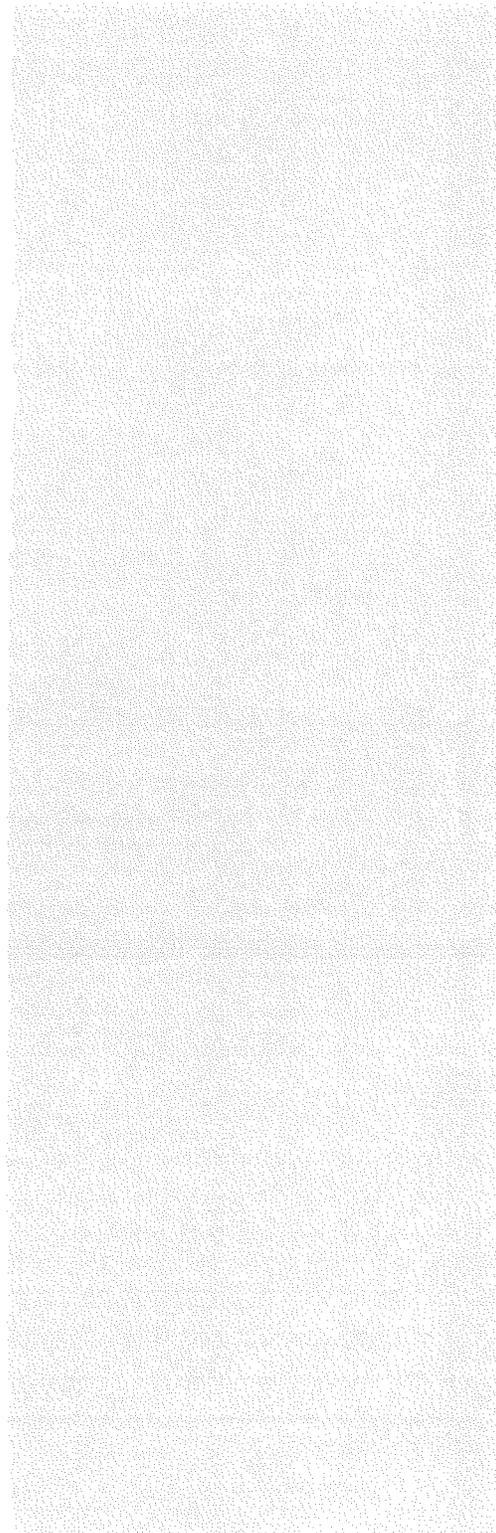
5. I am related within the second degree of affinity (marriage) or consanguinity (blood) as determined by Chapter 573, Government Code, to the following individuals who are seeking, have sought or may seek to sell as investment to the City of Kingsville.

Accounting Manager

Date



APPENDIX D



AGENDA ITEM #8

**City of Kingsville
Engineering/Public Works**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Charlie Cardenas, P.E., City Engineer/Director of Public Works

DATE: October 14, 2016

SUBJECT: Creation of an ALL WAY STOP condition at the "T" intersection of Seale Street and Santa Gertrudis Ave.

Summary:

This item authorizes the approval to create an ALL WAY STOP condition at the "T" intersection of Seale Street and Santa Gertrudis Avenue.

Background:

In 2015 a new "off campus" student housing development was constructed on Santa Gertrudis Avenue. As a result, this area has seen a growth in pedestrian activity. The Engineering department received a request from the Texas A&M University – Kingsville's (TAMUK) Student Government Association to evaluate the safety of along Santa Gertrudis and Seale Street. The evaluation consisted of traffic and pedestrian safety. Due to several accidents and pedestrian activity and the need for a controlled crosswalk, it was evaluated and determined that Santa Gertrudis Avenue and Seale Street needed the attention of a stop condition. It was observed that this "T" intersection is a stop condition on Seale Street and free flow movement on Santa Gertrudis Avenue. Furthermore, it was determined that Santa Gertrudis Avenue serves as the primary collector street and Seale Street serves as the secondary collector street. As part of the Engineering study, traffic accidents and pedestrian observations were taken into consideration.

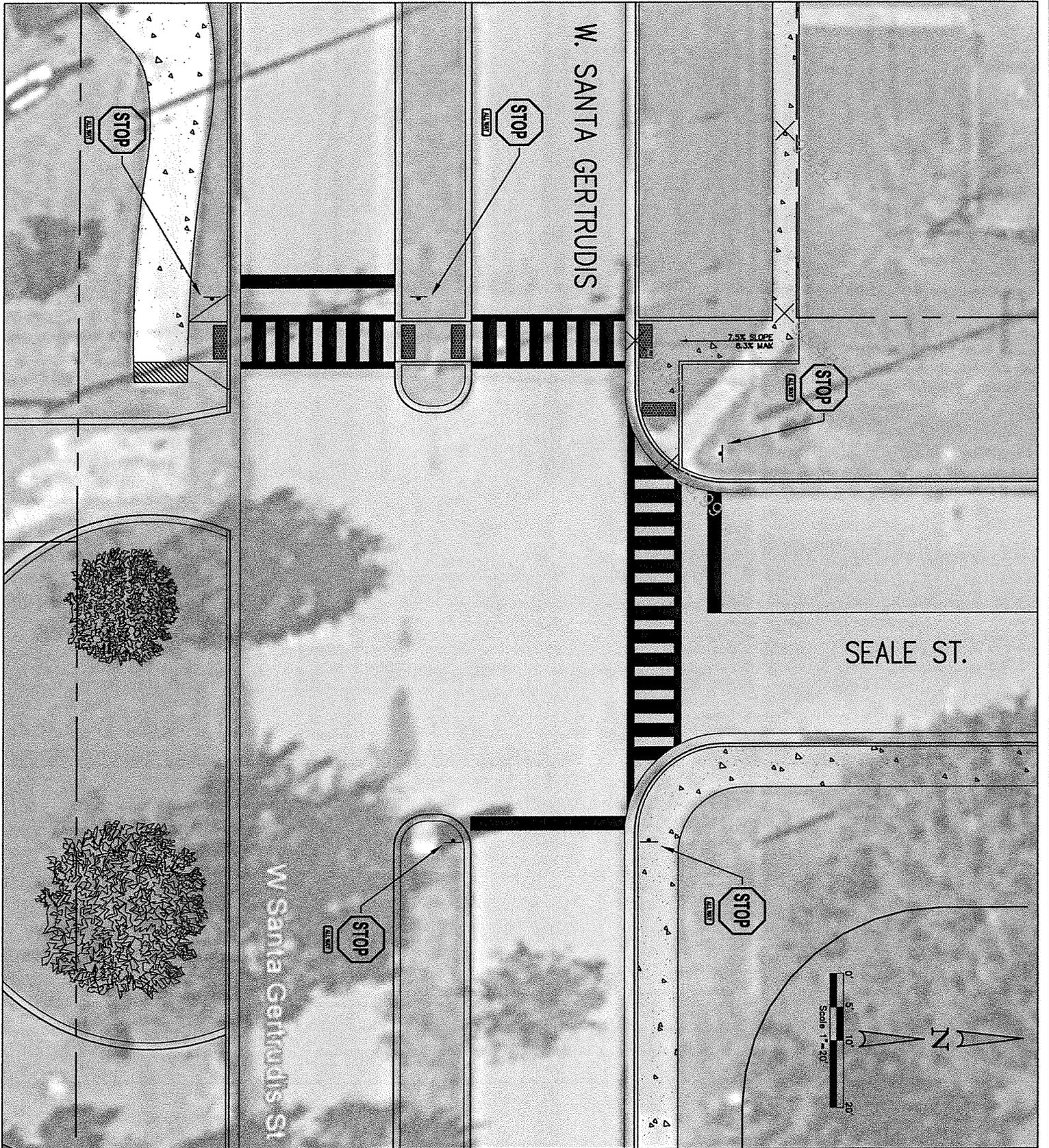
Financial Impact:

The financial impact is estimated at \$15,000.00 which includes the flashing lights attached to stop signs, curb cuts, ADA ramps, portion of sidewalk and pavement markings. Changing this condition is in accordance with state and federal guidelines and the Manual of Uniformed Traffic Control Devices (MUTCD).

Recommendation:

Staff recommends that the "T" intersection of Santa Gertrudis Avenue and Seal Street be converted to an "ALL WAY STOP" condition so that appropriate controlled crosswalks can be installed.





DATE: 10/5/16
 SCALE: 1" = 20'
 DRAWN BY: S. SANTILLAN
 CHECKED BY:
 PROJECT: /
 SHEET NO.:

No.	DATE	REVISION	REVISION
7			
6			
5			
4			
3			
2			
1			

ALL WAY STOP INTERSECTION
 SANTA GERTRUDIS AVE. & SEALE AVE.

ORDINANCE NO. 2016-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER VII, ARTICLE 8, TRAFFIC CONTROL DEVICES; PROVIDING FOR THE INSTALLATION OF STOP SIGNS ON SANTA GERTRUDIS AVENUE AT ITS INTERSECTION WITH SEALE STREET AND ON SEALE STREET AT ITS INTERSECTION WITH SANTA GERTRUDIS AVENUE; 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 7-8-3 of Article 8: Traffic Control Devices of Chapter VII, Traffic Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 7-8-3 TRAFFIC CONTROL AREAS.

...

(B)

...

AREA A		
Intersection	Direction	Device
1. Santa Monica Blvd. at Santa Gertrudis Ave.	Southbound	Delete yield sign Install stop sign
2. Santa Monica Blvd. at Santa Rosa Dr.	Westbound	Install stop sign
3. Santa Barbara Dr. at Santa Monica Dr.	Southbound	Install yield sign
4. Santa Dolores Dr. at Santa Monica Blvd.	Southbound	Install yield sign
5. Santa Anita Dr. at Santa Monica Blvd.	Westbound	Install yield sign

6. Santa Cecilia Dr. at Santa Monica Blvd.	Southbound	Install yield sign
7. Santa Fe Dr. at Santa Elena Dr.	Eastbound	Install yield sign
8. Santa Elena Dr. at Santa Gertrudis Ave.	Southbound	Delete yield sign Install stop sign
9. Santa Fe Dr. at Santa Rosa Dr.	Westbound	Delete yield sign Install stop sign
10. Wanda Dr. at Avenue I	Northbound	Install yield sign
11. Wanda Dr. at Corral Ave.	Southbound	Install stop sign
12. Santa Gertrudis Ave. at Santa Rosa Dr.	Southbound	Install stop sign
13. Wanda Dr. at Avenue F	Southbound	Install yield sign
14. Santa Rosa Dr. at Santa Gertrudis Ave.	Northbound	Install do-not-enter sign
15. Santa Rosa Dr. at Santa Gertrudis Ave	Southbound	Install yield sign
16. Santa Maria Dr. at Santa Rosa Dr.	Westbound	Install stop sign
17. Santa Rosa Dr. 400' north at Santa Fe Dr.	Northbound	Install 30 MPH sign
18. Corral Ave. 1200' west at Seale St.	Westbound	Install 30 MPH sign
19. <u>Santa Gertrudis Ave. at Seale St.</u>	<u>Westbound</u>	<u>Install stop sign</u>
20. <u>Santa Gertrudis Ave. at Seale St.</u>	<u>Eastbound</u>	<u>Install stop sign</u>
21. <u>Seale St. at Santa Gertrudis Ave.</u>	<u>Southbound</u>	<u>Install stop sign</u>

II.

THAT all Ordinances or 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 24th day of October, 2016.

PASSED AND APPROVED on this the 14th th day of November, 2016.

Sam Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #9

**City of Kingsville
Legal Department**

To: City Commission Members

From: Courtney Alvarez, City Attorney

Date: October 17, 2016

Subject: Jail Contract

Summary:

The existing jail contract between the City and County is to expire next month and the parties have negotiated a new jail contract for consideration by both governing bodies for approval.

Background:

The City of Kingsville has had a contract with the County for the housing of inmates since November 5, 1996. The Police Chief and Sheriff have had a contract between them regarding jail beds- incarceration and release of city jail inmates since September 19, 1997. As the twenty year jail contract is set to expire this year, staff from the City and County have been meeting and working on a proposed new jail contract. Changes of note from the old contract are that the new contract would be for a two-year term and secure seven beds per day at a rate of \$55 per day per bed (as opposed to ten beds per day at a rate of \$45 per day per bed), and certain terms and definitions were clarified to reflect existing practices. Based on conversations with County staff, it is anticipated that the County will consider this item at their meeting on October 24, 2016 as well.

Financial Impact:

This item will expend funds from the Jail Contract Expense line item 001-5-210.2-340.00 of which there are sufficient funds budgeted for FY16-17.

Recommendation:

It is recommended the City Commission approve the jail contract as presented.

RESOLUTION # 2016-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN KLEBERG COUNTY AND THE CITY OF KINGSVILLE REGARDING THE HOUSING OF CITY OF KINGSVILLE INMATES AT THE KLEBERG COUNTY JAIL; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Kleberg County ("County"), through the Kleberg County Sheriff's Department, operates the Kleberg County Jail, which frequently houses inmates that are incarcerated for matters involving the City of Kingsville Municipal Court;

WHEREAS, the City of Kingsville ("City") and County currently have a contract that covers the housing of City inmates at the County jail, but it is set to expire in November 2016 and the parties have need and tentatively agreed to a new proposed contract for these services;

WHEREAS, the City staff has spoken to the Kleberg County Sheriff, Ed Mata, and worked with he and other county staff members to prepare the new proposed jail contract that both governing bodies are being asked to consider approving on October 24, 2016;

WHEREAS, the City and County now desire to enter into an Interlocal Agreement regarding the housing of City inmates at the Kleberg County Jail that will provide for a two-year term and guarantee the City seven beds per day at a rate of \$55 per day per bed, among other things;

WHEREAS, the County of Kleberg and the City of Kingsville have previously entered into an interlocal agreement for this same matter and many others items that benefit the residents of their respective entities.

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

I.

THAT the City authorizes and directs the City Manager, as an act of the City of Kingsville, Texas, to enter into an Interlocal Cooperation Agreement Between Kleberg County and the City of Kingsville regarding the housing of City of Kingsville inmates at the Kleberg County Jail.

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
24th day of October, 2016.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**INTERGOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF
KINGSVILLE, TEXAS, AND KLEBERG COUNTY, TEXAS, REGARDING HOUSING
OF CITY OF KINGSVILLE INMATES AT THE KLEBERG COUNTY JAIL**

This Intergovernmental Cooperative Agreement is made and entered into pursuant to Chapter 791, Texas Government Code, Interlocal Cooperation Act, by and between The City of Kingsville, Texas, a political subdivision of the State of Texas, hereinafter referred to as "CITY OF KINGSVILLE," and Kleberg County, Texas, a political subdivision of the State of Texas, hereinafter referred to as "KLEBERG COUNTY."

1. Definitions:
 - (A) "city officer" shall mean any employee of the city who is a peace officer of the State of Texas as that term is defined in Article 2.12, Texas Code of Criminal Procedure.
 - (B) "city prisoner" shall mean any person incarcerated by any person authorized to do so for violation of any penal act over which City's Municipal Court would have jurisdiction. This includes violation of any of City's Ordinances or those misdemeanors currently referred to as Class C misdemeanors or any other offenses penal in nature, of which City's Municipal Court may acquire jurisdiction in the future. It shall also mean a person incarcerated under a Class C misdemeanor or a Municipal Instante warrant, or a Municipal Capias Pro Fine warrant. This does not include a person held with a charge where the County, District Court, or Federal Court would have jurisdiction of the person.
 - (C) "jail facility" as used herein shall mean the structure located at 1500 East King Avenue and those areas and devices used in the restraint and custody of persons. It shall also include all devices and areas necessary and ancillary to such restraint and custody but generally will not include except where necessary to the carrying out of this agreement, sheriff's offices, justice or criminal courts, commissioner's courts, dispatcher locations and equipment, or other similar areas and devices.
2. KLEBERG COUNTY hereby agrees to house male and/or female city prisoners incarcerated by CITY OF KINGSVILLE, if space is available at the jail operated by KLEBERG COUNTY.
3. The Kleberg County Sheriff shall, at all times, provide seven (7) beds for city prisoners and the sum shall be paid whether or not such beds are used or occupied. The availability of the space shall be determined by the Kleberg County Sheriff in accordance with the current jail regulations as set out by the Texas Commission on Jail Standards concerning the separation and categories of inmates. Pursuant to Texas Local Government Code 351.041, the Kleberg County Sheriff is the keeper and administrator of the Kleberg County Detention Center and shall continue to exercise supervision and control of the Kleberg County Detention Center.
4. KLEBERG COUNTY shall assess a fee for lease of seven (7) beds per day at the rate of \$55.00 per day per bed and KLEBERG COUNTY shall bill CITY OF KINGSVILLE on a monthly basis for said costs in an itemized statement. If CITY OF KINGSVILLE exceeds seven (7) beds on any day of the month, then CITY OF KINGSVILLE will be responsible for each additional bed over the seven (7) beds at a rate of \$55.00 per bed per day.
5. Non-Prescription medication will be administered without charge.

6. CITY OF KINGSVILLE hereby agrees to comply with all booking procedures of KLEBERG COUNTY. KLEBERG COUNTY hereby agrees to furnish CITY OF KINGSVILLE a copy of those specific procedures. Absent proper documentation (ie., affidavit or warrant) providing a legal basis for confining an inmate, KLEBERG COUNTY will have no obligation to receive an inmate into custody.
7. CITY OF KINGSVILLE agrees that KLEBERG COUNTY will not house any injured or ill inmates from CITY OF KINGSVILLE unless CITY OF KINGSVILLE furnishes an acceptable medical and/or psychiatric release signed by medical and/or mental health personnel, certifying that the inmate may be incarcerated.
8. CITY OF KINGSVILLE and KLEBERG COUNTY agree that should an inmate be injured while being housed by KLEBERG COUNTY, KLEBERG COUNTY, shall within ten (10) hours of injury, notify CITY OF KINGSVILLE and provide copies of all incident reports relating to said injury.
9. CITY OF KINGSVILLE shall promptly arrange to take custody of its inmates, if so requested by the Kleberg County Sheriff.
10. CITY OF KINGSVILLE agrees to assume responsibility for all transportation of CITY OF KINGSVILLE inmates housed by KLEBERG COUNTY. CITY OF KINGSVILLE transportation officers shall provide proper credentials to KLEBERG COUNTY personnel and the Kleberg County Sheriff reserves the right to confirm the identity of such personnel with CITY OF KINGSVILLE prior to the release of any CITY OF KINGSVILLE inmate.
11. All agreements between the parties are set out in this Agreement and no oral agreement not contained herein shall be enforceable against either party.
12. CITY OF KINGSVILLE agrees to bring with each inmate delivered to KLEBERG COUNTY all packets, jail cards, arrest records, classification data, medical information, and other information in possession of CITY OF KINGSVILLE regarding each inmate and has the duty to advise KLEBERG COUNTY of any unknown dangerous propensities, medical necessities, and medical conditions of each inmate.
13. In the event that a CITY OF KINGSVILLE inmate needs to be transported to a hospital in an emergency, KLEBERG COUNTY shall provide adequate and reasonable security to secure the inmate while at the hospital.
14. CITY OF KINGSVILLE shall be fully responsible and liable for all suits, claims, damages, losses or expenses, including reasonable attorney's fees, arising out of CITY OF KINGSVILLE's negligent performance or non-performance of the services and duties herein stated specifically excluding the actual incarceration of inmates by KLEBERG COUNTY. CITY OF KINGSVILLE retains full liability for each inmate until that time inmate has been processed and booked into KLEBERG COUNTY facilities.

15. KLEBERG COUNTY shall be fully responsible and liable for all suits, claims, damages, losses and expenses, including reasonable attorney's fees, arising out of KLEBERG COUNTY's negligent performance or non-performance of the services and duties herein stated, but only in regards to the actual holding and incarceration inmates by KLEBERG COUNTY in its detention facilities and specifically excluding the transfer of inmates to and from the County of Kleberg.
16. Either party may terminate this agreement with or without cause by giving at least 30-day written notice to the other party.
17. The agreement shall be for two (2) years from the last date of execution by CITY OF KINGSVILLE and KLEBERG COUNTY, unless terminated earlier as approved herein. The agreement shall be subject to renewal thereafter, or renegotiation, whichever is deemed necessary. If either party deems renegotiation of this agreement is necessary, that party shall notify the other party at least sixty (60) days in advance of the termination of this agreement.

IN WITNESS WHEREOF, the parties hereto have executed in duplicate counterparts this Agreement, each have the force and effect of an original as follows.

It has been executed on behalf of KLEBERG COUNTY on the ____ day of _____, 2016, by KLEBERG COUNTY Judge under an order of the Commissioners Court of KLEBERG COUNTY Texas, sitting as the governing body of KLEBERG COUNTY authorizing the execution; and

It has been executed on behalf of CITY OF KINGSVILLE on the ____ day of _____, 2016, by the CITY OF KINGSVILLE City Manager under an order of the City Commission of CITY OF KINGSVILLE Texas, sitting as the governing body of CITY OF KINGSVILLE authorizing the execution.

Rudy Madrid
Kleberg County Judge

Jesus A. Garza
Kingsville City Manager

Edward "Ed" M. Mata Sr.
Kleberg County Sheriff

Ricardo Torres
Kingsville Chief of Police

ATTEST:

Stephanie G. Garza
Kleberg County Clerk

Mary Valenzuela
City Secretary

APPROVED AS TO FORM:

Kira Talip
Kleberg County Attorney

Courtney Alvarez
Kingsville City Attorney

All notes and communications under this agreement shall be mailed or delivered to the Kleberg County Judge and the Kleberg County Sheriff at the following addresses:

Kleberg County Judge
700 East Kleberg
Kingsville, Texas 78363

Kleberg County Sheriff
1500 East King
Kingsville, Texas 78363

All notes and communications under this agreement shall be mailed or delivered to the City of Kingsville City Manager and the City of Kingsville Chief of Police at the following addresses:

Kingsville City Manager
P.O. Box 1458
Kingsville, Texas 78364

Kingsville Chief of Police
1700 East King
Kingsville, Texas 78363

AGENDA ITEM #10

RESOLUTION NO. 2016-_____

**A RESOLUTION RECOGNIZING THE IMPORTANCE OF MUNICIPAL COURTS, THE
RULE OF LAW, AND THE FAIR AND IMPARTIAL ADMINISTRATION OF JUSTICE
IN RECOGNITION OF MUNICIPAL COURT WEEK- NOVEMBER 7-11, 2016.**

WHEREAS, municipal courts play a significant role in preserving public safety and promoting quality of life in Texas;

WHEREAS, more people come in contact with municipal courts than all other Texas courts combined and public impression of the Texas judicial system is largely dependent upon the public's experience in municipal court;

WHEREAS, the City of Kingsville has hosted the Kingsville Municipal Court for decades;

WHEREAS, state law authorizes a municipality to either appoint or elect a municipal judge for a term of office, the Kingsville Municipal Court is a state court and its judges are members of the state judiciary;

WHEREAS, the procedures for the Kingsville Municipal Court operations are set forth in the Texas Code of Criminal Procedure and other laws of the State of Texas;

WHEREAS, the City of Kingsville is committed to the notion that our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us and that judges and court personnel should comply with the law and act in a manner that promotes public confidence in the integrity and impartiality of the judiciary;

WHEREAS, Kingsville Municipal Judges are not policy makers for the City of Kingsville but are bound by the law and the Canons of Judicial Conduct and are required to make decisions independent of the governing body of the City Council, city officials, and employees;

WHEREAS, the City Commission recognizes that the Constitution and laws of the State of Texas contain procedural safeguards in criminal cases for all defendants, including indigent defendants, and supports the Kingsville Municipal Court in complying with such legal requirements.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS THAT THE WEEK OF NOVEMBER 7 – 11, 2016 IS HEREBY RECOGNIZED AS MUNICIPAL COURT WEEK IN RECOGNITION OF THE FAIR AND IMPARTIAL JUSTICE OFFERED TO OUR CITIZENS BY THE MUNICIPAL COURT OF THE CITY OF KINGSVILLE, TEXAS.

PASSED AND APPROVED on this the 24th day of October, 2016.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #11

City of Kingsville
Public Works, Landfill Division

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Charlie Cardenas, Director of Public Works/ City Engineer

DATE: October 17, 2016

SUBJECT: Landfill land purchase

Summary:

This item authorizes staff to execute a contract for the acquisition of 40 acres of land (Lot 9, Block 36, KT&I Co.) adjacent to the City landfill in order to secure long term sustainability for cover soil.

Background:

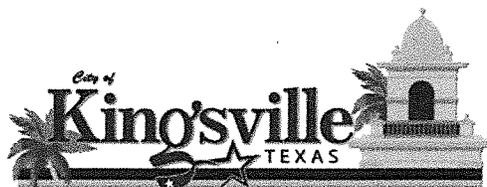
The landfill is currently going through a permit amendment to increase capacity. This will help secure soil capacity for operational cover at the landfill for decades to come. At a City Commission meeting on August 31, 2016, the City Commission authorized staff to negotiate the purchase of land for the landfill. Staff has located some land adjacent to the landfill and negotiated a proposed sale of property with the property owners and had the land surveyed.

Financial Impact:

This request reduces the Landfill Closure Fund Balance in the amount of \$190,000.00 (Fund 090-5-1703-71400).

Recommendation:

Staff recommends executing the contract for procurement of the land to secure long term sustainability of the landfill.



RESOLUTION # 2016-_____

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR THE CITY LANDFILL; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville owns and operates a landfill southeast of the city; and

WHEREAS, the City is going through a permit amendment to increase capacity at the landfill and securing soil capacity for operational cover at the landfill through this acquisition would help to secure the long term sustainability of the landfill; and

WHEREAS, the City Commission at the August 31, 2016 commission meeting authorized staff to negotiate the purchase of land for the City Landfill;

WHEREAS, staff has identified some property adjacent to the landfill and the property owners and staff have met and mutually agreed to a proposed purchase price of \$190,000 for a forty (40) acre tract of land being Lot 9, Block 36, The Kleberg Town & Improvement Company, as shown on a map recorded in Volume "A", Page 85, Map Records Kleberg County, Texas; and

WHEREAS, staff had the proposed property surveyed and has consulted with a title company regarding closing the sale for this property, whose acquisition funds have been identified in the fiscal year 2016-2017 budget; and

WHEREAS, the City Manager now needs authority from the City Commission to execute a contract for the purchase of this real property and to take actions necessary to acquire the identified property.

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

I.

THAT as the need for the soil capacity for the long term use of the landfill would be assisted by the proposed purchase of real property adjacent to the City Landfill and the parties to the proposed deal have agreed to the proposed acquisition, the City Manager is authorized and directed as an act of the City of Kingsville, Texas to take actions necessary to acquire a forty (40.00) acre tract of land being Lot 9, Block 36, The Kleberg Town & Improvement Company, as shown on a map recorded in Volume "A", Page 85, Map Records Kleberg County, Texas for a purchase price of \$190,000, the property more fully described on the attached Exhibits "A"-Legal Description and "B"-Location Map.

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 24th day of October, 2016.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION
40.00 ACRE TRACT
KLEBERG COUNTY, TEXAS

A 40.00 acre tract of land being Lot 9, Block 36, The Kleberg Town & Improvement Company, as shown on a map recorded in Volume "A", Page 85, Map Records Kleberg County, Texas. Said 40.00 acres being more particularly described as follows:

BEGINNING at a 5/8" iron rod found on the south right-of-way of a platted yet unopened portion of a county road, for the northeast corner of Lot 10, said Block 36, for the northwest corner of said Lot 9, and for **POINT OF BEGINNING** of the herein described tract;

THENCE North 89°04'00" East, with said south right-of-way, also being the north line of said Lot 9, a distance of 1262.50 feet to a 5/8" iron rod set with a red cap stamped "NAISMITH ENG. CC. TX.", for the northeast corner of said Lot 9, said point also being at the intersection of the south right-of-way of the platted yet unopened portion of a county road and the west right-of-way of County Road 1070, and for the northeast corner of the herein described tract.

THENCE South 00°59'36" East, with the west right-of-way line of said County Road 1070, also being the east line of said Lot 9, a distance of 1380.00 feet to a 5/8" iron rod set with a red cap stamped "NAISMITH ENG. CC. TX.", on the west line of said right-of-way, for the common east corner of Lots 9 and 16, of said Block 36, and for the southeast corner of the herein described tract;

THENCE South 89°04'00" West, with the common boundary line of Lots 9 & 16, said Block 36, a distance of 1262.50 feet to a 5/8" iron rod found for the common corner of Lots 9, 10, 15, & 16, of said Block 36, and for the southwest corner of the herein described tract;

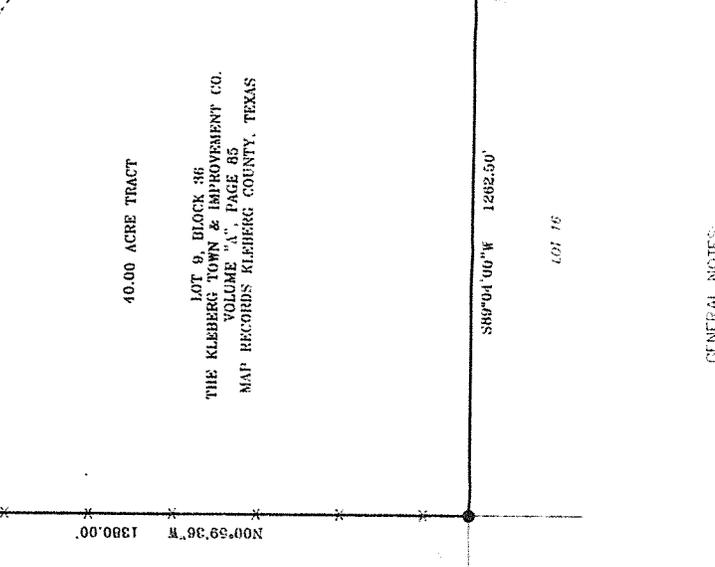
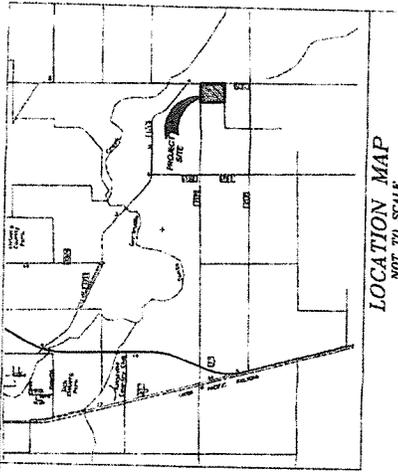
THENCE North 00°59'36" West, with the common boundary line of said Lots 9 & 10, said Block 36, a distance of 1380.00 feet to the **POINT OF BEGINNING** and containing 40.00 acres of land.

NOTE: ALL BEARINGS ARE GRID BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM FOR THE LAMBERT SOUTH ZONE (NAD 1983).

Stacey King Mora

Stacey King Mora, RPLS
Registered Professional Land Surveyor
Texas Registration No. 6166
Naismith/Hanson Engineering, Inc.
TBPE F#355 TBPLS F# 100395-00
Date: September 22, 2016





LEGEND:
 ● - IRON ROD FOUND
 ○ - 5/8" IRON ROD W/
 RED CAP STAMPED
 "NAISMITH ENG. CO. TX."
 M.R.C.O.1 - MAP RECORDS, KLEBERG
 COUNTY, TEXAS
 --- X --- FENCE

40.00 ACRE TRACT
 LOT 9, BLOCK 36
 THE KLEBERG TOWN & IMPROVEMENT CO.
 VOLUME "A", PAGE 85
 MAP RECORDS KLEBERG COUNTY, TEXAS

The Kleberg Town & Improvement Co.
 Vol. A, Pg. 85
 M.R.C.O. 1

The Kleberg Town & Improvement Co.
 Vol. A, Pg. 85
 M.R.C.O. 1

I, Stacy King Mora, Registered Professional Land Surveyor, hereby certify that this survey was prepared from an actual on the ground survey made under my direction and supervision, and represents the facts found at the time of survey, and that this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications.



Stacy King Mora
 Registered Professional Land Surveyor
 Texas Registration No. 6166

NeaSmith Engineering, Inc.

Date: _____

GENERAL NOTES:

- 1) SOME DIMENSIONS MAY BE OUT OF SCALE FOR CLARITY.
- 2) A TITLE COMMITMENT WAS NOT PROVIDED TO THE SURVEYOR. CAUTION MUST BE TAKEN BEFORE DECIDING.
- 3) PER FEMA FLOOD INSURANCE RATE MAP: FIRM COMMUNITY-PANEL NUMBER 48923C0226E, KLEBERG COUNTY, TEXAS. MAP EFFECTIVE DATE: MARCH 17, 2014. THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "A" WITH NO BASE FLOOD ELEVATIONS DETERMINED. AND IS WITHIN ZONE "X" WHERE AREAS ARE DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

BOUNDARY SURVEY OF
 LOT 9, SECTION 36, THE KLEBERG TOWN AND IMPROVEMENT
 CO., AS RECORDED IN VOLUME A, PAGE 85, MAP RECORDS,
 KLEBERG COUNTY, TEXAS & CONTAINING 40.00 ACRES OF LAND.

NA NeaSmith Engineering, Inc.
 ENGINEERING & ENVIRONMENTAL SURVEYING
 TYPE FIRM #355 TPLS FIRM #100385-00

4801 COLLIER RD. CORPUS CHRISTI, TEXAS 78411	PH. NO. 361-814-9600
Project No.: 1810179	Surveyed: 9/15/2018
Checked By: SNV	Drawn By: LDP
Scale: 1" = 200'	Approximate By: SNV
	Sheet 1 of 1

AGENDA ITEM #12

**City of Kingsville
Engineering/Public Works**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Sharam Santillan, Capital Improvements Manager

DATE: October 24, 2016

SUBJECT: Resolution in support of the intent to create a railroad quiet zone within the City of Kingsville that will prohibit the use of horns for trains.

Summary:

This item is to consider a resolution in support of the intent to create a railroad quiet zone within the City of Kingsville that will prohibit the use of horn for trains.

Background:

In accordance with regulations associated with the Federal Railroad Administration's Train Horn Rule, the City intends to create a quiet zone through public authority designation. This quiet zone will prohibit the use of horns for trains traveling along the length of the quiet zone except in emergency situations where an imminent danger is perceived by the train engineer. The limits of the quiet zone are from Trant Road to Corral Avenue. This will serve to improve the quality of life for the City residents who live within hearing range of these railroad tracks and are adversely affected by the train horn noise.

Financial Impact:

To be determined.

Recommendation:

The City recommends we move forward with the necessary process to establish a railroad quiet zone within the City limits.



RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS IN SUPPORT OF THE INTENT TO CREATE A RAILROAD QUIET ZONE WITHIN THE CITY THAT WILL PROHIBIT THE USE OF HORNS BY TRAINS EXCEPT IN EMERGENCY SITUATIONS.

WHEREAS, the Federal Railroad Administration regulates Train Horn Rules and provides for local entities a method to create a quiet zone through their community that can prohibit the use of horns for trains traveling along the length of the quiet zone except in emergency situations where an imminent danger is perceived by the train engineer; and

WHEREAS, the City of Kingsville is interested in pursuing a railroad quiet zone from Corral Avenue to Trant Road; and

WHEREAS, the financial impact to the City from such a proposed zone is unknown at this time but is being explored;

NOW THEREFORE BE IT RESOLVED, by the City Commission of the City of Kingsville, Texas to support the intent to create a railroad quiet zone within the City of Kingsville, Texas that will prohibit the use of horns by trains within the zone except for emergency situations.

PASSED AND APPROVED by the City of Kingsville City Commission on this the

24th day of October 2016.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #13

**City of Kingsville
Human Resources**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: David Solis, Risk Manager
DATE: October 17, 2016
SUBJECT: Texas Community Development Block Grant Resolution

Summary:

This agenda item will allow the City of Kingsville to apply for disaster relief funds through a Texas Community Development Block Grant Program offered by the Texas Department of Agriculture. A passed/adopted Local Government Resolution authorizing submission of the application is a requirement.

Background:

The Texas Department of Agriculture provides funding for disaster relief through a Texas Community Development Block Grant Program. The City of Kingsville will be seeking reimbursement of the 25% matching funds withheld by FEMA for expenses related to the May 31, 2016 Severe Weather Event.

Financial Impact:

None

Recommendation:

Staff recommends the adoption of the resolution.



RESOLUTION # 2016-_____

A RESOLUTION OF THE CITY COMMISSION OF KINGSVILLE, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE DISASTER RELIEF FUND; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR DISASTER RELIEF.

WHEREAS, the City of Kingsville experienced a severe weather event on May 31, 2016 and some city properties sustained substantial damage from the weather event;

WHEREAS, the Texas Community Block Grant Program, through the Disaster Relief Fund, provides eligible communities to seek funding to assist with damages from disaster events with an award range minimum of \$50,000 and a maximum of \$350,000;

WHEREAS, the City Commission of the City of Kingsville desires to seek reimbursement of the 25% matching funds withheld by FEMA for expenses related to the May 31, 2016 severe weather event; and

WHEREAS, if awarded, the grant will be used to repair the damaged City properties and/or reimburse the various city funds for amounts contributed to cover the City's out-of-pocket matching fund expenses;

WHEREAS, it is necessary and in the best interests of the City of Kingsville to submit an application for funding under the Texas Community Development Block Grant Program, with the Disaster Relief Fund;

WHEREAS, the City intends to make an application for the 25% matching funds withheld by FEMA whose exact dollar amount is unknown at this time;

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

I.

THAT a Texas Community Development Block Grant Program application for the Disaster Relief Fund is hereby authorized to be filed on behalf of the City of Kingsville with the Texas Department of Agriculture.

II.

THAT if awarded, the grant money will be used to repair the damaged City properties and/or reimburse the various city funds for amounts contributed to cover the City's out-of-pocket matching fund expenses.

III.

THAT the application amount is to be determined but it will be for be for the 25% matching funds withheld by FEMA to provide funding as noted above.

IV.

THAT the City Commission directs and designates the City Manager as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program.

V.

THAT all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, acquisition of property, civil rights and administrative requirements.

VI.

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

PASSED AND APPROVED by a majority vote of the City Commission the 24th day of October, 2016.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #14

**City of Kingsville
Downtown**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Cynthia Martin, Downtown Manager
DATE: October 18, 2016
SUBJECT: Request for City Support for Events & Parades

Summary:

The City Commission has a tradition of granting support for certain community parades and events that are held each year downtown. Instead of bringing these forward as individual agenda items, it is requested that the City Commission waive the street closing fees and support costs for the attached listing of parades and events for this fiscal year.

Background:

For any event requiring temporary closure of one or more streets, City ordinances require a fee to be paid for the requisite street closure(s) and require that City be reimbursed any actual costs and expenses incurred by them in support of the event. Ordinances also allow the City Commission to waive these requirements. Event organizers are still required to comply with all City ordinances and state laws with regards to health and safety issues. And are still required to submit a request for a permit for the required street closure(s).

Financial Impact:

The average cost for parade/event is \$586.00 per event per day for a total of \$4,688.00.

Recommendation:

It is recommended that street closing fees be waived and the services provided by the City in support of these parades and events be considered as in-kind sponsorship.



Downtown Parades and Events

Veteran's Day Parade, Nov. 11th

Ranch Hand Festival, Nov. 19th & 20th

La Posada de Kingsville Parade, Dec. 5th

MLK Day Parade & Celebration, Jan. 16th

PDAP (Palmer Drug Abuse Program) Drug Free Walk, April 22nd

4th of July Parade & Celebration, July 4th

KISD (Kingsville Ind. School District) Annual Community Fair, Aug. 18th

Costs for average parade/event per day

Barricades: Set-up and tear-down \$20/hour (5 men/4 hours) = \$400

Trash & Recycling: Delivery/Pickup/Dumping \$6 each x average 6 containers = \$36

Permit for large event \$150

AGENDA ITEM #15

**City of Kingsville
Downtown**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Cynthia Martin, Downtown Manager
DATE: October 18, 2016
SUBJECT: Donation from La Posada de Kingsville to City of Kingsville

Summary: The Board of La Posada de Kingsville has donated \$4,000 to the City of Kingsville to purchase new Christmas decorations for downtown Kingsville.

Background: The La Posada de Kingsville Celebration was founded 27 years ago to provide a series of holiday events for the Kingsville community while highlighting and attracting visitors to the community and downtown. It has provided funding, through donations, to the continued revival and improvement of downtown Kingsville. It is a non-profit organization that has a Board of Directors.

The Board decided this year to assist the City with the purchase of new Christmas decorations for downtown Kingsville to replace and upgrade worn decorations from past years to really make downtown shine this Christmas season.

Financial Impact: None

Recommendation: It is recommended that the City of Kingsville accept this donation of \$4,000 and use it as requested.



AGENDA ITEM #16

**City of Kingsville
Downtown**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Cynthia Martin, Downtown Manager
DATE: October 18, 2016
SUBJECT: Donation from La Posada de Kingsville to City of Kingsville

Summary: The Board of La Posada de Kingsville has donated \$4,000 to the City of Kingsville to purchase new Christmas decorations for downtown Kingsville.

Background: The La Posada de Kingsville Celebration was founded 27 years ago to provide a series of holiday events for the Kingsville community while highlighting and attracting visitors to the community and downtown. It has provided funding, through donations, to the continued revival and improvement of downtown Kingsville. It is a non-profit organization that has a Board of Directors.

The Board decided this year to assist the City with the purchase of new Christmas decorations for downtown Kingsville to replace and upgrade worn decorations from past years to really make downtown shine this Christmas season.

Financial Impact: None

Recommendation: It is recommended that the City of Kingsville accept this donation of \$4,000 and use it as requested.



ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO ACCEPT AND EXPEND A DONATION FROM THE LA POSADA DE KINGSVILLE FOUNDATION.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

<u>Dept No.</u>	<u>Dept Name</u>	<u>Account Name</u>	<u>Account Number</u>	<u>Budget Increase</u>	<u>Budget Decrease</u>
Fund 002 Tourism					
Revenue					
4-1070	Tourism	Donations	72030	\$4,000	
				<u>\$4,000</u>	
Expenses					
5-1071	Tourism Services	Special Events & Festivals	31441	\$4,000	
				<u>\$4,000</u>	

[To amend the FY16-17 Tourism Fund budget to accept and expend a \$4,000 donation from the La Posada de Kingsville Foundation for downtown holiday decorations as per the attached memo from the Downtown Manager.]

II.

THAT all Ordinances or 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 not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 24th day of October, 2016.

PASSED AND APPROVED on this the __ day of _____, 2016.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #17

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Deborah Balli, Director of Finance

DATE: October 14, 2016

SUBJECT: Budget Amendment-Roll Over Grant Projects

Summary:

This item authorizes the approval of a budget amendment to include grants projects not completed in FY 15-16 into the FY 16-17 budget.

Background:

In FY 15-16, the City of Kingsville was approved for various grants that were still in progress at fiscal year-end close. Since the completion dates of these grants was not known at the time of preparing the FY16-17 budget the following grants need to be rolled over into the FY16-17 budget through a budget amendment.

- TX Capital Fund Main Street Grant \$150,00 -ADA improvements and sidewalk repairs in the designated Main Street area
- Homeland Security Grant \$27,000 -Police Department Equipment (Night Vision Goggles)
- TXCDBG Grant #7215270 \$200,000 -8" Water Line Replacement

Financial Impact:

This budget amendment will allow for the completion of grant projects year in FY 16-17 that were originally budget in FY15-16.

Recommendation:

Staff recommends authorization of this budget amendment to complete the necessary projects provided by these grants.



ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO INCLUDE THE GRANT PROJECTS NOT COMPLETED IN FISCAL YEAR 2015-2016.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 General Fund					
Equity					
2		Unassigned Fund Balance	61002		<u>\$ 5,000</u>
Expenses					
5-6900	Fund Trsfrs	Transfer to Fund 079	80079	<u>\$5,000</u>	
Fund 051 Utility Fund					
Equity					
2		Unrestricted Fund Balance	61004		<u>\$60,000</u>
Expenses					
5-6900	Fund Trsfrs	Transfer to Fund 082	80082	<u>\$60,000</u>	
Fund 068 CO Series 2013-Drainage					
Equity					
2		Restricted for Capital Outlay	74002		<u>\$10,000</u>
Expenses					
5-6900	Fund Trsfrs	Transfer to Fund 079	80079	<u>\$10,000</u>	
Fund 079-TX Capital Main Street Grant					
Revenue					
4-0000	Non-Dept.	State Grants	72010	\$135,000	
4-0000	Non-Dept.	Transfer From Fund 001	75001	\$5,000	
4-0000	Non-Dept.	Transfer From Fund 068	75068	\$10,000	
				<u>\$150,000</u>	
Expenses					
5-1601	Planning/Develop	Grounds & Perm Fixtures	59100	<u>\$150,000</u>	

Fund 080-Homeland Security Grant

Revenue

4-0000 Non-Dept. State Grants 72010 \$27,000

Expenses

5-2100 Police Minor Equipment 21700 \$27,000

Fund 082-TXCDBG Grant #7215270

Revenue

4-0000 Non-Dept. Transfer From Fund 051 75010 \$60,000

4-6000 Water Construction State Grants 72010 \$140,000

\$200,000

Expenses

5-6001 Water Construction 8" Water Line Replacement 54110 \$200,000

[To amend the City of Kingsville FY 16-17 Budget to include grant projects not completed in FY 15-16 as per the attached memo from the Finance Director.]

II.

THAT all Ordinances or 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 not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 24th day of October, 2016.

PASSED AND APPROVED on this the __ day of _____, 2016.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #18

ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO INCLUDE CO SERIES 2016 PROJECTS NOT COMPLETED IN FISCAL YEAR 2015-2016.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 033-CO Series 2016-General					
Equity					
2	Non-Dept.	Restricted for Capital Outlay	74002		<u>\$1,310,417</u>
					<u>\$1,310,417</u>
Expenses					
5-1702	Sanitation	Public Works-Brush Truck & 3 Replacement Beds	71140	\$216,598	
5-3050	Streets	Public Works-Pro Patcher	71231	\$147,284	
5-3050	Streets	Public Works-Phase 1 of 6th Street Overlay	52131	\$946,535	
					<u>\$1,310,417</u>

[To amend the City of Kingsville FY 16-17 Budget to include CO Series 2016 projects that were not complete in FY 15-16 as per the attached memos from the Public Works Director/City Engineer.]

II.

THAT all Ordinances or 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 not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 24th day of October, 2016.

PASSED AND APPROVED on this the ___ day of _____, 2016.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**City of Kingsville
Public Works**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Charlie Cardenas, Public Works Director/City Engineer
DATE: October 14, 2016
SUBJECT: Budget Amendment CO 2016 6th Street Overlay Project

Summary:

This budget amendment allocates funding to current year budget. This was approved through City Commission action September 12, 2016. The new estimated completion date is the end of October 2016.

Background:

Originally this project was scheduled to be completed on or before September 30, 2016 but an accident at the HAAS Anderson plant delayed the project.

Financial Impact:

This budget amendment will reallocate funding of \$946,534.92 to 033-5-3050-521.31, CO2016 to complete the project for the current fiscal year.

Recommendation:

Staff recommends approval of the budget amendment to complete Bid 16-10 to Clark Construction, 5140 Gibbs Spawl Road, San Antonio, TX 78219 in the amount of \$946,534.92.



**City of Kingsville
Public Works**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Charlie Cardenas, Public Works Director/City Engineer
DATE: October 14, 2016
SUBJECT: Budget Amendment CO 2016 Brush Truck and Replacement Bodies

Summary:

This budget amendment allocates funding to the current year budget. The purchase of these items was approved through City Commission action July 25, 2016. New estimated delivery of the one complete truck to the City is estimated the end of October 2016. Delivery of the brush body replacements is now estimated to be November to December of 2016 due to manufacturer workloads.

Background:

Originally these items were estimated to be delivered on or before September 30, 2016.

Financial Impact:

This budget amendment will reallocate funding of \$216,598.00 to 033-5-1702-71140, CO2016 to complete the purchases in the current year.

Recommendation:

Staff recommends approval of the budget amendment to complete the purchase of the truck and bodies from Southwest International Trucks, Inc., 2401 E. Pioneer Pkwy, Arlington, TX 76010 under BuyBoard Contract # 430-13.



**City of Kingsville
Public Works**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Charlie Cardenas, Public Works Director/City Engineer
DATE: October 14, 2016
SUBJECT: Budget Amendment CO 2016 Pro-Patch Pothole Patcher

Summary:

This budget amendment allocates funding to the current year budget. The purchase of this item was approved through City Commission action June 13, 2016. New estimated delivery of the one complete truck to the City is estimated the third week of October 2016.

Background:

Originally these items were estimated to be delivered on or before September 30, 2016.

Financial Impact:

This budget amendment will reallocate funding of \$147,284.00 to 033-5-3050-71231, CO2016 to complete the purchase for the current fiscal year.

Recommendation:

Staff recommends approval of the budget amendment to complete the purchase of the Pro-Patcher truck from H.D. Industries on a Freightliner 2017 M2106 Cab and Chassis from Freightliner of Austin under BuyBoard Contracts.



AGENDA ITEM #19

**City of Kingsville
Finance Department**

TO: Mayor and City Commissioners
CC: Jesus A. Garza, City Manager
FROM: Deborah Balli, Director of Finance
DATE: October 14, 2016
SUBJECT: Budget Amendment-Insurance Claim Recovery Fund

Summary:

This item authorizes the approval of a budget amendment to include Insurance Claim Recovery funds that were not expended in FY 15-16.

Background:

On May 31, 2016, the City of Kingsville experienced thunder storms producing high winds and several confirmed tornados that caused extensive damage around the city. An initial insurance claim was submitted to the City's Insurance provider and a claim of \$1,383,412 was paid out by the end of FY 2015-2016. Since the claim was received towards the end of the fiscal year a majority of the work was incomplete by fiscal year end. This item will amend the fiscal year 2016-2017 budget to include the Insurance Claim Recovery Fund expenditures for projects that were not complete in FY 2015-2016.

Financial Impact:

This budget amendment will increase expenditures in the Insurance Claim Recovery Fund by \$756,156 in 096-5-1030-31400 Professional Services.

Recommendation:

Staff recommends authorization of this budget amendment to complete the necessary projects in the Insurance Claim Recovery Fund.



ORDINANCE NO. 2016-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO INCLUDE INSURANCE CLAIM RECOVERY PROJECTS NOT COMPLETED IN FISCAL YEAR 2015-2016.

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 096-Insurance Claim Recovery Fund					
Equity					
2	Non-Dept.	Restricted for-Insurance Claim Recovery	74002		\$756,156
					<u>\$756,156</u>
Expenses					
5-1030	City Special	Professional Services	31400	\$756,156	
				<u>\$756,156</u>	

[To amend the City of Kingsville FY 16-17 Budget to include Insurance Claim Recovery projects that were not completed in FY 15-16 as per the attached memo from the Finance Director.]

II.

THAT all Ordinances or 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 not be codified but shall become effective on and after adoption and publication as required by law.

INTRODUCED on this the 24th day of October, 2016.

PASSED AND APPROVED on this the ___ day of _____, 2016.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #20