

City of Kingsville, Texas

AGENDA CITY COMMISSION

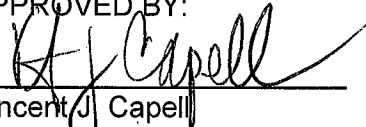
**MONDAY, OCTOBER 22, 2012
REGULAR MEETING**

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

I. Preliminary Proceedings.

OPEN MEETING

APPROVED BY:



Vincent J. Capell
City Manager

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law

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

1. Public hearing regarding condemnation proceeding for structures located at 519 N. 6th Street, Kingsville, Texas. (Director of Planning & Development Services).

III. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

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

IV. Public Comment on Agenda Items³

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. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 2, Ambulance Service, providing for the ambulance billing rates for services provided by the City. (Finance Director).
2. Consider final passage of an ordinance amending the zoning ordinance by granting a special use permit for 822 South 9th Street (Lots 29-32, Block 11, 9th Addition) for a daycare facility, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, providing for publication. (Director of Planning and Development Services).
3. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to Lots 1, 2 & 3 of Newman Center Addition, which is at the southwest corner of Retama St. and Corral Ave., from R1 Single Family District & R3 Multi-Family Residential District to solely R3 Multi-Family Residential District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, and providing for publication. (Director of Planning and Development Services).
4. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 39.03 acres out of KT&I Co., Section 22, Lot 9 known as the Hawk's Landing area from AG Agriculture District to R3 Multi-Family Residential District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, and providing for publication. (Director of Planning and Development Services).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

5. Consider condemnation of structures located at 519 N. 6th Street, Kingsville, Texas. (Director of Planning & Development Services).

6. Consider a resolution approving the assignment of the Tax Abatement Agreement between the City of Kingsville and NSH Fund, LP to NSHF-TAMUK, LLC, and authorizing the Mayor to execute an amended tax abatement agreement to reflect said assignment. (Director of Planning & Development Services).
7. Consider a resolution establishing 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. (Finance Director).
8. Consider introduction of an ordinance amending the Fiscal Year 2012-2013 budget for Community Appearance to transfer funds for maintenance projects. (Finance Director).
9. Consider awarding annual renewable contract for cleaning services at the Kingsville Law Enforcement Center to Valerio's Janitorial Service as per staff recommendation. (Bid 13-01). (Director of Purchasing & Information Technologies).
10. Consider a resolution authorizing staff to proceed with placing for sale the City's building located at 2211 South Brahma Boulevard, Kingsville, Texas. (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 citizens comments to the Mayor and Commission, no comment at this point without 5 affirmative votes of the Commission.

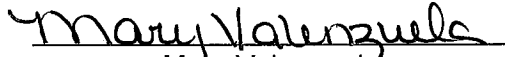
NOTICE

This City of Kingsville and Commission Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/595-8002 or FAX 361/595-8024 or E-Mail mvalenzuela@cityofkingsville.com for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 (Deliberations about Gifts and Donations), 551-074 (Personnel Matters), 551-076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board in the City Hall, 200 East Kleberg, of the City of Kingsville, Texas, a place

convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time:

October 17, 2012 at 1:00 P.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.


Mary Valenzuela
City Secretary
City of Kingsville, Texas

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

By: _____
City Secretary's Office
City of Kingsville, Texas

MINUTES OF PREVIOUS MEETING(S)

OCTOBER 8, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, OCTOBER 8, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R. Fugate, Mayor
Dianne Leubert, Commissioner
Noel Pena, Commissioner
Al Garcia, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
David Mason, Purchasing Director
Mark Rushing, Finance Director
James Bryson, Accountant Manager
Mike Kellam, Director of Development Services
Diana Gonzales, Personnel Director
Diana Medina, Collections Manager
Naim Kahn, City Engineer/Public Works Director
Bill Donnell, Asst. Public Works Director
Robert Rodriguez, Library Director
Rick Torres, Chief of Police
Roel Carrion, Interim Fire Chief
Melissa Perez, Risk Manager
Emilio Garcia, Health Director
Jennifer Bernal, Community Appearance Supervisor
Dionecio Perez, Electrical Inspector
Ken Starrs, Assistant Commander Task Force

I. Preliminary Proceedings.

Mayor Fugate called the meeting to order in the City Commission Chamber at 6:00 P.M. and announced quorum as present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mark Rushing, Finance Director followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Fugate called for consideration of the minutes for regular meeting held on Monday, September 24, 2012. **Commissioner Pecos made a motion to accept the minutes, as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting “FOR”.**

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

1. Discuss amending the zoning ordinance by granting a special use permit for 822 South 9th Street (Lots 29-32, Block 11, 9th Addition) for a daycare facility, Lorena Lopez-applicant. (Director of Planning and Development Services).

Mayor Fugate opened the public hearing at 6:04 P.M.

Mr. Kellam stated that he would like to go into full report once the item is up for consideration.

Mayor Fugate closed this public hearing at 6:05 P.M.

2. Discuss amending the zoning ordinance by changing the zoning map in reference to 39.03 acres out of KT&I Co., Section 22, Lot 9 known as the Hawk's Landing area from AG Agriculture District to R3 Multi-Family Residential District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning and Development Services).

Mayor Fugate opened the public hearing at 6:05 P.M.

Courtney Alvarez, City Attorney, stated that this includes the entire block which includes the Hawks Landing area and the other segments.

Mayor Fugate closed this public hearing at 6:07 P.M.

3. Discuss ordinance amending the zoning ordinance by changing the zoning map in reference to Lots 1, 2 & 3 of Newman Center Addition, which is at the southwest corner of Retama St. and Corral Ave., from R1 Single Family District & R3 Multi-Family Residential District to solely R3 Multi-Family Residential District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning and Development Services).

Mayor Fugate opened the public hearing at 6:07 P.M.

Mr. Fugate complimented staff on all their hard work in getting this done.

Mayor Fugate closed this public hearing at 6:08 P.M.

III. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & Investment Information, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax

Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor. No formal action can be taken on these items at this time."

Mrs. Alvarez reminded staff that agenda items for regular scheduled meeting on October 22, 2012 are due Friday, October 12, 2012.

Mayor Fugate stated that NAS Kingsville has \$14,000,000 to hook up with the City of Kingsville water and sewer. This is an indication that NAS Kingsville mission may be expanded during BRAC 2015.

Commissioner Pecos stated that he was approached by a citizen stating that the City has had a lot of garbage containers being damaged by the garbage trucks.

Mr. Kahn stated that he has not heard anything of this nature, but will look into the situation.

Bill Donnell, Assistant Public Works Director, stated that there is some garbage containers that have been damaged by the clamp on the garbage truck. He stated that there are roughly about 100 containers that get damaged by the garbage truck per year.

Mayor Fugate presented certificates of appreciation to groups of Texas A&M Kingsville for their assistance in Trash Off day.

IV. Public Comment on Agenda Items ³

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

No public comments were made at this time.

Mayor Fugate asked for a motion to approve the amended consent agenda Commissioner Garcia made a motion to approve the amended consent agenda voting only for item #2, removing agenda item #1 which is to be placed on the next Commission meeting for October 22; 2012 due to the typographical error, second by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

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. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter XI, Article 2, Ambulance Service, providing for the ambulance billing rates for services provided by the City. (Finance Director).
2. Consider to approve re-appointing Dr. Tadeo Reyna to the Library Board to serve another three (3) year term. (Library Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

3. Consider authorizing the purchase of a Landfill Compactor with Dozer Blade via BuyBoard as per staff recommendation. (Purchasing/IT Director).

Mr. David Mason, Purchasing Director stated that the current compactor is at the end of its useful life and the cost of remanufacturing of the current model is equivalent to purchase a new one. The best value for the City is a Bomag BC-2 Landfill compactor with dozer blade through Anderson Machinery under the Buy Board contract #345-10 for \$414,191. He stated that the company would like for the City to have the sales contract with the purchase order done before going proceeding with the lease agreement.

Commissioner Garcia asked if there will be a trade-in.

Mr. Mason stated that there wouldn't be a trade-in.

Motion made by Commissioner Leubert to approve the purchase of a Landfill Compactor as recommended by staff, second by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Pena, Garcia, Leubert, Fugate voting "FOR".

4. Consider designating a voting delegate and an alternate for the National League of Cities (NLC) Annual Business Meeting to be held on Saturday, December 1, 2012. (Commissioner Garcia).

Mayor Fugate made a recommendation to appoint Commissioner Pecos as the voting delegate and Commissioner Leubert as the alternate for the National League of Cities Annual Business Meeting, second by Garcia. The recommendation was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

5. Consider appointing a commission member to the City's Investment Committee. (Finance Director).

Mark Rushing, Finance Director gave a brief description as to what the City's Investment Committee does.

Commissioner Pena made a motion to appoint Commissioner Pecos to the City's Investment Committee, second by Commissioner Garcia and Commissioner Leubert. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".

6. Consider introduction of an ordinance amending the zoning ordinance by granting a special use permit for 822 South 9th Street (Lots 29-32, Block 11, 9th Addition) for a daycare facility, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, providing for publication. (Director of Planning and Development Services).

Mike Kellam, Director of Development Services stated that staff received an application for a special use permit for a daycare facility. All pertinent notices were published and sent out to the surrounding property owners that are within 200ft. radius within the location. The Planning & Zoning Commission met on September 19, 2012 in regards to this request. There were no oppositions made regarding this request. The Planning & Zoning Commission recommended Conditional Approval of the request with a unanimous 8/0 vote.

Commissioner Garcia asked what will the hours of operation be for this daycare.

Mr. Kellam stated that hours of operation will be from 7:00 A.M. to 5:30 P.M.

Commissioner Garcia stated that his concern is traffic congestion in this area.

Mr. Kellam stated that the property has a good size driveway to fit about three vehicles plus is has a half circular drive that exits off the alley. The maximum she will allow to have is 12 children.

This item is an introduction item only.

7. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Lots 1, 2 & 3 of Newman Center Addition, which is at the southwest corner of Retama St. and Corral Ave., from R1 Single Family District & R3 Multi-Family Residential District to solely R3 Multi-Family Residential District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, and providing for publication. (Director of Planning and Development Services).

Mr. Kellam stated that the Planning & Zoning Commission met on September 19, 2012 in regard to a request made by the City of Kingsville, to rezone lots 1, 2 & 3 of Newman Center Addition, which is located at the southwest corner of Retama St. and Corral Ave. The request is to rezone from R-1 Single Family Residential District and R-3 Multi-Family Residential District to solely R-3 Multi-Family Residential District. All pertinent notices were published and sent out to the surround property owners within the 200ft radius. There were no oppositions made regarding this request. The Planning & Zoning Commission recommended approval of the request with a vote of 8/0 in favor.

Commissioner Pecos asked that during the construction phase, is Corral Street going to be widened.

Mr. Kellam stated that there will be no street infrastructure improvements made for this project.

Mayor Fugate stated that in talking with the City Manager, staff is going to compile a map showing street developments. This will show what the City needs to do and what it will cost to get it done.

This item is an introduction item only.

8. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to 39.03 acres out of KT&I Co., Section 22, Lot 9 known as the Hawk's Landing area from AG Agriculture District to R3 Multi-Family Residential District, amending the comprehensive plan to account for any deviations from the existing comprehensive plan, and providing for publication. (Director of Planning and Development Services).

Mr. Kellam stated that the Planning & Zoning Commission met on September 19, 2012 in regard to a request made by the City of Kingsville, to establish a zoning designation for the recently annexed 39.03 acres also known as Lot 9, Section 22, K.T. & I Subdivision. The request is to zone the area R-3 Multi-Family Residential District, which is consistent with the existing apartment development use, known as Hawk's Landing. All pertinent notices were published and sent out to surrounding property owners that are within 200ft radius. The Planning & Zoning Commission recommended approval of the request with a unanimous 8/0 vote.

Mr. Kahn stated that 5 lights will be placed in this area, two located on FM Rd 2020 and three on Trant Rd.

This item is an introduction item only.

9. Consider options for vacant position in Legal Department. (City Attorney).

Mrs. Alvarez stated that she would like to advertise for a part-time Assistant City Attorney. This position would not increase the salaries line item for the 2012-2013 budget. The Assistant City Attorney will be working on Municipal Court issues, liens and open records request. She further stated that if no applicants were received, she would advertise for a Paralegal. Mrs. Alvarez stated that there will be a savings in the position since a new employee would start at the lesser amount than the previous employee who was there prior.

Commissioner Leubert stated that Mrs. Valenzuela is temporarily assisting in the Legal office. She asked how long it would take to fill the position so that Mrs. Valenzuela could concentrate on her schooling and the full duties of being a City Secretary.

Mrs. Alvarez stated that at this moment Mrs. Valenzuela is concentrating on her certification program and only helping in the Legal Office for about an hour a day.

Commissioner Leubert asked if there is any need to hire a temporary employee, to answer phones.

Mrs. Alvarez stated that at this time the Legal Department phones are transferred to the City Secretary. She stated that this arrangement is no different as when the previous City Secretary was out on sick leave and Mrs. Valenzuela assisted in the City Manager's Office for about 5 months.

Commissioner Leubert asked how long it would take to fill this position.

Mrs. Alvarez stated no more than a week.

VII. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:50 p.m.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

PUBLIC HEARING(S)

PUBLIC HEARING

#1

CITY OF KINGSVILLE

ADDRESS <u>519 N. 6th</u>		OWNER <u>Curtis Toni YDRAGO</u>		INSPECTOR <u>Daniel</u>		
LEGAL DESCRIPTION <u>Eric Town</u>		LOT <u>1, 2</u>	BLOCK <u>12</u>			
OWNER INFO <u>Curtis Toni YDRAGO 415 E. Henrietta Kingsville TX 78363</u>						
PROPERTY CONDITION REPORT						
	ACCEPTABLE			CONDITIONS		
	YES	NO	NOT/APP	UNSAFE	SEVERE	HAZARD
1. YARD		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
CONDITION		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
2. UTILITIES		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
a. ELECTRICITY		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
b. GAS		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
c. WATER		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
3. ROOF		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
a. COVERING		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
b. STRUCTURE		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<i>Rotten wood</i>
4. WALLS		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
a. EXTERIOR		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
b. INTERIOR		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
c. CEILINGS		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
5. WINDOWS/DOORS		<input checked="" type="checkbox"/>		<i>n/a</i>		
a. SECURED		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
b. CONDITION		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
6. FOUNDATION		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
a. FLOORS		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
7. PLUMBING		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
8. ELECTRICAL						
CODES	ADDITIONAL CONCERNS					
B. broken						
M. missing						
D. dirty						
X. unacceptable						
Bd. Bedroom						
Bt. Bathroom						
Kt. Kitchen						
Lv. Livingroom						
Dn. Diningroom						
Ft. front						
Bk back						
Lf. Left						
Rt. Right						

address	519 N. 6 th	owner		date of inspctn	5-8-12
inspector	A	type of insp		Comm	type of building
B=broken		P= pictures		R= needs repair	A= abandoned, dilapidated
M= missing		D= dirty		I= incomplete	V= over grown
X=unacceptatle		H= hazard		O= out dated	N= need repairs
EXTERIOR		BATHROOM		other rm	rt/ctr/lft ft/ctr/rr
fence		present		lits/plgs	
yard		electricity		elec hzrds	
foundation	✓	elec hazds		security	
skirt		security		windows	
walls	XB	windows		ceiling	
roof	XB	ceiling		walls	
ft door	✓	walls		floors	
bk door	✓	floors		smk detectr	
secured	✓	commode		other rm	rt/ctr/lft ft/ctr/rr
windows	✓	lavatory		lits/plgs	
stairs	NA	tub/shower		elec hzrds	
porches	X	ventilation		security	
electric	upside X	Bedroom 1	rt/ctr/lft ft/ctr/rr	windows	
plumbing	upside X	lits/plgs		ceiling	
gas	✓	elec hzrds		walls	
trees	✓	security		floors	
sidewalk	X cracked	windows		smk detectr	
parking	X	ceiling		HEATER	miss O
LIVN RM	NA	walls		WTR HTR	
present		floors		VENTILATION	
electric		smk detectr		COOLING	miss O
elec hzrds		Bedroom 2	rt/ctr/lft ft/ctr/rr	PLUMBING	O
secured		lits/plgs		SEWER TAP	m
windows		elec hzrds		WATER TAP	m
ceiling		security		ACCESS TO UNIT	H
walls		windows		FIRE EXITS	
floor		ceiling		INFESTATION	
KITCHEN	NA	walls		GARBAGE	
present		floors		DEBRIS	
electricity		smk detectr		REFUSE DISPOSAL	
elec hzrds		Bedroom 3	rt/ctr/lft ft/ctr/rr	INTERIOR	
secured		lits/plgs		HALLS	
windows		elec hzrds		STAIRS	
ceiling		security		INTR HZRDs	
walls		windows		AIR QLTy	
floor		ceiling			
stove		walls			
refrigerator		floors			
sink		smk detectr			

Roof collapsing
Inside not inspected

KLEBERG COUNTY APPRAISAL DISTRICT
PROPERTY 24893
Legal Description
ORIG TOWN, BLOCK 12, LOT 1, 2, (APPLE HOUSE)

OWNER ID
53989
OWNERSHIP
100.00%
PROPERTY APPRAISAL INFORMATION 2012
CURTIS TONI YDROGO
415 E HENRIETTA AVE
KINGSVILLE, TX 78363-3858

Entireties
GAD 100%
GKI 100%
GKL 100%
SKI 100%
WST 100%
Values
IMPROVEMENTS 0
LAND MARKET + 7,500
MARKET VALUE = 7,500
PRODUCTIVITY LOSS 0
APPRAISED VALUE = 7,500
HS CAP LOSS - 0
ASSESSED VALUE = 7,500

100101201000192
Ref ID: R24893
Map ID PLAT

ACRES:
EFF. ACRES:

SITUS 519 N 6TH ST

APPR VAL METHOD: Cost

GENERAL
LAST APPR. LR
LAST APPR. YR 2012
LAST INSP. DATE 06/21/2012
NEXT INSP. DATE
NEXT REASON

EXEMPTIONS

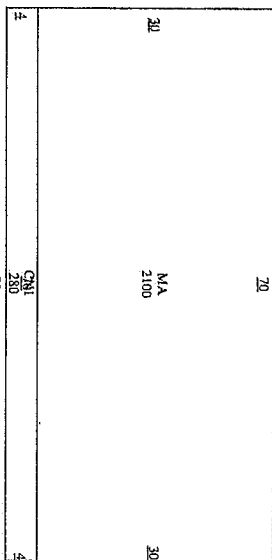
UTILITIES
TOPOGRAPHY
ROAD ACCESS
ZONING C3
NEXT REASON

REMARKS

FOR 1/2 FLAT ALL IMPS @ NV PER LR.
PROPERTY BEING CONDEMNED BY CITY - SEE
INR #2012-276 6/21/12 6/22/12 JO -- FOR 1/0 REM
FUNC, ADD 30% PHYS PER APPR LR 4/22/10

BUILDING PERMITS
ISSUED PERMIT TYPE PERMIT AREA ST PERMIT VAL

SALE DT PRICE GRANTOR DEED INFO
11/06/2008 ***** RODRIGUEZ EDILM WDL / 401 / 615
01/07/2002 ***** ALANIZ ROSAC WD / 228 / 222
COLIN TOMAS ETAL OT /



PICTURE

SUBD: S001 100.00% NBHD
TYPE DESCRIPTION MTHD CLASS/SUBCL AREA UNIT PRICE UNITS BUILT EFF YR COND. VALUE DEER PHYS ECON FUNC COMP ADJ ADJ VALUE
MA MAIN AREA F RS2L 2,100.0 0.00 1 1965 30% 100% 100% 100% 100% 100% 0.30 0
CN1 CANOPY BASIC F NV/ 280.0 0.00 1 1965 30% 100% 100% 100% 100% 100% 0.30 0
CON CONCRETE F NV/ 1,500.0 0.00 1 1965 30% 100% 100% 100% 100% 100% 0.30 0
1. COMMERCIAL STGD: F1 3,880.0 0 (Flat Values) 0 0

IMPROVEMENT INFORMATION

FOUNDATION 1 F1 1 0
Interior Finish 1 IN1 0
Roof Style 1 RT2, RM1 0
Flooring 1 FL3 0
Heating/Cooling 1 HAT 0
Plumbing 1 1 0

SUBD: S001 100.00% NBHD
TYPE DESCRIPTION MTHD CLASS/SUBCL AREA UNIT PRICE UNITS BUILT EFF YR COND. VALUE DEER PHYS ECON FUNC COMP ADJ ADJ VALUE
MA MAIN AREA F RS2L 2,100.0 0.00 1 1965 30% 100% 100% 100% 100% 100% 0.30 0
CN1 CANOPY BASIC F NV/ 280.0 0.00 1 1965 30% 100% 100% 100% 100% 100% 0.30 0
CON CONCRETE F NV/ 1,500.0 0.00 1 1965 30% 100% 100% 100% 100% 100% 0.30 0
1. COMMERCIAL STGD: F1 3,880.0 0 (Flat Values) 0 0

LAND INFORMATION
INR Wells: 0 Capacity: 0
ADJ MASS ADJ VAL SRC 1.00 A
MKT VAL AG APPLY AG CLASS AG TABLE AG UNIT PRG AG VALUE
7,500 NO 0.00 0

2011 CERTIFIED APPRAISAL ROLL

As of Supplement # 0
CKI - CITY OF KINGSVILLE

07/21/2011 12:19PM

Geo ID Order

Prop ID	Owner	% Legal Description	Effective Acres	Imp HS:	28,110	Market:	32,110
13886	13123	100.00 R Geo: 100101131000192	0.000000	Imp NHS:	0	Prod Loss:	0
MARTINEZ MARIA C		ORIG TOWN, BLOCK 11, LOT 31, 32		Land HS:	4,000	Appraised:	32,110
PO BOX 546				Land NHS:	0	Cap:	0
KINGSVILLE, TX 78364-0546				Prod Use:	0	Assessed:	32,110
		State Codes: A	Acres:	Prod Mkt:	0	Exemptions:	HS
		Situs: 302 E ALICE	Map ID:				
			Mtg Cd:				
			DBA:				
Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	
CKI	CITY OF KINGSVILLE			32,110	0	32,110	
24893	53989	100.00 R Geo: 100101201000192	0.000000	Imp HS:	0	Market:	12,080
CURTIS TONI YDROGO		ORIG TOWN, BLOCK 12, LOT 1, 2, (APPLE HOUSE)		Imp NHS:	4,580	Prod Loss:	0
415 E HENRIETTA AVE				Land HS:	0	Appraised:	12,080
KINGSVILLE, TX 78363-3858				Land NHS:	7,500	Cap:	0
		State Codes: F1	Acres:	Prod Use:	0	Assessed:	12,080
		Situs: 519 N 6TH ST	Map ID:	Prod Mkt:	0	Exemptions:	
			Mtg Cd:				
			DBA:				
Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	
CKI	CITY OF KINGSVILLE			12,080	0	12,080	
25641	15581	100.00 R Geo: 100101203000192	0.000000	Imp HS:	0	Market:	3,500
SOLIZ ARMELA L		ORIG TOWN, BLOCK 12, LOT 3, 4		Imp NHS:	0	Prod Loss:	0
PO BOX 1826				Land HS:	0	Appraised:	3,500
KINGSVILLE, TX 78364-1826				Land NHS:	3,500	Cap:	0
		State Codes: C	Acres:	Prod Use:	0	Assessed:	3,500
		Situs: 205 E RICHARD	Map ID:	Prod Mkt:	0	Exemptions:	
			Mtg Cd:				
			DBA:				
Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	
CKI	CITY OF KINGSVILLE			3,500	0	3,500	
10354	10340	100.00 R Geo: 100101205000192	0.000000	Imp HS:	0	Market:	5,250
PINA GREGORIO JR		ORIG TOWN, BLOCK 12, LOT 5, 6, 7		Imp NHS:	0	Prod Loss:	0
4017 JUAREZ AVE				Land HS:	0	Appraised:	5,250
LAREDO, TX 78041-4221				Land NHS:	5,250	Cap:	0
		State Codes: C	Acres:	Prod Use:	0	Assessed:	5,250
		Situs: 207 E RICHARD	Map ID:	Prod Mkt:	0	Exemptions:	
			Mtg Cd:				
			DBA:				
Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	
CKI	CITY OF KINGSVILLE			5,250	0	5,250	
19622	17006	100.00 R Geo: 100101208000192	0.000000	Imp HS:	11,900	Market:	15,400
GAITAN RAMONA S		ORIG TOWN, BLOCK 12, LOT 8, 9		Imp NHS:	0	Prod Loss:	0
217 E RICHARD AVE				Land HS:	3,500	Appraised:	15,400
KINGSVILLE, TX 78363-4525				Land NHS:	0	Cap:	0
		State Codes: A	Acres:	Prod Use:	0	Assessed:	15,400
		Situs: 217 E RICHARD	Map ID:	Prod Mkt:	0	Exemptions:	HS,OV65
			Mtg Cd:				
			DBA:				
Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	
CKI	CITY OF KINGSVILLE			15,400	8,400	7,000	
20414	15581	100.00 R Geo: 100101210000192	0.000000	Imp HS:	0	Market:	2,250
SOLIZ ARMELA L		ORIG TOWN, BLOCK 12, LOT 10		Imp NHS:	500	Prod Loss:	0
PO BOX 1826				Land HS:	0	Appraised:	2,250
KINGSVILLE, TX 78364-1826				Land NHS:	1,750	Cap:	0
		State Codes: F1	Acres:	Prod Use:	0	Assessed:	2,250
		Situs: 227 E RICHARD TX	Map ID:	Prod Mkt:	0	Exemptions:	
			Mtg Cd:				
			DBA:				
Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	
CKI	CITY OF KINGSVILLE			2,250	0	2,250	
12696	12242	100.00 R Geo: 100101211000192	0.000000	Imp HS:	0	Market:	6,970
GARZA FELIPE M		ORIG TOWN, BLOCK 12, LOT 11		Imp NHS:	5,220	Prod Loss:	0
627 W B AVE				Land HS:	0	Appraised:	6,970
KINGSVILLE, TX 78363-3613				Land NHS:	1,750	Cap:	0
		State Codes: A,F1	Acres:	Prod Use:	0	Assessed:	6,970
		Situs: 219 E RICHARD TX	Map ID:	Prod Mkt:	0	Exemptions:	
			Mtg Cd:				
			DBA:				
Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	
CKI	CITY OF KINGSVILLE			6,970	0	6,970	

CONDEMNATION CHECKLIST

Property Address: 579 N 16th
 Property Owner: Tony Curtis Ydorp
 Owner's Address: 415 E Henrietta
Kingsville Tx 78363

Phone: _____

Phone: _____

Fax: _____

BEGINNING DATE	ENDING DATE	ACTION
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	1. Identify structure unfit for human habitation.
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	2. Inspect Property. (Building Official)
		<input type="checkbox"/> a. Prepare inspection report.
		<input type="checkbox"/> b. Photograph property.
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	3. Determine ownership from county assessment & tax collection record.
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	4. Obtain legal description.
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	5. Obtain or complete title report to verify ownership & other vested interests, such as mortgage holders, trustees, etc.
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	6. Send Notice of Violation & copy of inspection report to property owner(s) of record. Request written response from owner within 10 days from Notice of Violation indicating action the owner intends to take within the next 30 days to correct substandard conditions.
		7. If response is not received or is not adequate, proceed as follows:
		8. Send 20-day pre notification letter owner(s) & others with vested interest in property advising the date the property will be presented to City Council for consideration of condemnation.
		<input type="checkbox"/> a. Owner unknown or whereabouts not known or such owner is a nonresident of Texas.
		1) Post affidavit in newspaper twice a week for one week
<input type="checkbox"/> _____	_____	9. Post sign on property advising date the City Council will consider condemnation of structure.
<input type="checkbox"/> _____	_____	

3-5-12 had meeting with owner to explain and repairs need to be done

3-14-12 second notice

4-13-12 4-13-12 - third notice

☐ _____

☐ _____

10. Photograph posted sign.

11. Prepare information packet for each City

Council member, plus one each for City Manager,
City Attorney & City Secretary consisting of

☐ a. Location Map

☐ b. Photographs of the structure

☐ c. Inspection report

☐ d. Pre-condemnation notice

☐ e. Condemnation resolution

☐ _____

12. Place condemnation action resolution &

supporting documentation for placement on the
City Council agenda.

☐ _____

13. City Council adopts condemnation resolution.

☐ _____

14. File Notice of Condemnation with the County
Clerk.

☐ _____

15. Send owner(s) & other vested interests the
following:

☐ a. Copy of the City Council resolution.

☐ b. 45-day order to demolish

☐ _____

16. Post 45-day Order to Demolish on structure.

☐ _____

17. Evaluate status of owner's action on 46th day
after Order of Demolition was issued. If no action
taken by owner, proceed with demolition.

☐ _____

18. Photograph posted notice.

☐ _____

19. Notify utility companies to disconnect &
remove services from structure for safe
demolition.

☐ _____

20. Issue Notice to Proceed to Public Works Dir.

☐ _____

21. Prepare demolition cost statement consisting of:

☐ a. Mailing fees

☐ b. Publication fees

☐ c. Demolition costs

☐ d. Landfill tipping fees

☐ e. Filing fees

☐ f. Administrative fees

☐ g. Any documentation miscellaneous costs



22. Send a letter & cost statement to the
Collections Department so they can send out bill.
Make copy of documents and send to the City
Attorney requesting a lien to be place on the
property.

CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

February 27, 2012

TONY CURTIS YDROGO
415 E HENRIETTA
KINGSVILLE TEXAS 78363

Re: ORIGINAL TOWN, BLOCK 12, LOT 1, 2 519 N 6TH

Dear Sir or Madam:

It has been determined that the structure at **519 N 6TH** is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.

(A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and be and become a condemned building or structure.

(B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:

(1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.

(2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES. YOU ARE HEREBY NOTIFIED THAT THESE VIOLATIONS LISTED MUST BE CORRECTED WITHIN THIRTY (30) CALENDAR DAYS FROM RECEIPT THIS LETTER.

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS **MARCH 8, 2012** FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within thirty (30) calendar days of the date of this letter, a case will be processed through Municipal Court. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate condemned structure.

If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM – 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,



Abel Carrillo
Building Official

CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

March 14, 2012

TONY CURTIS YDROGO
415 E HENRIETTA
KINGSVILLE TEXAS 78363

SECOND NOTICE

Re: ORIGINAL TOWN, BLOCK 12, LOT 1, 2 519 N 6TH

Dear Sir or Madam:

It has been determined that the structure at **519 N 6TH** is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.

(A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and be and become a condemned building or structure.

(B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:

(1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.

(2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance, or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES. YOU ARE HEREBY NOTIFIED THAT THESE VIOLATIONS LISTED MUST BE CORRECTED WITHIN THIRTY (30) CALENDAR DAYS FROM RECEIPT THIS LETTER.

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS **MARCH 29, 2012** FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within thirty, (30) calendar days of the date of this letter, a case will be processed through Municipal Court. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate condemned structure.

If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM - 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,



Abel Carrillo
Building Official

CITY OF KINGSVILLE

P. O. BOX 1458 - KINGSVILLE, TEXAS 78364



April 13, 2012

TONY CURTIS YDROGO
415 E HENRIETTA
KINGSVILLE TEXAS 78363

THIRD NOTICE

Re: ORIGINAL TOWN, BLOCK 12, LOT 1, 2 519 N 6TH

Dear Sir or Madam:

It has been determined that the structure at **519 N 6TH** is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.

(A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and be and become a condemned building or structure.

(B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:

(1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.

(2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES; Chapter 15 Article 1, Sections 97, 98, 100. YOU ARE HEREBY NOTIFIED THAT THESE VIOLATIONS LISTED BELOW MUST BE CORRECTED WITHIN TWENTY-ONE (21) CALENDAR DAYS FROM RECEIPT THIS LETTER.

- The roof, which is in despair and allows moisture penetration
- The siding, which is in despair and allows moisture penetration
- The sign, which is obsolete and in disrepair

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU OUTLINING THE REPAIRS AND THE SCHEDULE OF WORK TO BE MADE WITHIN TEN (10) DAYS **APRIL 23, 2012** FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT TWENTY-ONE (21) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

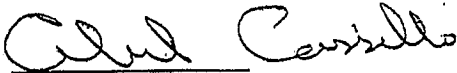
If these violations are not mitigated within twenty-one (21) calendar days (MAY 4, 2012) of the date of this letter, a case will be processed through Municipal Court. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

For your information we have attached of our non- residential code

Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate condemned structure.

If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM - 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,

A handwritten signature in cursive script, reading "Abel Carrillo". The signature is written in dark ink and is positioned above a horizontal line.

Abel Carrillo
Building Official



BUILDING DEPARTMENT

City of Kingsville
Phone: 361-595-8019 Fax: 361-595-8035

CERTIFIED MAIL – RETURN RECEIPT #7011 0110 0000 4433 0324

June 14, 2012

Tony Ydrogo Curtis
415 E Henrietta.
Kingsville, TX 78363

Re: HEARING FOR PROPERTY AT 519 N 6th

Dear Sir or Madam:

On February 27, 2012, a letter was sent from the City of Kingsville stating that your property located at 519 N 6th was a fire hazard or was dangerous to human life, or constitutes a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment such that the structures located thereon are unsafe and a nuisance. In that letter, you were further advised that you needed to repair or demolish the structures within a certain timeframe. As the timeframe has passed and the unsafe structures on your property have not been repaired or demolished, the structures on your property are being recommended for condemnation before the Kingsville City Commission.

You are hereby cited to appear before the City Commission at a public hearing on **Monday, July 9, 2012 at 6:00 p.m.** to show cause why such structures should not be condemned. You may appear in person, by agent or by counsel at the hearing. You will need to submit at the hearing proof of the scope of any work that may be required to comply with city ordinances and the time it will take to reasonably perform the work. The condemnation hearing is set for July 9, 2012.

The hearing will take place at the Alcorn Commission Chambers located on the first floor of City Hall, 200 E. Kleberg Avenue, Kingsville, Texas, during a regularly scheduled meeting of the City Commission.

If you have any questions about the condemnation process or how to get a building permit to fix the structures, please contact me at (361) 595-8019.

Sincerely,

Abel Carrillo
Building Official



BUILDING DEPARTMENT

City of Kingsville
Phone: 361-595-8019 Fax: 361-595-8035

CERTIFIED MAIL – RETURN RECEIPT #7011 0110 0000 4433 0942

September 18, 2012

TONI YDROGO CURTIS
415 E HENRIETTA
KINGSVILLE, TX 78363

Re: **HEARING FOR PROPERTY AT 519 N 6TH**

Dear Ms. Curtis:

Dating back to February 27, 2012, a series of letters were sent from the City of Kingsville stating that your property located at 519 N 6TH was a fire hazard and/or was dangerous to human life, and/or constitutes a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. Due to these findings the structures located thereon are unsafe and a nuisance. In that letter, you were further advised that you needed to repair or demolish the structures within a certain timeframe. As the timeframe has passed and the unsafe structures on your property have not been repaired or demolished, the structures on your property are being recommended for condemnation before the Kingsville City Commission.

Additionally, on July 9, 2012, you appeared before the City Commission regarding the condemnation for demolition for the above referenced property. At that hearing, city staff presented photos and a condition report indicating the building is in serious disrepair and dangerous to the public health, safety and welfare. In the meeting you indicated to the City Commission that you needed additional time to make repairs, although no formal repair plan was presented at the meeting, and you were directed by the City Commission to meet with city staff to devise an acceptable repair plan with a reasonable timeline for completion. More than two months have passed and no contact has been made to present such a plan and no improvements have been made to the property. In fact, the property has deteriorated further.

Due to the aforementioned statement of events with no corrective action being taken, you are hereby cited to appear before the City Commission at a public hearing on **Monday, OCTOBER 22, 2012 at 6:00 p.m.** to show cause why such structures should not be condemned. You may appear in person, by agent or by counsel at the hearing. You will need to submit at the hearing proof of the scope of any work that may be required to comply with city ordinances and the time it

will take to reasonably perform the work. The condemnation hearing is set for OCTOBER 22, 2012.

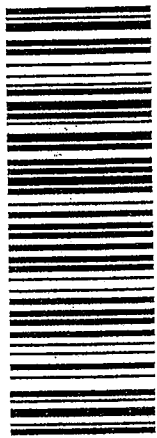
The hearing will take place at the Alcorn Commission Chambers located on the first floor of City Hall, 200 E. Kleberg Avenue, Kingsville, Texas, during a regularly scheduled meeting of the City Commission.

If you have any questions about the condemnation process or how you can obtain a building permit to repair the structure, please contact me at (361) 595-8019.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Ramirez", with a stylized flourish at the end.

Daniel Ramirez
Building Official

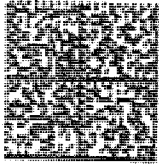


TEXAS 78364

7011 0110 0000 4431 5628

12/17/11

020412



UNITED STATES POSTAGE

02 1M \$05.59
0004247745 DEC 16 2011
MAILED FROM ZIP CODE 78363

*Toni Yang Luntia
415 E Hemmetts
Kingsville, TX 78363*

UNC



11/11/03
PLACE STICKER ON TOP OF MAIL
LINE
OF THE RETURN ADDRESS
1277A

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
*Tommy's Garage
415 E. Bennett
Kingsville, TX 78363*

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

2. 7010 0780 0000 7424 4343

579

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also, complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Tony Curtis 4150
4150 E Hennette
Kempville, TX 78363

Article (Transit) 7011 0110 0000 4431 6427

S Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also, complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tony Curtis 4150
4150 E Hennette
Kempville, TX 78363

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☐ Addressee
x *Tony Curtis*
B. Received by (Printed Name) C. Date of Delivery
Tony Curtis *04/10/12*
D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☐ Addressee
x *Tony Curtis*
B. Received by (Printed Name) C. Date of Delivery
Tony Curtis *04/10/12*
D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

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PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

JULY 9, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 9th, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R Fugate, Mayor
Arturo Pecos, Commissioner
Dianne Leubert, Commissioner

CITY COMMISSION ABSENT:

Al Garcia, Commissioner
Noel Pena, Commissioner

CITY STAFF PRESENT:

Vincent J Capell, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
David Mason, Purchasing Director
Naim Khan, City Engineer/Public Works Director
Mike Kellam, Director of Development Services
Bob Trescott, Downtown/Special Projects Manager
Willie Vera, Task Force Commander
Mark Rushing, Finance Director
Roel Carrion, Interim Fire Chief
Yolanda Cadena, Health Director
Tony Verdin, Information System Technician
Diana Medina, Collections Supervisor
Rose Morrow, Municipal Court Supervisor
Diana Gonzales, Human Resource Director
Caron Vela, Accounting Manager
Ricardo Torres, Police Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chambers at 6:02 P.M. and announced quorum as present, with three members present, and Commissioners Garcia and Pena absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mr. Mark Rushing, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Fugate called for consideration of the minutes of the regular meeting of Monday, June 25th. **Commissioner Pecos made a motion to accept the minutes, as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Fugate, Leubert, Pecos voting "FOR". Garcia, Pena "ABSENT".**

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

1. Public Hearing regarding condemnation proceeding for structures located at 707 West Warren, 519 North 6th, & 624 West Johnston. (Director of Development Services).

Mayor Fugate opened the public hearing at 6:04 P.M.

Mr. Kellam addressed the Commission, stating that the information on said locations is in their packets, the necessary protocol was followed, inspections were made and photos are enclosed to show the state of the buildings. There's documentation of the attempts to come to a different solution and in some cases they are not available because of the conditions of the building.

Mayor Fugate called for comments from the public.

Mayor Fugate closed the public hearing at 6:07 P.M.

III. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

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

City Manager Capell had no comments.

Ms Alvarez reported Friday is the deadline for agenda items for next regularly scheduled meeting on Monday, July 23rd; there will be a special public hearing scheduled to begin at 5:00 P.M. with the regular Commission meeting at 6:00 P.M.; and there will be a special Commission meeting at 5:00 P.M. on Thursday, July 26th to conduct the public hearing for the annexation of the Hawks Landing area which requires two public hearings.

Commissioner Leubert asked if the current landscaping policy addresses maintenance of landscaping after it is put in. Ms Alvarez replied she did not receive a copy of the policy prior to the meeting but her recollection is, yes. Mr. Kellam replied the language in the code is vague and doesn't call it out, but staff is working on code additions to make things clearer.

IV. Public Comment on Agenda Items.³

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

Mayor Fugate called for comments on all agenda and non-agenda items.

Dr. Miguel Martin, 723 S 12th, spoke about how good the new taxi service is for the City.

Mr. Lance Hamm, 912 S Creek, spoke about landscaping and other issues at the new RV Park.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-6.

Commissioner Leubert made a motion to accept the Consent Agenda, Items 1-6, as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Pecos, Leubert voting "FOR". Garcia, Pena "ABSENT".

V.

Consent Agenda

1. ORDINANCE NO. 2012-30 Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the Police Department State Forfeiture Fund for the purchase of computer hardware software for the Crimes Software Program. (Finance Director).
2. RESOLUTION NO. 2012-32. Motion to approve resolution authorizing the City Manager to enter into a CRIMES Law Enforcement Software License & Master Agreement with Sam Houston State University for the Kingsville Police Department. (Police Chief).
3. ORDINANCE NO. 2012-31 Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the CO Series 2011- General Fund Capital Projects for the Fire Department expenses of remodeling and upgrading Fire Station 2. (Finance Director).
4. ORDINANCE NO. 2012-32 Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund for the Development Services Department Community Appearance Division to fund hauling of debris for nuisance abatement projects. (Finance Director).
5. ORDINANCE NO. 2012-33 Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund for Solid Waste Department Sanitation Collection fuel and vehicle maintenance expenses. (Finance Director).

6. Motion to approve authorizing participation in the activities being planned in support of and building upon the King Ranch – Ranch Hand Breakfast to be held on November 16th – 18th, 2012. (Downtown /Special Project Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider condemnation of structure located at 707 West Warren. (Director of Development Services).

Mayor Fugate called for items 7, 8, & 9 to be taken together and posed the question to Ms Alvarez if this could be done. Ms Alvarez replied so long as they note that sufficient findings are in place. List each of the locations and say sufficient findings are in place for each of the locations and identify them separately they could be done in one motion. She added for their information, 45 days from today is August 23rd.

Mayor Fugate called to take Items #7, 8, & 9 together. Mayor Fugate stated the only location being condemned that bothers him is the old "Apple House" because that is a historical building. Mr. Kellam stated that the walls are buckled and the roof is collapsing. The owner has expressed that due to the economy they don't have the funds to fix it. There is a new owner.

Mayor Fugate called for Ms Toni Curtis who resides at 415 E Henrietta and is the current owner of the building located at 519 North 6th (Old Apple House) to address the Commission. Ms Curtis stated she has done everything asked of her to do per Mr. Abel Carrillo, former Building Official. The last request received was to take down the signage which she has done. She stated the roof doesn't leak and it is not collapsing. The awning was taken down as per Mr. Carrillo's request. She stated she doesn't want the building demolished because she would like to develop it and move her Kleberg Street business to that location.

Mr. Kellam stated he wasn't aware of Mr. Carrillo's statements. The photos and condition report from Mr. Carrillo do state that the roof is collapsing and the walls are buckled, and that the building is in structural disrepair.

Commissioner Leubert asked Ms Curtis, for her timeline. Ms Curtis stated it would be about another year before she could start working on the building, but the yard is clean and mowed. Everything that can fly off has been removed. Mr. Kellam stated he has not been inside this building. The former building official made the inspection and noted that he has not been inside. There's specific deterioration on the outside and would get worse in one year. The building is secured. City Manager Capell stated a concern is someone gaining access or getting injured. Ms Curtis stated that the building is uninsured. Mr. Kellam stated the concern is strong winds could cause a large amount of debris to come off this building. It is understood that the owner has intentions for the building and it is a historical building.

Mayor Fugate asked to pass on this building so that Ms Curtis could allow Mr. Kellam to go inside. Mr. Kellam replied getting inside the building would not change the structural integrity of the building. The walls are buckling which is a serious concern. Mayor Fugate stated what concerns him is that the building official told her if she did certain things she would be okay, so there is some conflict. Ms Curtis stated that the building official indeed did enter the building.

City Manager Capell suggested removing the item from the agenda, so that the owner and the City could enter into some type of repair plan. Mr. Kellam stated the walls can be braced and could give owner a timeline. Mayor Fugate suggested Staff report back to the Commission and that the owner do something to the building and work a little faster on her timeline. Mayor Fugate stated this building has some history to it.

Commissioner Pecos made a motion that the finding is not able to repair 624 W Johnston and 707 West Warren, the structure is unsafe and present condition is a violation of ordinance and cannot be corrected without substantial reconstruction, then declare the building(s) or structure(s) to be a public nuisance and order its demolition by owner/agent/person in charge with a specified time. The city shall abate in any manner it deems necessary and properly, seconded by Commissioner Leubert. Ms Alvarez stated to verify the time period which would be the standard 45 days, August 23rd. Both Commissioners Pecos and Leubert agreed with Ms Alvarez's statement. The motion was passed and approved by the following vote: Fugate, Leubert, Pecos voting "FOR" Garcia, Pena "ABSENT".

8. Consider condemnation of structure located at 519 North 6th. (Director of Development Services).

NO ACTION

9. Consider condemnation of structure located at 624 West Johnston. (Director of Development Services).

10. RESOLUTION NO. 2012-33 Consider resolution authorizing the Mayor to enter into a Tax Abatement Agreement with NSH Fund, LP in accordance with Guidelines and Criteria Governing Tax Abatement for all Taxing Units located within the City of Kingsville. (Director of Development Services).

Mr. Kellam stated this is for the new student housing development near the campus on Seale and Corral. This is for phase one of the development which is two large student housing buildings with phase two & three to come at a later date. This tax abatement agreement is for 10 years, 100% of the city's portion which is only on the improvements and not including the land values. This will increase the housing to meet the needs of the City. This is a partnership between the City, the University and the Newman Student Housing. The economic development aspect of this is that it will increase student population, increase tax base and garner additional sales tax revenue.

Mayor Fugate stated this is a win-win situation for the college. Mr. Kellam stated also for the City because the City gets the private ownership of the land which gives the City some tax revenues. Mayor Fugate stated that University President, Dr. Tallant describes this is a game changer for the University which has the potential of increasing their enrollment. City Manager Capell stated if this doesn't happen the City will not get any tax revenue and the fact that there's a 10 year tax abatement means that the City will not be getting all the taxes, until after ten years. This is still very positive.

Commissioner Leubert made a motion to accept Staff's recommendation to authorize the Mayor to enter into a Tax Abatement Agreement with NSH Fund, LP in accordance with guidelines and criteria governing tax abatement for all taxing units located with the City, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Pecos, Leubert voting "FOR". Garcia, Pena "ABSENT".

11. Consider authorizing the purchase of replacement bar screens at both Wastewater plants. (Purchasing Director).

Mr. Mason stated this authorizes the purchase of replacement bar screens at both Wastewater plants. There were four respondents to the bid. Recommendation is to award the contract to Treatment Equipment Company, Houston, Texas in the amount of \$292,771 which will expend from the North Plant \$161,386 and the South Plant \$131,385 from Fund 054.

Commissioner Pecos made a motion to approve Staff recommendation of replacement of bar screens at both Wastewater Plants, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Fugate, Leubert, Pecos voting "FOR". Garcia, Pena "ABSENT".

12. RESOLUTION NO. 2012-34 Consider resolution of the City of Kingsville approving the Municipal Service Plan for the proposed annexation of Lot 9, Section 22, K.T. & I. Subdivision. (Director of Development Services).

Mr. Kellam stated this is in preparation of the upcoming annexation hearings, presenting to you the municipal service plan outlining how the City intends to serve the newly annexed area as required Section 43 of the Texas Local Government Code. This will be communicated at the July 23rd and 26th public hearings and available for viewing before that, as well. Basically it calls out the fire and police basic services that the City provides which the City is already providing, in most cases because of the proximity of the annexed area in the City. Currently, there is no building inspection for that area which is something that the City will be affording them. They would be brought under the City and the Planning and Zoning ordinances that are established. Additionally, the Health Department which already services that area through the County, but now the City would also become a partner in that. Public Works efforts are, such as streets, storm water, street lighting, traffic, engineering, water, solid waste services all of which are being provided at the present time, except for street lighting. Mr. Kellam called for questions.

Mayor Fugate stated this has been a long time coming and the property in the front can be developed. City Manager Capell stated this would generate an additional annual property taxes estimated at \$33,000.

Mayor Fugate called for Ms Alvarez legal aspect. Ms Alvarez stated the resolution was prepared and publication notices were in the paper, and letters were sent to the school district and other taxing entities.

Commissioner Pecos made a motion to accept the resolution, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Fugate, Leubert, Pecos voting "FOR". Garcia, Pena "ABSENT".

13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter V – Public Works, Article 1 – Garbage, Amending the number of days for corrective action after notice of violation to seven. (Director of Development Services).

Mr. Kellam stated this is an attempt to make the notice and compliance time lines consistent across the board.

INTRODUCTION ONLY

14. Consider accepting \$500 donation from the Kingsville Historic District Business Association to Keep Kingsville Beautiful for various beautification projects. (Finance Director).

Mr. Rushing stated this donation is from the Kingsville Historic District Business Association for beautification projects for consideration.

Commissioner Leubert made a motion to accept the \$500 donation from the Kingsville Historic District Business Association to Keep Kingsville Beautiful, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Pecos, Leubert voting "FOR". Garcia, Pena "ABSENT".

15. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 General Fund Budget for the City of Kingsville to accept donations for Keep Kingsville Beautiful for various beautification projects. (Finance Director).

Mr. Rushing stated this is an introduction to authorize the acceptance of the donation.

INTRODUCTION ONLY

16. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 6, Traffic Control Devices; Providing for the restriction of parking on the west side of Wilson Street from Ella Ave to Avenue A. (City Engineer/Public Works Director).

Mr. Khan stated several complaints were received from citizens in the neighborhood about the parking of different type of vehicles and commercial trucks on this street. He stated the Police chief and he went to the location and found vehicles parked on the street. After several visits to the location they found vehicles parked every time. The business at that location there is doing work on vehicles that are parked in the street. For the safety of drivers and persons working there the City is proposing to put "No Parking" signs on the west side of the street from Ella to Ave A on Wilson Street. City Manager Capell stated even though the City was not required to notify the residents, letters were sent to everyone within 200 feet,

Commissioner Leubert asked if the trucks parked on the street were commercial trucks. Mr. Khan replied commercial and regular vehicles are parked on the street and the mechanics are working on the vehicles that are parked on the street. If both sides of the street are being used for parking then the garbage trucks and emergency vehicles cannot pass.

City Manager Capell stated City has received several calls and the Police Chief has visited with the business. Promises have been made to keep the vehicles off the streets and a repeated visit has to happen. Enforcement will be an important part. Mayor Fugate suggested doing both sides of the street. City Manager Capell stated initially that was the plan, but it was decided to try only the one side which would hopefully allow true access. Mr. Khan stated the reason for choosing the west side of the street was because Ella, Vela and Ave A Streets are on the west side of that business and this is where the problem was occurring.

INTRODUCTION ONLY

17. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the Solid Waste Capital Projects Fund to purchase commercial dumpsters. (City Engineer/Public Works Director).

Mr. Khan stated there was \$320,000 in the Solid Waste Capital fund 087. The City used \$93,440.60 for a front-wheel loader; \$200,283 was spent for the commercial garbage truck, so there's a savings of \$26,276.40. This money will be used to purchase the

dumpsters. The City will purchase 20 – 3 cubic yard and 25- 4 cubic yard dumpsters, for a cost of \$26,180.

INTRODUCTION ONLY

18. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund Capital Projects Fund for the Finance Department Accounts Receivable module to utilize Fiscal Year 2010-2011 Surplus Funds. (Finance Director).

Mr. Rushing stated this would authorize the purchase of specialized receivable software to efficiently and effectively manage Sundry Services. These Sundry Services include, but are not limited to, paving assessments, mowing and vacant lot clearance, abatement and noxious matters, and inter-local agreements with other governments. Staff recommends the purchase of the Incode "Accounts Receivable" software for this purpose. The cost of purchasing and installing this software is \$9,000.

INTRODUCTION ONLY

19. Consider budget amendment request from KCVB for employee severance pay. (Downtown /Special Project Manager).

Mr. Trescott stated he didn't have anything to add beyond what he has already addressed in his memo.

For clarification, Ms Alvarez stated that Mr. Trescott's memo talks about what can and can't be done. With regard to the KCVB by-laws, in Article 3, Section 4, there's a sentence that talks about the KCVB is to comply with the contract between them and the City with Texas Open Meetings Act, the Texas Open Records Act, and Chapter 351 of the Tax Code which controls the Hotel/Motel fund monies. Also, they have to comply with Article 3, Sections 52 & 53 of the Texas Constitution which states that they need to comply with the Texas Nonprofit Corporation Act and the IRS Tax Code and things of that nature. Article 3, Section 53 of the Texas Constitution which talks about how Counties and Cities authorities can or cannot give extra compensation for certain things and unauthorized claims. One of the things pointed out is that unless there is a previously approved policy or plan in place for giving employees, and things that were cited were like Cities, Counties, Housing Authorities and Water Authorities, unless they already have a previously approved plan in place for the award of additional compensation, such as, sick leave and vacation accrual on separation than those are not authorized by the Texas Constitution. Ms Alvarez stated that it wasn't clear to her at the time that the memo was written that such a plan or policy that had been previously approved or was in place by the Board prior to them taking the vote for the particular compensation plan that they voted on. So, if the plan was not in place prior to the vote being taken, then it is in conflict with the Texas Constitution and under their by-laws they are supposed to abide by that particular section of the Constitution.

Mayor Fugate asked Ms Alvarez if she had anything from the KCVB Board. Ms Alvarez replied she had not been in contact with them because Mr. Trescott was designated as the Staff Liaison, but it is her understanding she isn't aware of any such policy or plan. Mr. Trescott stated he wasn't aware of any such policy or plan.

Mayor Fugate called for comments or questions. Commissioner Leubert stated what she is hearing from the City Attorney is that, as it stands right now, this is not something that the Commission should or could approve. Ms Alvarez replied the City doesn't have sufficient knowledge. She stated that the contract would technically be in place until the end of August unless, on the next agenda item, the City Commission approves the KCVB request to terminate the contract early. Commissioner Leubert stated that the KCVB could still have a Board meeting to correct this. Ms Alvarez replied they can't do it retroactive. The board could put something in place and then vote on something new, then the City would have to examine whether or not there is still sufficient information to make that compliant with everything.

Mr. Trescott stated he was at the KCVB Board meetings when this was presented. He stated that the City ran into a couple of things on what was submitted, both their method of arriving at and doing a bonus, severance or retirement award seemed arbitrary.

Mayor Fugate called for questions or comments. Ms Alvarez stated if no action is taken on this item that would be the equivalent of not approving. If the Commission decides to table this item, it would have to be brought up at the next Commission meeting and voted on then. The only difference that would make is if they came up with some previously prior to the date the vote was taken by the Board for this particular package, policy in place to show that what they did was in conformance with a previously established policy. Commissioner Leubert asked Mr. Anse Windham, KCVB Board President, if there was anything, bonuses prior to this action by the Board. Mr. Windham stated he had communication from a representative from the Attorney General's office,

stating that Hotel/Motel tax money can be used for bonuses and awards. He stated the representative did not address having a policy in place. Ms Alvarez stated having a policy in place is in the by-laws.

NO ACTION

20. Consider a request from KCVB for 30-day early termination of the Professional Services Contract between the City of Kingsville and the Kingsville Convention & Visitors Bureau. (Downtown /Special Project Manager).

Mr. Trescott stated the City has a contract with KCVB to provide tourism services under the use of the hotel occupancy tax which expires at the end of September. The City was informed that the entire staff was going to retire before that date. The KCVB Board is requesting the contract be mutually terminated early so the termination date of the contract will match the time when staff stops operating. The termination date should be August 3rd.

City Manager Capell stated the contract needs to be extended or rescinded prior to the 60 day window. If Commission approved, tonight, the City would be in compliance with that because the contract would have been terminated prior to 60 days.

Ms Alvarez stated if the Commission were to choose, by mutual agreement of the parties to terminate the contract early, you would not need to go back and have another action item at the July 23rd meeting to provide them notice of the City's desire to terminate the contract when it expires on September 30th. If the parties are not mutually agreeable to the early termination then an agenda item would be needed on July 23rd. Ms Alvarez stated the motion should include the date. Mayor Fugate stated that Mr. Windham had shaken his head that August 3rd would be appropriate.

Commissioner Pecos made a motion to consider the request from KCVB for a 30-day early termination of the Professional Services Contract between the City of Kingsville and the Kingsville Convention & Visitor's Bureau, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Fugate, Leubert, Pecos voting "FOR". Garcia, Pena "ABSENT".

21. Consider introduction of an ordinance amending Chapter III, Article 7, Personnel Policies, Section 1 Classification and Compensation Plan to add the position of Tourism Services Director and the position of Downtown & Volunteer Manager to the Kingsville Classification and Compensation Plan for Fiscal Year 2011-2012. (Human Resource Director).

Ms Gonzales stated that the HR office has been asked to coordinate with the Downtown Special Projects Manager in the creation of a new City department, the Tourism Services Department and personnel to support the function of the department. A Director position will be created, a Tourism Service Director and support personnel, a Downtown and Volunteer Manager. The City has different levels of clerical support personnel no additional new titles are being presented.

Commissioner Leubert stated the City is adding a Tourism Services Director, a Downtown Special Projects Manager and a Downtown and Volunteer Manager. City Manager Capell stated only two positions are being added, the current Downtown Special Projects Manager would be converted to the Downtown & Volunteer Manager at a lower pay range.

Ms Alvarez stated that procedurally Mr. Trescott's position, the Downtown Special Projects Manager cannot be eliminated until the new positions are established. The two positions will be created in the Compensation Plan and once created; the current position will be eliminated in new budget year.


INTRODUCTION ONLY

VI. Adjournment.

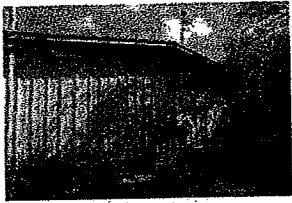
There being no further business to come before the City Commission, the meeting was adjourned at 7:12 P.M.

Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, TRMC, CMC

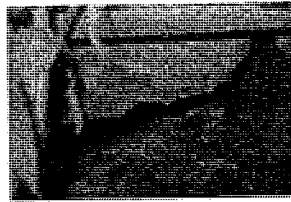
City Secretary



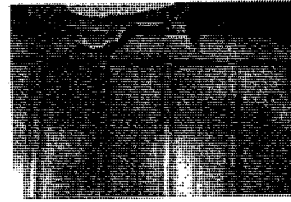
519 N. 6TH (1)



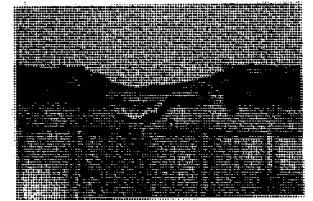
519 N. 6TH (5)



519 N. 6TH (6)



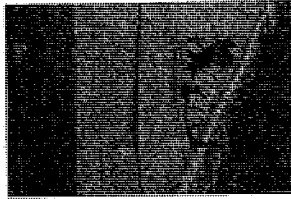
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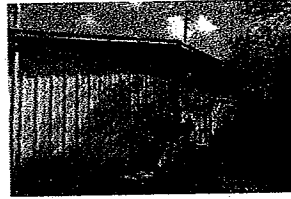
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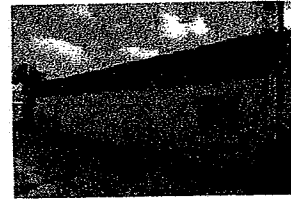
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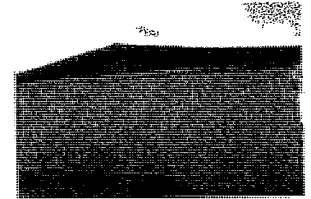
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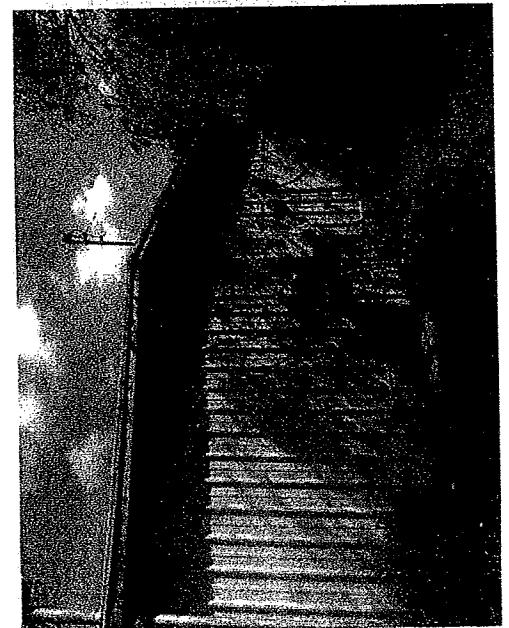
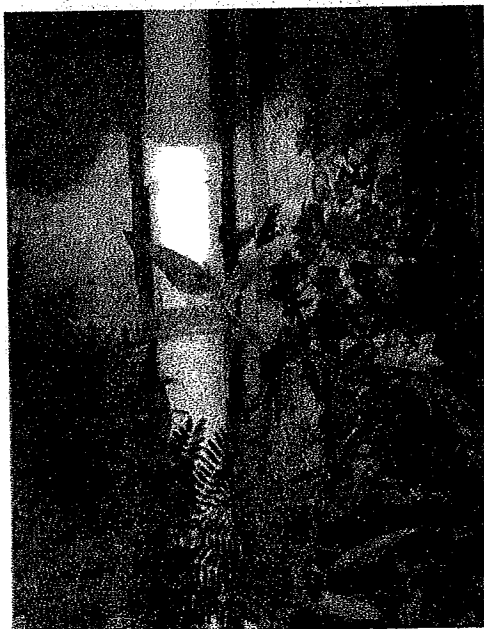
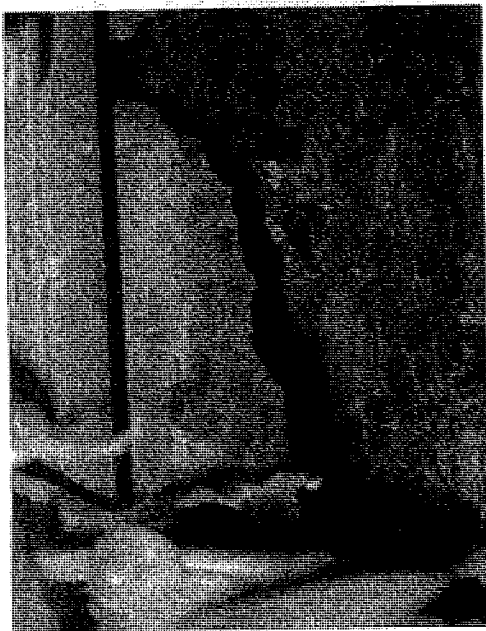
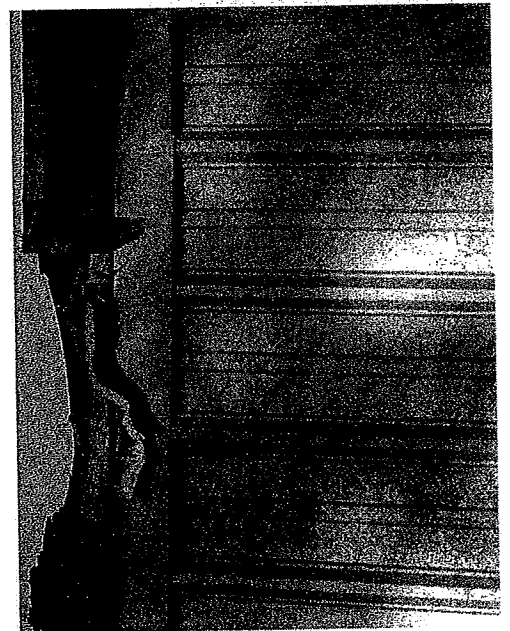
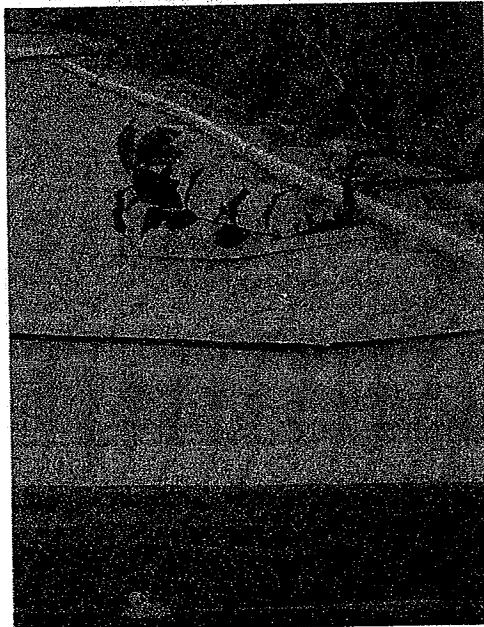
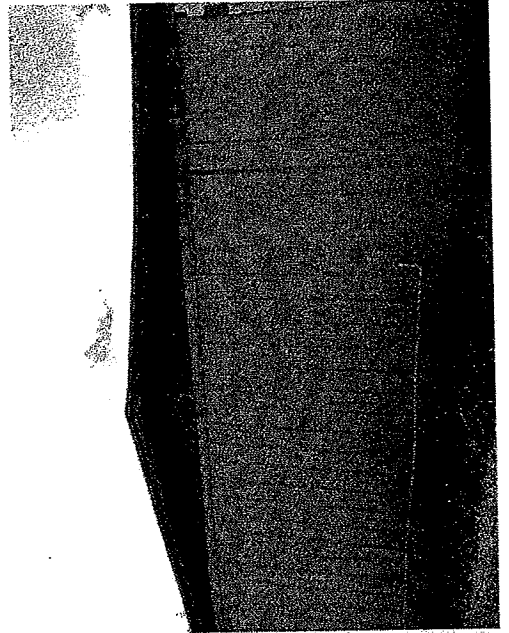
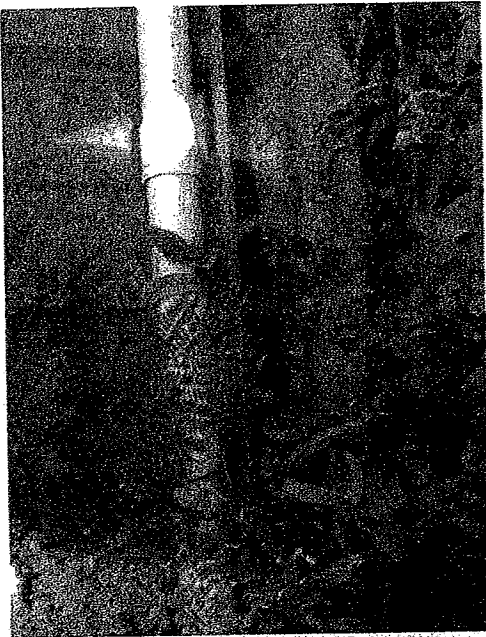


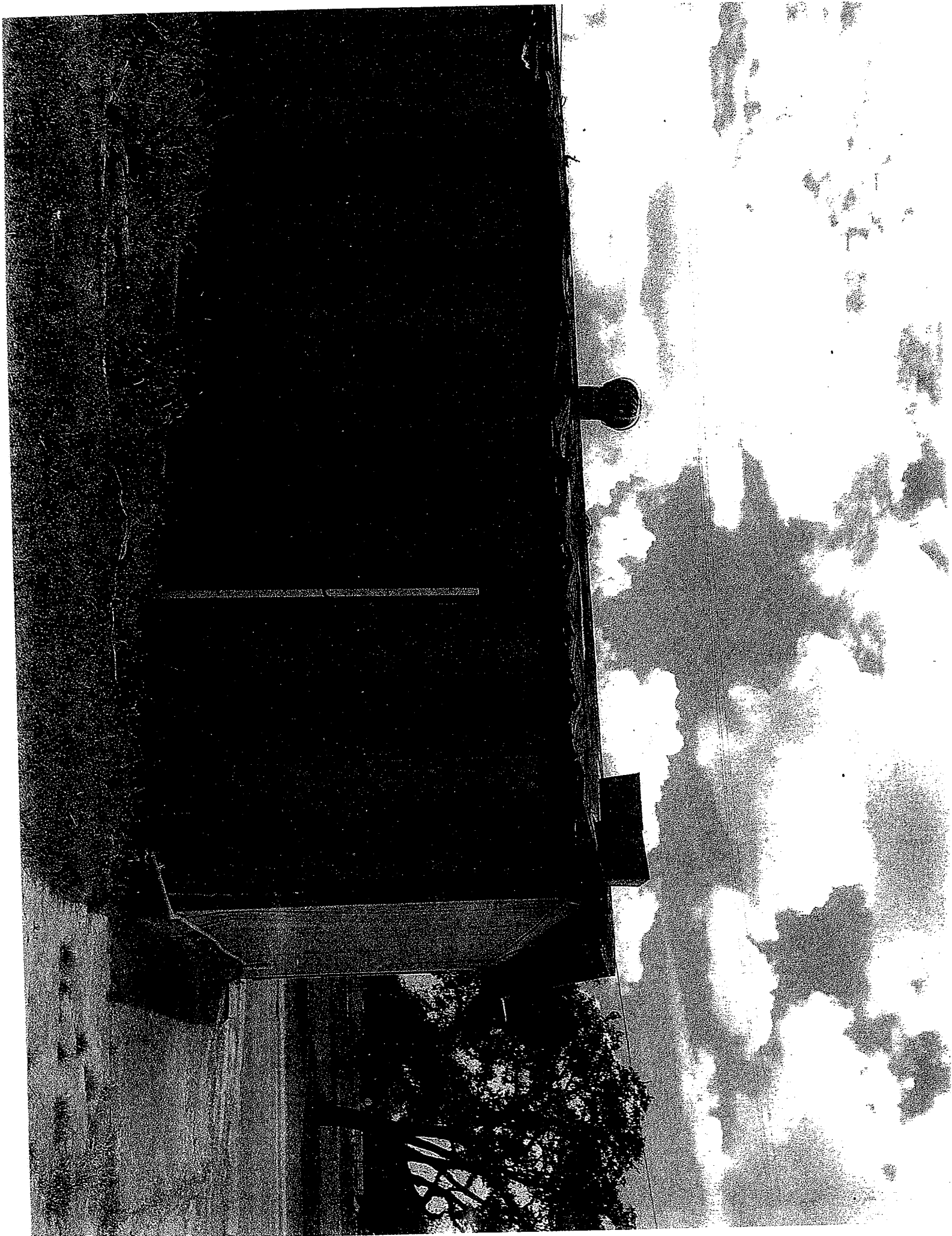
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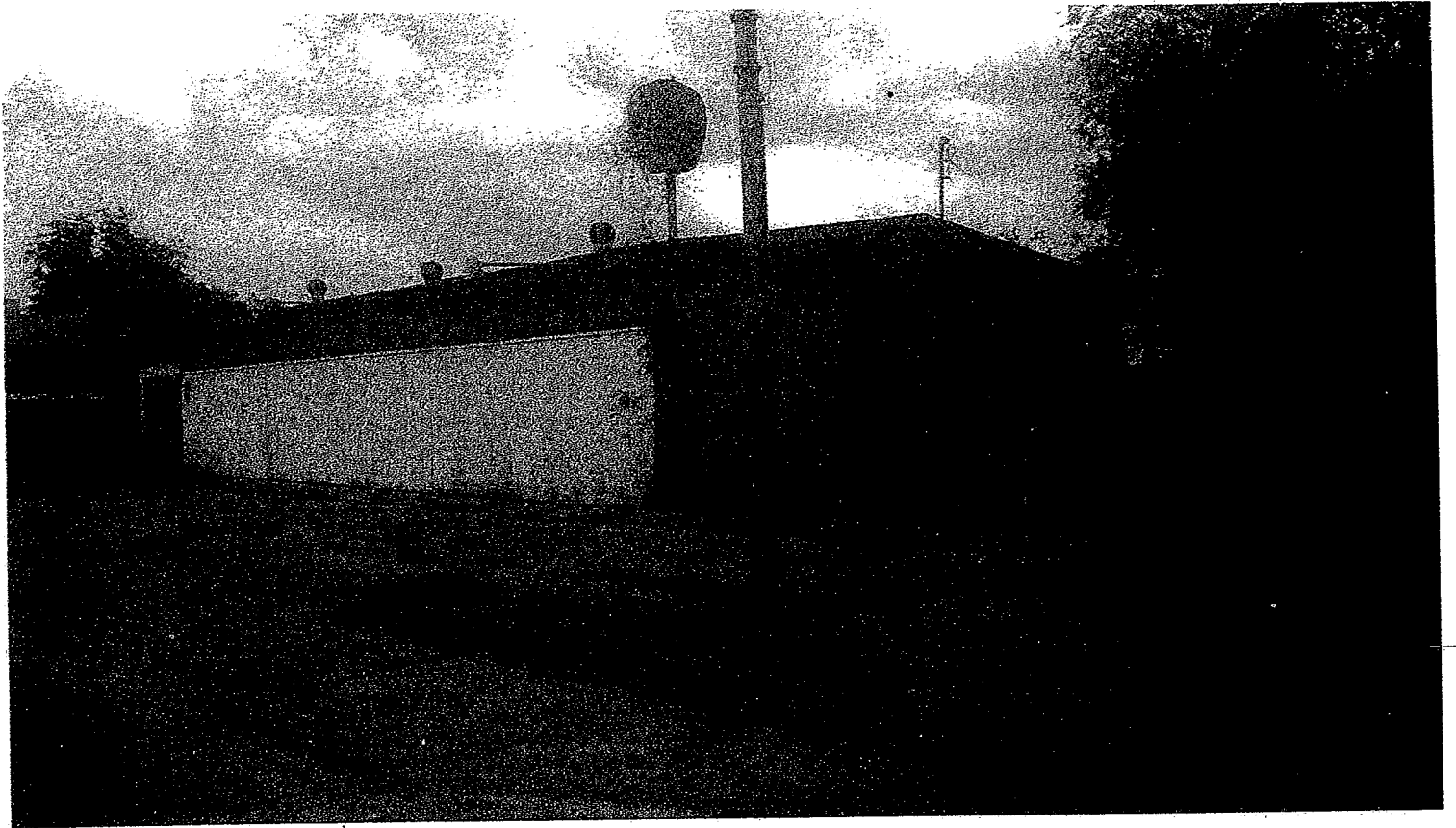


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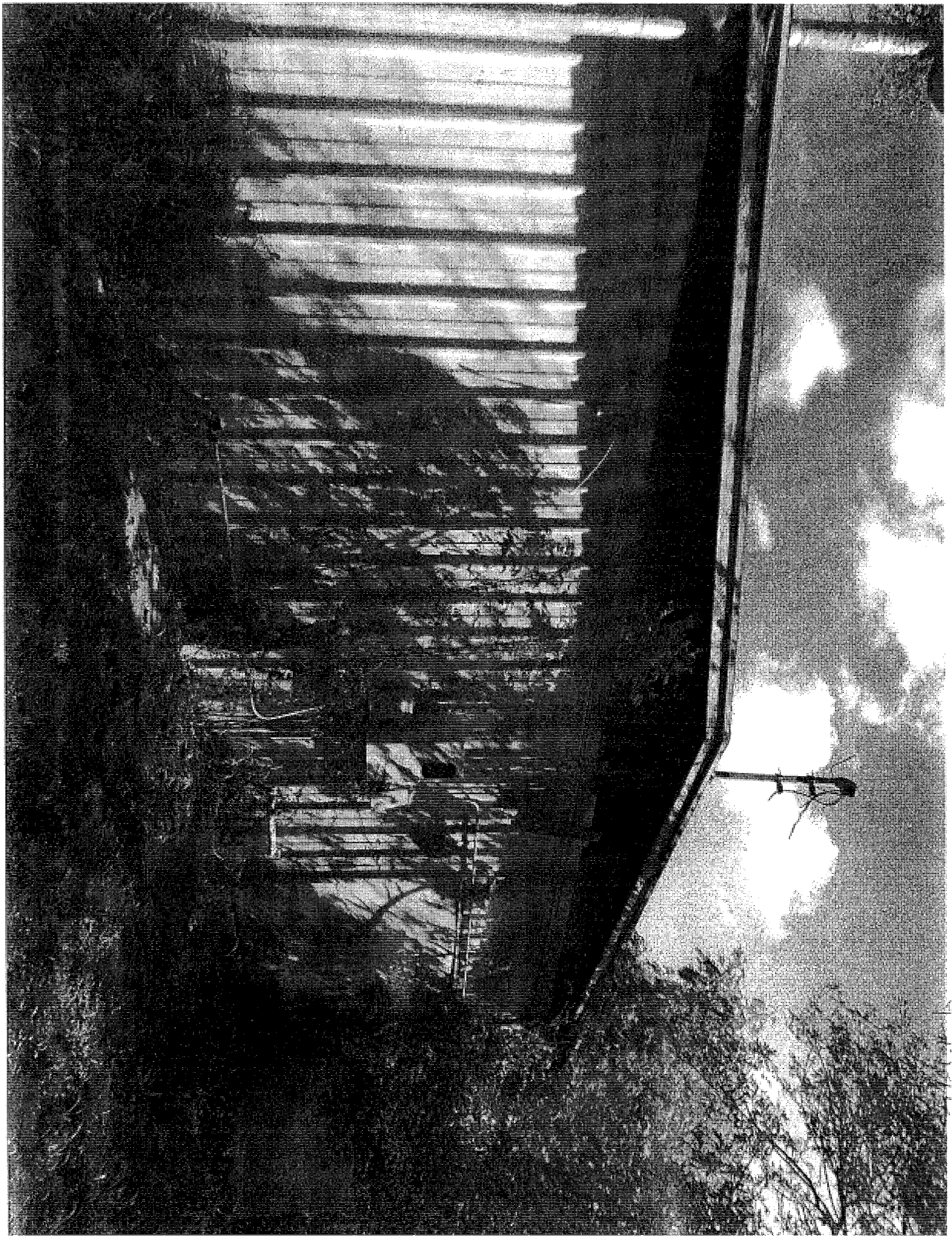


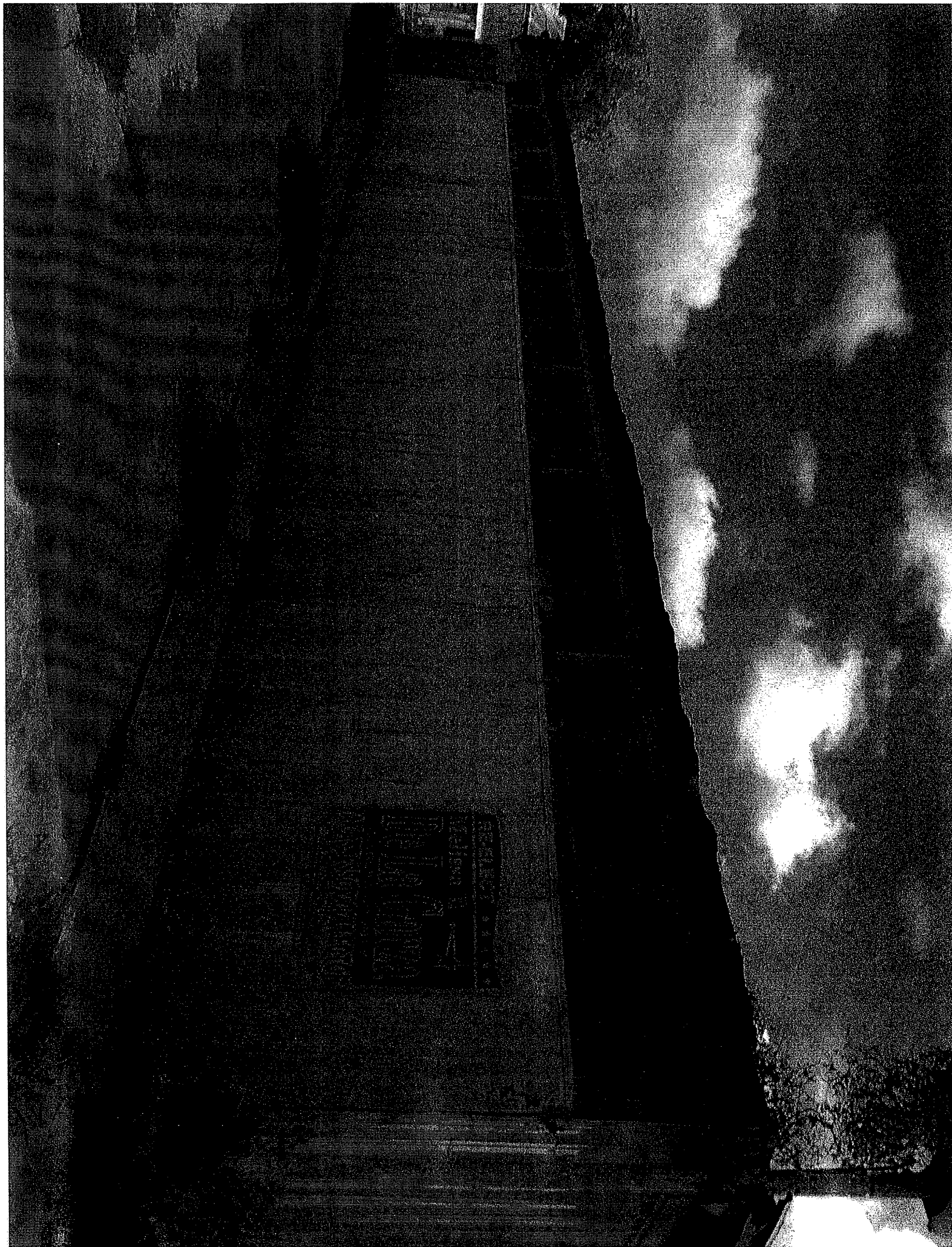


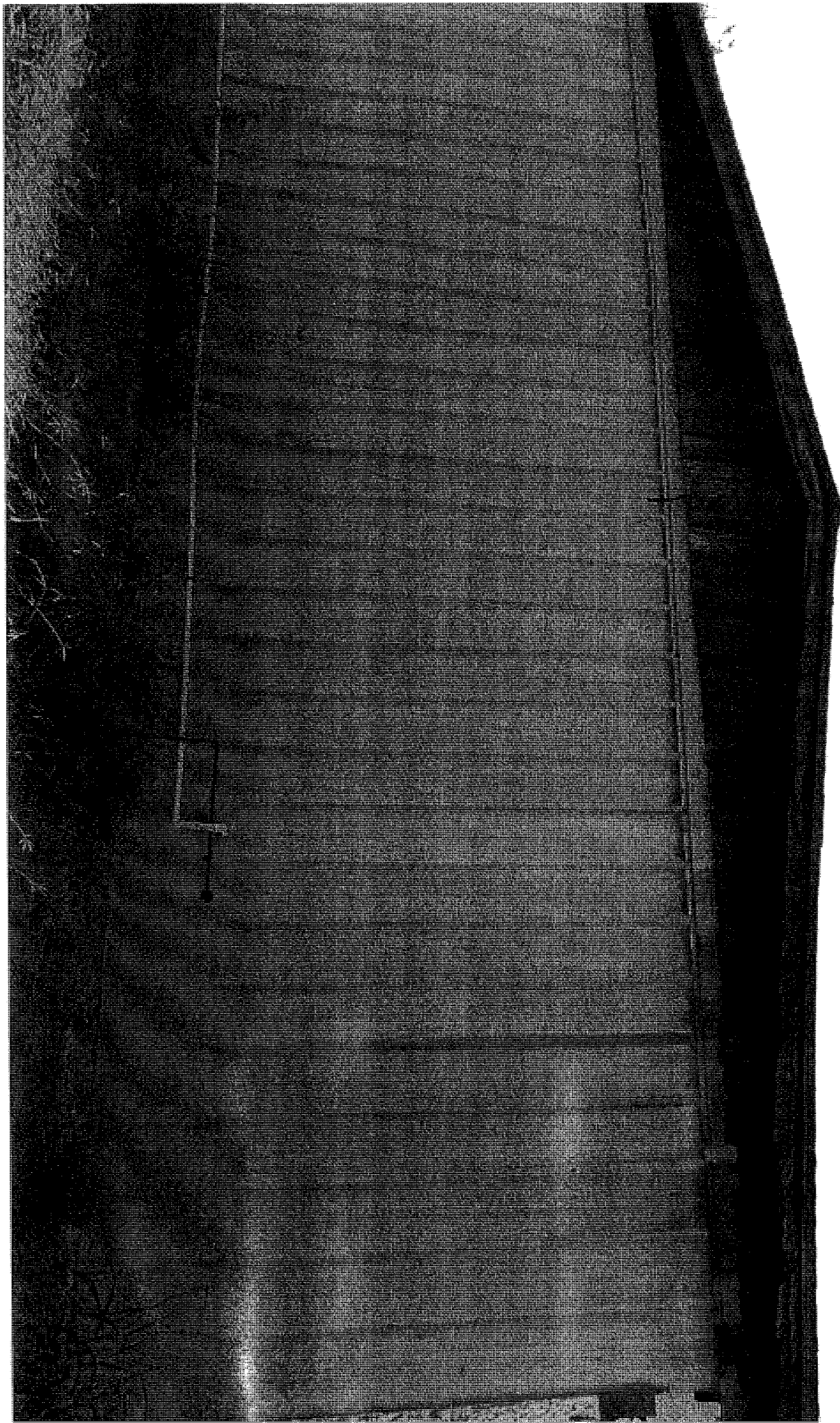


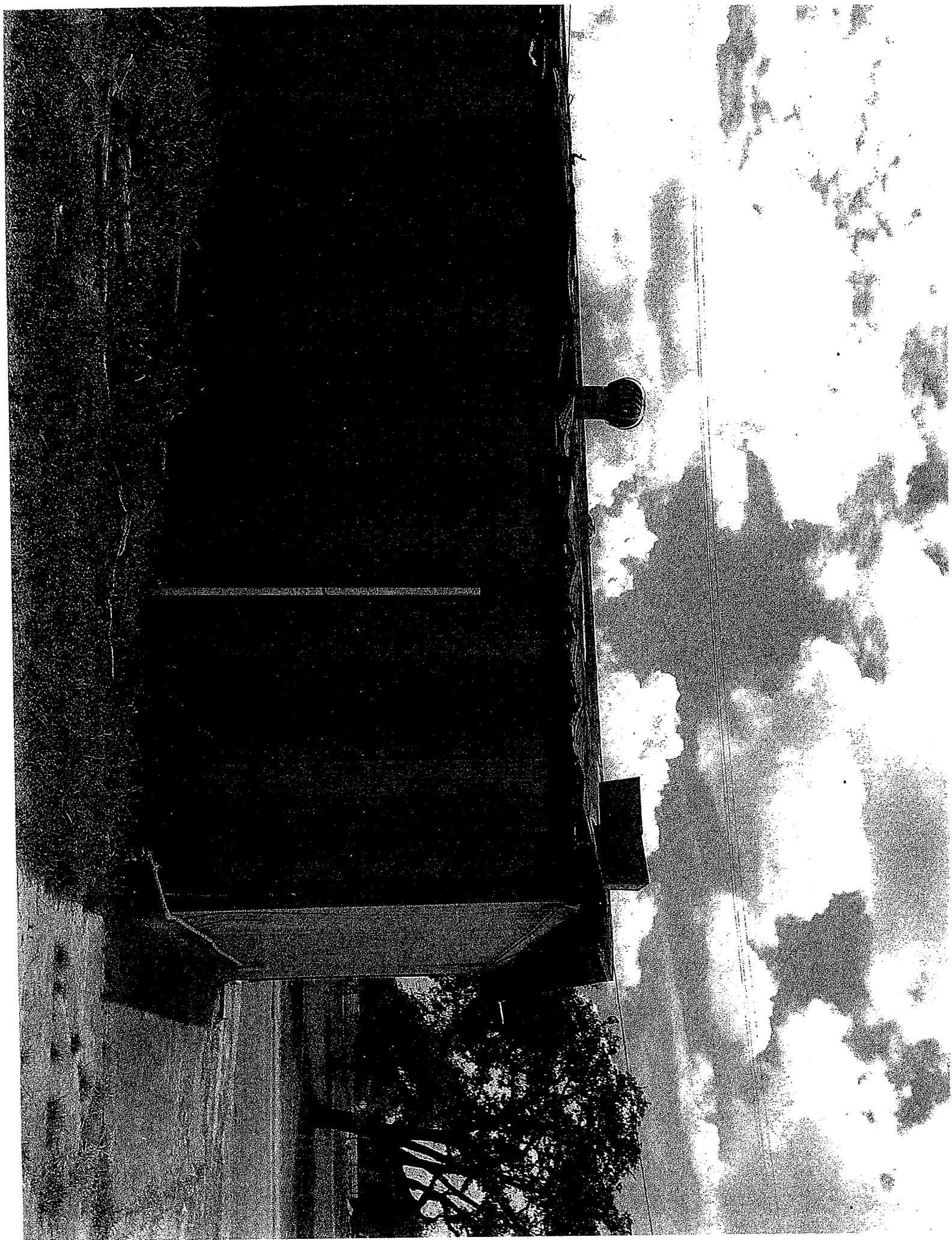
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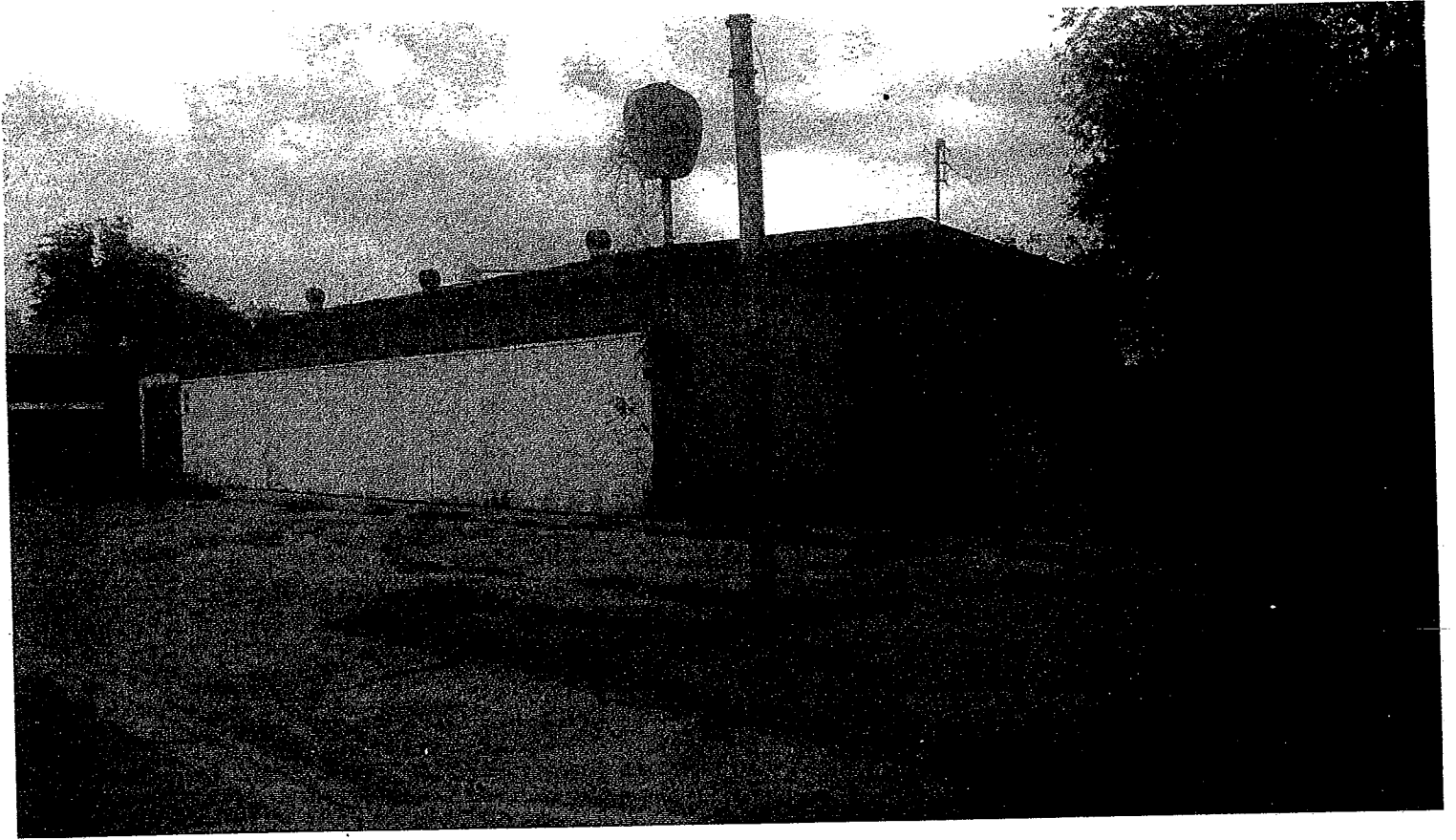




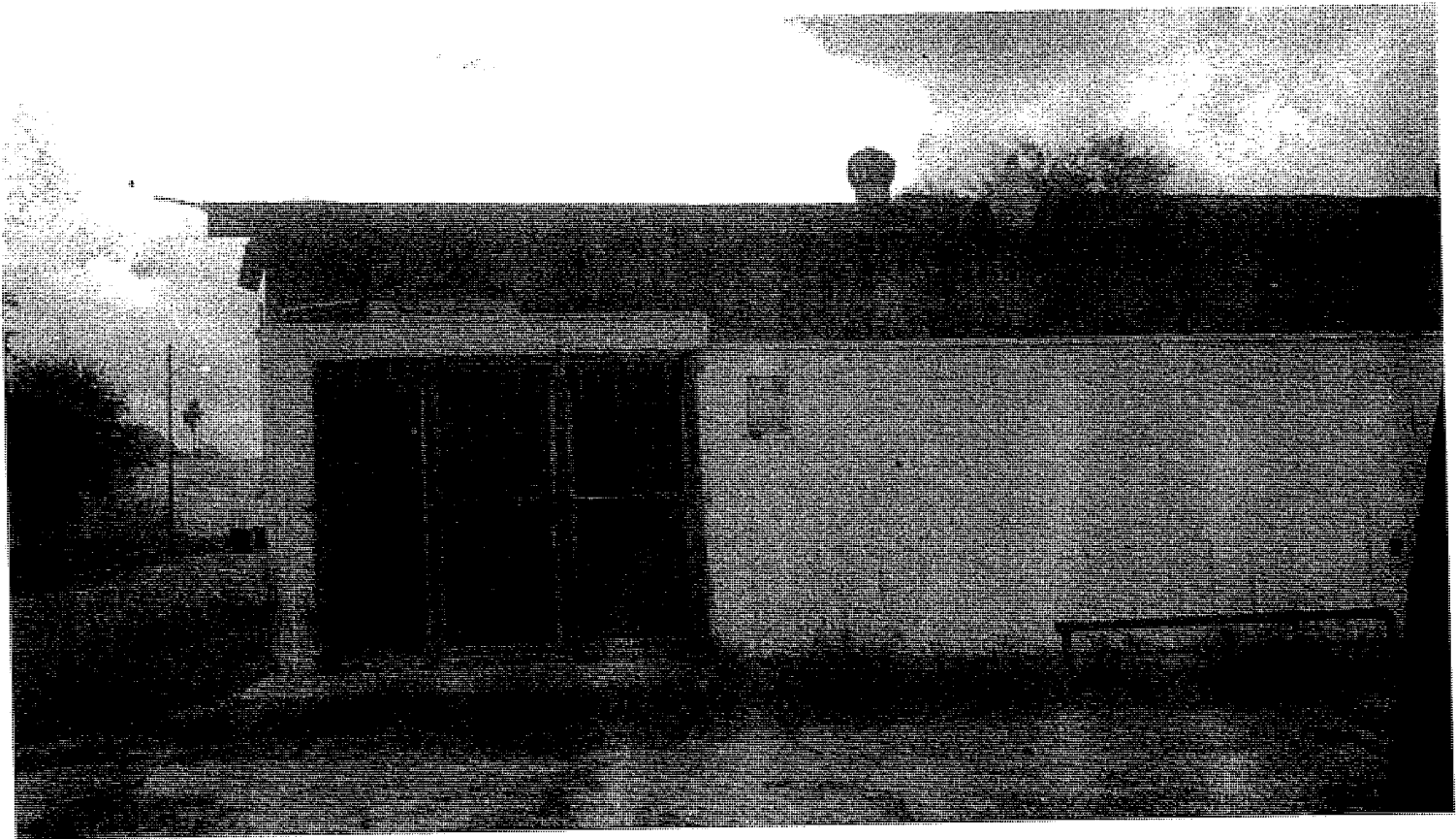








519 N. 6th



CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO.2012- _____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER XI, ARTICLE 2, AMBULANCE SERVICE, PROVIDING FOR THE AMBULANCE BILLING RATES FOR SERVICES PROVIDED BY THE CITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City of Kingsville operates an ambulance service through the Kingsville Fire Department;

WHEREAS, the rates for providing this ambulance service have not been updated in several years, yet the cost for the services and supplies has increased thereby necessitating this rate revision ordinance;

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 11-2-28 through Section 11-2-29 of Article 2: Ambulance Service of Chapter XI, Business Regulations, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

ARTICLE 2: AMBULANCE SERVICE

General Provisions

....

§11-2-28 AMBULANCE BILLING RATES FOR SERVICES PROVIDED BY THE CITY OF KINGSVILLE AMBULANCE SERVICE. PENALTY.

~~Any violation of the terms of this article shall be subject to a fine of not exceeding two hundred dollars (\$200.00) per day.~~

The fee for services provided by the City of Kingsville Fire Department ambulance service shall be as approved by the City Commission. A copy of the

current fees (approved in October 2012) is available from the City Secretary and incorporated herein by reference.

§11-2-29 PENALTY.

Any violation of the terms of this article shall be subject to a fine of not exceeding two hundred dollars (\$200.00) per day.

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 24 th day of September, 2012.

PASSED AND APPROVED on this the ____th day of October, 2012.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

September 21, 2012

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

Re: Ambulance Rate Study

Mr. Capell,

During the FY 2010-11 Budget Review and Adoption process we discussed the need to study the City of Kingsville Ambulance Charges. As a result, the attached Ambulance Rate Study has been provided for your review and consideration. A summary of the City billing and contract history is as follows:

1. Ambulance Rates were increased February 26, 1996 (see ordinance attached) which went into effect on March 13, 1996.
2. Current ambulance rates are higher than those approved by the Commission in 1996, but staff is unable to identify precisely when or by how much the rates were subsequently increased and staff is unable to locate any ordinance passed by the Commission approving such increases. Staff believes the current rates have been in effect since 2006.
3. The City of Kingsville contracted Alexander Billing back in 2001 to handle all EMS billing and then on March 1, 2006, the City of Kingsville renewed the contract with Alexander Billing and Consulting Inc. (now Intermedix). Recently the City of Kingsville renewed the contract with Intermedix on June 13, 2012.
4. Ambulance Revenues have increased by \$203,658.93 over the past 7 years as follows:

	<u>Increase</u>	<u>Annual Revenue</u>
FY04		\$285,654.82
FY05	\$3,658.25	\$289,313.07
FY06	\$38,496.38	\$327,809.45
FY07	\$74,397.31	\$402,206.76
FY08	\$40,871.97	\$443,078.73
FY09	\$14,681.53	\$457,760.26
FY10	\$23,872.25	\$481,632.51
FY11	\$7,681.24	\$489,313.75

Over this same period of time the Fire Department overall expenditures have increase in the General Fund from \$2,241,398.53 to \$2,544,750.99 or 13.53 %. Keep in mind, the overall Fire

CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

Department includes expenditures for Fire and Ambulance Services. But these increased costs are relative to the ambulance portion of the analysis. In FY 07-08, when the full implementation of the new rates came into effect, the General Fund Fire Department expenditures were \$1,827,771.77 more than revenue. In FY 10-11, the General Fund Fire Department expenditures were \$2,054,682.89 more than revenue. This is an overall net increase in the Departmental Operating Loss of \$226,939.12 or 12.42% loss increase.

Costs associated with recent Certificates of Obligations C.O. 2007 of \$789,315 was incurred for the purchase of a ladder truck, radio and equipment for the ladder truck. Amortizing these costs over the expected useful lives of these assets increases the Fire Department loss an additional \$52,621. Adding C.O. 2011 of which \$595,987.00 was incurred for equipment, ambulance replacement, computers for the ambulances, fire rescue equipment, and roofing and remodeling of the fire station increases the loss. If we exclude the roofing and building remodeling that leaves \$451,842 in fire and ambulance equipment over a weighted Expected Useful Life (EUL) of 10 years, using the more conservative EUL, this increases the Fire Department loss an additional \$45,184. Together this totals an overall annualized Fire Departmental loss of \$2,152,487.89.

It is important to note the following at this point: The City's ambulance fees have historically been market based rather than cost reimbursement based. In other words, the City of Kingsville attempts to keep its ambulance fees comparable with those charged by other comparable cities leaving the City with unreimbursed ambulance service delivery costs in the Fire Department. To the extent that the City does not cover 100% of its ambulance service delivery costs, those costs must be covered from other General Fund revenue sources including, but not limited to sales tax, property tax and franchise fees.

Section 2 - Collections Agency Process (CSII)

Intermedix does have a higher probability of collecting most of the fees when insurance is involved and with Medicaid and Medicare.

Through Intermedix, the process is to try and collect payment by the first 120 days. Once the insurance portion has been collected, outstanding account balance invoices are mailed out. A customer must receive three statements with the exception of return mail. All accounts that have an auto carrier or an attorney present can stay open for as long as two years due to settlements. Accounts over two years with little or no payment can go to the collection agency, CSII (Credit Systems International Inc.). CSII is a secondary collection agency for the bad debts that failed to be collected by Intermedix. CSII is not a Credit Rating agency.

Beginning fiscal year 2012-2013 Intermedix will send the City of Kingsville Collections Department a list of those outstanding bills ready for collection for our review before they are submitted to CSII. Once that list is approved by the Collections Department Manager and the Finance Director, they are forwarded to CSII. Once CSII receives and acknowledges the collection file, they will advise Intermedix how many accounts and total balance that was sent over. At this point, accounts are written off the total A/R. When CSII collects payments through

CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

out each month, a detailed invoice will be sent to the City of Kingsville and the CSM (customer service manager) at Intermedix. This detailed invoice will be reviewed and all accounts will be verified that payments and postings are correct. All accounts that are *written off are not reported to any credit reporting agency at this time.*

Section 3 - Rate Survey

The City of Kingsville tracks its rates to other comparable ambulance service providers, which in our case are providers that average 2,200 to 2,500 runs per month. Rates for these other provider agencies are available for your review, but are not included in this packet due to the volume and complexity of the information. The other agencies that we consider most comparable to the City of Kingsville are listed as follows:

1. City of Mexia (located 40 miles East of Waco)
2. Pecos County (located in West Texas)
3. Nueces County Rural Fire District #4 (services Robstown Rural area and is in the process of raising their rates)

Section 4 - Medicare and Medicaid Industry Changes

Medicare will pay their allowable rates based on the city's locality. However, if the city's charges are close or under the Medicare allowable, it becomes an issue therefore the City fees should always be above the Medicare Fee Schedule. If City fees are less, then the City is losing money and could possibly raise the issue of an audit, in which Medicare will match our fee and this will cause for a loss of monies for other EMS agencies within the city's locality. With the exception of raising the City's mileage fee, the City will get no more monies out of Medicare and Medicaid, but will receive additional monies from private insurances. An email to all Medicare providers stating that they would be holding payments for the month of January 2012, due to an issue on their end. For Medicaid, it read as follows - Effective for dates of service on or after January 1, 2012, the following claims submission and processing guidelines will change for Medicare crossover claims:

- Coinsurance and deductible reimbursement will change for professional and outpatient facility crossover claims in accordance with cost containment reductions included in H.B. 1, 82nd Legislature, Regular Session, 2011.

For Part B and Part C (noncontracted MAPS only) professional and outpatient crossover claims, Texas Medicaid will reimburse the lesser of the following:

- The coinsurance and deductible payment
- The amount remaining after the Medicare payment amount is subtracted from the allowed Medicaid fee or encounter rate for the service.

If the Medicare payment is equal to or exceeds Medicaid allowed amount or encounter payment for the service, Texas Medicaid will not make a payment for coinsurance and deductible.

CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

The good news however is that as of August 29, 2012 effective for dates of service on or after September 1, 2012, Texas Medicaid will reimburse the full amount of the Medicare coinsurance and deductible for the following Part B and Part C.

Section 5 - Projected Revenue Increase

Attached is a spreadsheet that will present two rate increases for the City of Kingsville EMS. One is for a medium rate increase and one is for a higher rate increase.

Definitions/Abbreviations

ALS1 - Advance Life Support

ALS2 - Advance Life Support

BLSE - Basic Life Support Emergency

BLSNE - Basic Life Support Non-Emergency

Medium Rate Increase

The charges that are being looked at for rate increased are as follows:

- a. ALS1 – raising the rate from \$625.00 to \$855.00
- b. ALS2 – raising the rate from \$625.00 to \$900.00
- c. BLSE – raising the rate from \$500 to \$787.00
- d. BLSNE – raising the rate from \$450.00 to \$787.00
- e. Mileage – raising the rate from \$6.50 to a **minimum** of \$7.06 (Suggested mileage rate is between \$10.00 to \$15.00).

If these Medium Rate Increases are adopted, the following is projected to occur: (This is with the estimated start date of October 2012 and an average monthly trip average of 161). The projected annual fiscal year revenue will increase from \$547,754 in FY12 to \$578,029 in FY13, the first full year of projected new rate revenue. **This is a projected \$30,275 or 5.53% increase in annual ambulance revenue.**

Higher Rate Increase

The charges that are being looked at for rate increased are as follows:

- f. ALS1 – raising the rate from \$625.00 to \$940.50
- g. ALS2 – raising the rate from \$625.00 to \$990.00
- h. BLSE – raising the rate from \$500 to \$865.70
- i. BLSNE – raising the rate from \$450.00 to \$865.70
- j. Mileage – raising the rate from \$6.50 to a **minimum** of \$7.06 (Suggested higher rate is 16.50).

If these Higher Rate Increases are adopted, the following is expected to occur: (This is with the estimated start date of October 2012 and an average monthly trip average of 161). The projected annual fiscal year revenue will increase from \$547,754 in FY12 to \$633,571 in FY13, the first full year of projected new rate revenue. **This is a projected \$85,816 or 15.67% increase in annual ambulance revenue.**

CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

Staff Recommendation

The rates and charges presented are based on market rates and allowable industry standards put forth by the reimbursing insurance and governmental agencies. A full recovery of the actual costs incurred by the City of Kingsville Ambulance Services is not the intent of this study and/or sole basis of recommended rates and charges. The increase in rates and charges is intended to help offset the increasing cost of the delivery of these services to the public.

After review of the Medium and Higher Rate survey, study and comparisons, it is staff's recommendation to phase-in the medium rates for FY13, effective October 1, 2012, followed by an observation.

Thank you for your consideration in this matter. If I can be of further assistance, please give me a call at (361) 595-8009.

Sincerely,

Mark A. Rushing

Mark A. Rushing
Finance Director
City of Kingsville

Enclosures:

- (1) Power Point Presentation
- (2) Itemized Drug List – Medium and High
- (3) EMS Billing Rates – Medium and High

ADPI-Intermedix



EMS Rate Increase Study City of Kingsville

i | adpi
intermedix

9/20/12

Two Projects of Importance

1. Revalidation with Medicare
2. EMS Rate Study

Revalidation - Continued

- The revalidation process began in February 2012 - The application and all requested paperwork and supporting documentation comes to around 88 pages
- Medicare wanted something changed 8 times and with each change new signatures had to be obtained.
- The last part of the revalidation requires an on-site visit. This is not a scheduled visit. This process usually takes 30 days, but with the mass requests of revalidations, it pushed the 30 day deadline to 45 days.
- At the time of the on-site visit scheduled in June 13, 2012. Trailblazers (Vendor to Medicare) lost the contract and Novitas took over. The on site visit was rescheduled as of July 3, 2012. At this time the City of Kingsville's revalidation packet got "lost" in the transition.
- It took several complaints to CMS and the process of bringing in your district congressman and state senator.
- Without Notification and constant monitoring CMS stated that the on site visit was done and the application was approved as of September 4, 2012.

Revalidation - Conclusion

- Medicare has issued The City of Kingsville a new EMS #.
- There are 642 claims that will be resubmitted
- All claims go through one clearing house instead of three
- Intermedix is in the process of enrolling The City of Kingsville
- Clearing house should be ready to submit all the Medicare claims within 25 days or sooner.

EMS Rate Study

- When considering the possibility of a rate increase. It was requested of Intermedix to select other Intermedix clients.
- Those clients were as follows:
 - Nueces County ESD#4
 - City of Mexia
 - Pecos County EMS
- Several issues has to be considered while doing this study:
 - How does a rate increase effect the City of Kingsville EMS?
 - How does a rate increase effect the surrounding EMS agencies?
 - How does a rate increase effect the patients.
 - ‘

EMS Rate Study - Continued

At the current rates:

- How does a rate increase effect the City of Kingsville EMS
 - Is the EMS department able to cover their cost of covering each trip?
 - Is the EMS department able to meet the payment obligation of restocking supplies and drugs?
 - How Often is Kingsville EMS being used more as a “Taxi” or minor situations such treatments and not transported?

EMS Rate Study - Continued

At the current rates:

- How does a rate increase effect the Surrounding EMS agencies?
 - When Medicare does their yearly fee schedule evaluation, the locality will be looked at by each EMS agencies charge master. Medicare will base their fees on the agency that has the lowest fees and do an average of the remaining. If this happens, this means that your Medicare allowable rates could go down.
 - Medicare if the biggest payor in Texas and EMS agencies cannot afford the cuts.

EMS Rate Study - Continued

At the current rates

How does a rate increase effect the patients?

If Medicare lowers their fees, it hurts the EMS department personnel with possible cuts if their budget is not enough to meet the cost of the one trip.

If other agencies around you close due to funds, those areas are going to have to look to find an EMS agency who can cover their area.....sounds good, because it increases trips...but it won't help, if your Medics are working extensive longer or more hours and the City is having to invest more monies to restock all supplies resources.

What are your Medicare allowable:

- An Allowable is the most that can be collected from Medicare or even Medicaid
- Here is the City of Kingsville's Medicare Allowables:
 - 4402 99 A0425 Mileage \$7.10
 - 4402 99 A0426 ALS Non Emergency \$248.76
 - 4402 99 A0427 ALS Emergency \$393.86
 - 4402 99 A0428 BLS Non Emergency \$207.30
 - 4402 99 A0429 BLS Emergency \$331.67
 - 4402 99 A0433 ALS 2 \$570.07
 - 4402 99 A0434 Specialty Care Transport \$673.71
- Highlighted in Green is the most common types of trip that the City Of Kingsville EMS does.
- What is the City of Kingsville EMS average payment from Medicare: \$373.53 - To close to the allowable and does it cover the transport?

Current Fees For The City of Kingsville

<u>HCPC Code</u>	<u>Description</u>	<u>Fee</u>
A0427	ALS1 EMER TRANSPORT	\$625.00
A0426	ALS1 NON EMER TRAN	\$600.00
A0433	ALS2 TRANSPORT	\$625.00
A0429	BLS EMER TRANSPORT	\$500.00
A0428	BLS NON EMER TRAN	\$450.00
A0998	TREATMENT/NO TRANSP	\$125.00
A0425	MILEAGE EMERGENCY ALS	\$6.50
A0425	MILEAGE NON-EMERG BLS	\$6.50

Medium Rate Increase

- ALS1 Emergency \$855.00
- ALS Non Emergency \$855.00
- ALS2 \$900.00
- BLS Emergency \$787.00
- BLS Non Emergency \$787.00
- Mileage \$7.06 (minimum)
- (Suggested mileage rate is between \$10.00 to \$15.00).

High Rate Increase

- ALS1 Emergency \$940.50
- ALS Non Emergency \$940.50
- ALS2 \$990.00
- BLS Emergency \$867.70
- BLS Non Emergency \$867.70
- Mileage \$ 7.06 (minimum)
- Please note that on both Medium and High rate increase for the mileages are a minimum of \$7.06. (Suggested higher rate is 16.50).

Differences of the the City of Kingsville rates vs. the Medium and High Rate Increase - Continued

Medium Rate Increase:

<u>HCPC Code</u>	<u>Description</u>	<u>Current Fee</u>	<u>Difference</u>
A0427	ALS1 EMER TRANSPORT	\$625.00	\$230.00
A0426	ALS1 NON EMER TRAN	\$600.00	\$255.00
A0433	ALS2 TRANSPORT	\$625.00	\$275.00
A0429	BLS EMER TRANSPORT	\$500.00	\$287.00
A0428	BLS NON EMER TRANSPORT	\$450.00	\$337.00
A0998	TREATMENT/NO TRANSPORT	\$125.00	Fee is within range
A0425	MILEAGE EMERGENCY ALS/BLS	\$ 6.50	\$ 0.56

Please keep in mind that the city will not receive any extra cash revenue from Medicare or Medicaid, but will see an increase in private Insurance and some self pay.

Differences of the the City of Kingsville rates vs. the Medium and High Rate Increase

High Rate Increase:

<u>HCPC Code</u>	<u>Description</u>	<u>Current Fee</u>	<u>Difference</u>
A0427	ALS1 EMER TRANSPORT	\$625.00	\$315.50
A0426	ALS1 NON EMER TRAN	\$600.00	\$315.50
A0433	ALS2 TRANSPORT	\$625.00	\$365.00
A0429	BLS EMER TRANSPORT	\$500.00	\$367.70
A0428	BLS NON EMER TRAN	\$450.00	\$417.70
A0998	TREATMENT/NO TRANSPORT	\$125.00	Fee is within range
A0425	MILEAGE EMERGENCY ALS/BLS	\$ 6.50	\$ 0.56

Please keep in mind that the city will not receive any extra cash revenue from Medicare or Medicaid, but will see an increase in private Insurance and some self pay.

Payor Mix

• Payor Mix for fiscal year 2010/2011:

<u>Insurance Type Count</u>		
Self Pay -	341	20%
Private Insurance	289	17%
Medicare -	740	44%
Medicaid -	308	18%
Total trips -	1678	

• Payor Mix for Fiscal Year 2012/2012 (As of August 2012):

<u>Insurance Type Count</u>		
Self Pay -	443	23%
Private Insurance -	329	17%
Medicare -	826	44%
Medicaid -	293	15%
Total Trips -	1891	

Payment Percentage Increase with Medium Rate Increase:

- If these Medium Rate Increases are adopted, the following is projected to occur: (This is with the estimated start date of October 2012 and an average monthly trip average of 161). The projected annual fiscal year revenue will increase from \$457,142.67 in FY 11, the last full year of current rate revenue, to \$541,590.76 in FY 13, the first full year of projected new rate revenue. This is a projected \$88,449.09 or 18.48% increase in annual ambulance revenue.

Payment Percentage Increase with Higher Rate Increase:

- If these Higher Rate Increases are adopted, the following is expected to occur: (This is with the estimated start date of October 2012 and an average monthly trip average of 161). The projected annual fiscal year revenue will increase from \$457,142.67 in FY 11, the last full year of current rate revenue, to \$580,008.40 in FY 13, the first full year of projected new rate revenue. This is a projected \$122,865.73 or 26.88% increase in annual ambulance revenue.

End of the Rate Increase presentation

- Questions and Answers

City of Kingsville EMS - 2011 and 2012 Out-standing Medicare Claims as of August 2012

Row Labels	Values		Sum of Payments	Sum of Balance
	Count of CallDispo			
Medicare	703	\$	-	\$ 426,936.50
Dead on scene	9	\$	-	\$ 4,500.00
DNR, no transport	1	\$	-	\$ 500.00
No treatment, no transport				
Transport and treatment	628	\$	-	\$ 410,359.00
Transport, no treatment	4	\$	-	\$ 2,296.00
Treatment, no transport				
Treatment, transport refused	10	\$		\$ 188.50
Grand Total	703	\$	-	\$ 426,936.50

These 642 trips insured are not covered by Medicare

Estimation on cash revenue on the out-standing 642 claims at an average Medicare payment of \$373.53 =

\$373.53	Mcare Avg Pmt 2011	
642	Out-Standing Medicare Trips	
\$239,806.26		



Alexander Billing & Consulting, Inc.

6243 IH-10 West, Suite 555 • San Antonio, Texas 78201
Ph: (210) 344-9555 • Fax: (210) 344-9777 • Toll Free (800) 867-0944

September 17, 2007

Mr. Carlos Yerena
City Manager
City of Kingsville
200 East Kleberg
Kingsville, TX 78364

Mr. Yerena:

It my understanding that the City of Kingsville is exploring the possibility of increasing the charges for the City's Emergency Medical Services (EMS) in hopes to increase revenue from EMS operations. If the City chooses to move forward with a charge increase, Alexander Billing and Consulting recommends the following charges be implemented:

Description	Current Charges	Proposed Charges
Mileage	\$6.50	\$16.00
ALS1 Non-Emergency Transport	\$600.00	\$905.00
ALS1 Emergency Transport	\$625.00	\$905.00
BLS Non-Emergency Transport	\$450.00	\$805.00
BLS Emergency Transport	\$500.00	\$805.00
ALS2 Transport	\$625.00	\$1,005.00
Specialty Care Transport	\$625.00	\$1,005.00

While an increase in charges will increase reimbursements, reimbursements will only increase from the commercial payors. Currently, commercial insurance accounts for roughly 15% of the payor mix. Medicare and Medicaid will not increase their reimbursements based on a charge increase; they will continue to pay the same amount for each trip billed. Therefore, the City will also see an increase in their contractual write-offs for Medicare and Medicaid. These increased contractual write-offs will drive down the City's gross collection rate.

While I believe that a charge increase will have a positive impact on reimbursements from your commercial payors, I wanted the City to be aware of how this will affect your other payors as well. If you have any questions regarding the proposed charges, please feel free to contact me at 1-800-867-0944.

Sincerely,

Melissa Hunt
Director of Client Relations & Compliance
Alexander Billing & Consulting, Inc.

ITEMIZED CURRENT AND PROPOSED CHARGES

Item Number	Item Description - Drugs	Up M	Current Charge Price	Current Cost Price	20% Increase over Current Price	Medium Price (Current w/ 20% Increase)	30% Increase over Current Price	High Price (Current w/ 30% Increase)
371255	ADENOCARD 12MG 4ML ANSYR SYRINGE 1002C	EA	\$ 524.34	\$ 88.75	\$ 17.75	\$ 106.50	\$ 26.63	\$ 115.38
1212-01	*DC-USE 371215 * NALOXONE- MARCAN 0.4MG 1ML AMPULE	EA	\$ 38.34	\$ 3.33	\$ 0.67	\$ 4.00	\$ 1.00	\$ 4.33
607113	WATER STERILE FOR IRRIGATION 500ML 18/CS	EA	\$ 10.00	\$ 1.22	\$ 0.24	\$ 1.46	\$ 0.37	\$ 1.59
372497	NIFEDIPINE/PROCARDIA 10MG CAP 100/BT 2105	BT	NCC	\$ 93.69	\$ 18.74	\$ 112.43	\$ 28.11	\$ 121.80
0376-25	DIPHENHYDRAMINE 50MG/ML 1ML SDV 2035 - BENADRYL 25 VIALS/TRAY	EA	\$ 31.00	\$ 1.26	\$ 0.25	\$ 1.51	\$ 0.38	\$ 1.64
374904	LIDOCAINE 2% 100MG 5ML LIFESHIELD SYRINGE 1026A	EA	\$ 37.00	\$ 2.77	\$ 0.55	\$ 3.32	\$ 0.83	\$ 3.60
374921	EPINEPHRINE 1:10000 LIFESHIELD SYRINGE 1019A	EA	\$ 33.00	\$ 3.14	\$ 0.63	\$ 3.77	\$ 0.94	\$ 4.08
379501	ALBUTEROL 2.5MG, 0.83MG/ML, 3ML UNIT DOSE, INDIVIDUALLY WRAPPED 30/BX	BX	\$ 37.00	\$ 5.80	\$ 1.16	\$ 6.96	\$ 1.74	\$ 7.54
371109	C4 MIDAZOLAM **VERSED** 1MG/ML 5ML VIAL 10/BOX CS09	BX	NCC	\$ 16.15	\$ 3.23	\$ 19.38	\$ 4.85	\$ 21.00
601323	SODIUM CHLORIDE 0.9% 500ML 24EA/CS BAXTER 2B1323Q	EA	NCC	\$ 3.85	\$ 0.77	\$ 4.62	\$ 1.16	\$ 5.01
371902	PROCAINAMIDE 1GM 10ML VIAL 2103	EA	NCC	\$ 1.00	\$ 0.20	\$ 1.20	\$ 0.30	\$ 1.30
00300-65	TETROGlycerin Lingual Spray, 400mcg/spray, 60 doses 12ea/cs	EA	\$ 35.40	\$ 8.57	\$ 1.71	\$ 10.28	\$ 2.57	\$ 11.14
372121	NITROGLYCERIN 0.5% 15ML BOTTLE 2121	EA	NCC	\$ 10.11	\$ 2.02	\$ 12.13	\$ 3.03	\$ 13.14
370178	C2 MORPHINE 10MG 1ML SDV 25/BX CS25	BX	NCC	\$ 24.23	\$ 4.85	\$ 29.08	\$ 7.27	\$ 31.50
351027	INTRAVENOUS (IV) ARMBOARD REUSABLE 3 IN X 18 IN 50/CS	EA	NCC	\$ 1.87	\$ 0.37	\$ 2.24	\$ 0.56	\$ 2.43
3213-12	C4 DIAZEPAM 5MG/ML 10ML VIAL 10/BX	BX	NCC	\$ 35.57	\$ 7.11	\$ 42.68	\$ 10.67	\$ 46.24
000002145001	GLUCAGON 1MG LILLY KIT RED BOX 2050A	EA	NCC	\$ 129.09	\$ 25.82	\$ 154.91	\$ 38.73	\$ 167.82
0186063501	FUROSEMIDE 40MG 4ML ANSYR SYRINGE 1020C	EA	NCC	\$ 3.41	\$ 0.68	\$ 4.09	\$ 1.02	\$ 4.43
0931-44	VECURONIUM 10MG 10ML VIAL	EA	NCC	\$ 14.21	\$ 2.84	\$ 17.05	\$ 4.26	\$ 18.47
371775	DEXTROSE 25% 10ML ANSYR SYRINGE 1041	EA	NCC	\$ 3.69	\$ 0.74	\$ 4.43	\$ 1.11	\$ 4.80
607123	SODIUM CHLORIDE 0.9% FOR IRRIGATION 500ML 18/CS	EA	NCC	\$ 1.23	\$ 0.25	\$ 1.48	\$ 0.37	\$ 1.60
300-65	*DC-USE 00300-65 * NITRO SPRAY 0.4MG 4.9GM 60 DOSES	EA	NCC	\$ 154.61	\$ 30.92	\$ 185.53	\$ 46.38	\$ 200.99
377515	DEXTROSE 50% 50ML ANSYR SYRINGE 1013C	EA	\$ 10.00	\$ 3.65	\$ 0.73	\$ 4.38	\$ 1.10	\$ 4.75
0087-17	ATROVENT INHALER 17MCG 12.9GM	EA	NCC	\$ 158.57	\$ 31.71	\$ 190.28	\$ 47.57	\$ 206.14
464631	INSTA-GLUCOSE 31GM 2064 12/CS	EA	\$ 35.50	\$ 3.43	\$ 0.69	\$ 4.12	\$ 1.03	\$ 4.46
371905	DOPAMINE 400MG/5ML SDV	EA	\$ 35.00	\$ 2.43	\$ 0.49	\$ 2.92	\$ 0.73	\$ 3.16
0300-65	*DC-USE 00300-65 * Nitrolingual Pumpspray 0.4 mg, 4.9 gm, 60 doses 12ea/cs	EA	NCC	\$ 110.13	\$ 22.03	\$ 132.16	\$ 33.04	\$ 143.17
601324X	SODIUM CHLORIDE 0.9% 1000ML 14EA/CS	EA	NCC	\$ 1.23	\$ 0.25	\$ 1.48	\$ 0.37	\$ 1.60
501100	RESTRAINT STRAPS LIMB DISPOSABLE DELUXE ADULT 48PR/CS	PR	NCC	\$ 3.51	\$ 0.70	\$ 4.21	\$ 1.05	\$ 4.56
0074190301	*MFG B/O * PROCAINAMIDE 500MG/ML 2ML VIAL	EA	NCC	\$ 7.43	\$ 1.49	\$ 8.92	\$ 2.23	\$ 9.66
374911	ATROPINE 1MG 10ML LIFESHIELD SYRINGE 1006A	EA	\$ 31.00	\$ 3.36	\$ 0.67	\$ 4.03	\$ 1.01	\$ 4.37
375016	ASPIRIN CHILDREN'S CHEWABLE ORANGE FLAVOR 81MG 36/BT 24BT/CS 2019	BT	NCC	\$ 0.84	\$ 0.17	\$ 1.01	\$ 0.25	\$ 1.09
6070-25	C2 Morphine 10 mg, 1 ml SDV 25/bx	BX	NCC	\$ 24.23	\$ 4.85	\$ 29.08	\$ 7.27	\$ 31.50
375204	QUELIN 200MG 10ML VIAL *REFRIGERATION REQUIRED*	EA	NCC	\$ 2.53	\$ 0.51	\$ 3.04	\$ 0.76	\$ 3.29
371651	THIAMINE 100MG/ML 2ML MDV 2122	EA	NCC	\$ 14.07	\$ 2.81	\$ 16.88	\$ 4.22	\$ 18.29
	NCC = Not Currently Charged							

CITY OF KINGSVILLE
NEW PROPOSED
EMS BILLING RATES
COMPARISON

PROPOSED DESCRIPTION	CURRENT DESCRIPTION	SEE NOTE A	SEE NOTE A	Current Rates	New Rates High Range	New Rates Med Range	Diff./high	Diff./med
	Kingsville Charges							
ALS1 Emergency Base Rate	ALS1 EMER TRANSPORT		625.00	625.00	897.75	855.00	272.75	230.00
ALS1 Non-Emergency Base Rate	ALS1 NON EMER TRAN		600.00	600.00	897.75	855.00	297.75	255.00
ALS2 Base Rate	ALS2 TRANSPORT		625.00	625.00	945.00	900.00	320.00	275.00
BLS Emergency Base Rate	BLS EMERGENCY TRANSPORT		500.00	500.00	826.35	787.00	326.35	287.00
BLS Non-Emergency Base Rate	BLS NON EMER TRAN		450.00	450.00	826.35	787.00	376.35	337.00
SCT Non-Emergency Base Rate	SPECIALTY CARE TRAN		625.00	625.00	1746.11	1662.96	1121.11	1037.96
Treatment / No-Transport	NO TRANSPORT/EMER TREAT		125.00	125.00	367.50	367.50	242.50	242.50
ALS Emergency Mileage	MIILEAGE EMERGENCY ALS		6.50	6.50	15.75	15.00	9.25	8.50
ALS Non-Emergency Mileage	MIILEAGE EMERGENCY BLS		6.50	6.50	15.75	15.00	9.25	8.50
BLS Non-Emergency Mileage	MIILEAGE NON-EMERG ALS		6.50	6.50	15.75	15.00	9.25	8.50
ALS Supplies - Routine Disposable	NOT CURRENTLY CHARGED	N/C	3.00	25.00	55.12	52.50	42.12	39.50
ALS Supplies - Routine Disposable	GLOVES Sterile/Non	N/C	3.00	25.00	55.12	52.50	42.12	39.50
Dispatch Fee	NOT CURRENTLY CHARGED	N/C	10.00	10.00	98.70	94.00	N/A	N/A
Emergency Rate	SHEET & PILLOW CASE	N/C	10.00	10.00	26.25	26.25	16.25	16.25
Oxygen, Administration, & Supplies / hr	NOT CURRENTLY CHARGED	N/C	6.50	40.00	124.95	119.00	73.45	67.50
Pulse Oximeter	ADULT NONREBREATHING MASK	N/C	20.00	5.00	99.22	94.50	79.22	74.50
Ambulance Wait Time (30 min)	PULSE OXIMETER	N/C	50.00	8.67	33.04	31.00	N/A	N/A
Extra Attend - 300+ lb Patient	NOT CURRENTLY CHARGED	N/C		20.18	42.00	40.00	-8.00	-10.00
Extra Attend - CPR	EXTRA ATTENDANT	N/C		50.00	154.35	147.00	N/A	N/A
Extra Attend - Heavy Extrication	NOT CURRENTLY CHARGED	N/C		20.18	262.50	250.00	N/A	N/A
Extra Attend - Long Stairs	NOT CURRENTLY CHARGED	N/C		20.18	42.00	40.00	N/A	N/A
Night Call (8p - 8a)	NOT CURRENTLY CHARGED	N/C		25.00	88.20	84.00	N/A	N/A
Weekend Call	NOT CURRENTLY CHARGED	N/C			88.20	84.00	N/A	N/A
ALS Supplies - Airway Management	NOT CURRENTLY CHARGED	N/C			98.70	94.00	N/A	N/A
ALS Supplies - Autopulse	NOT CURRENTLY CHARGED	N/C			495.71	472.10	N/A	N/A
ALS Supplies - Capnography	NOT CURRENTLY CHARGED	N/C			163.80	156.00	N/A	N/A
ALS Supplies - Defibrillation	NOT CURRENTLY CHARGED	N/C			220.50	210.00	N/A	N/A
ALS Supplies - EKG Pads	NOT CURRENTLY CHARGED	N/C			38.59	36.75	N/A	N/A
ALS Supplies - External Pacing	NOT CURRENTLY CHARGED	N/C			220.50	210.00	N/A	N/A
ALS Supplies - Intubation	NOT CURRENTLY CHARGED	N/C			105.00	100.00	N/A	N/A
ALS Supplies - IO Infusion	NOT CURRENTLY CHARGED	N/C			275.36	262.25	N/A	N/A
ALS Supplies - IV Therapy	NOT CURRENTLY CHARGED	N/C			270.90	258.00	214.90	202.00
ALS Supplies - Mast Trousers	NOT CURRENTLY CHARGED	N/C			44.10	42.00	N/A	N/A
ALS Supplies - Needle Thoracostomy	NOT CURRENTLY CHARGED	N/C			33.08	31.50	N/A	N/A
ALS Supplies - NG Tube	NOT CURRENTLY CHARGED	N/C			92.40	88.00	77.40	73.00
Biosite Cardiac Marker	SHARP CONTAINER	N/C			330.49	314.75	N/A	N/A
BLS Supplies - Defibrillation (AED)	NOT CURRENTLY CHARGED	N/C			126.00	126.00	N/A	N/A
BLS Supplies - Morgan Lens	NOT CURRENTLY CHARGED	N/C			44.10	42.00	N/A	N/A
BLS Supplies - Scoop Stretcher	NOT CURRENTLY CHARGED	N/C			89.25	85.00	N/A	N/A
BLS Supplies - Stair Chair	NOT CURRENTLY CHARGED	N/C			36.75	35.00	N/A	N/A
Bone Injection Adult	NOT CURRENTLY CHARGED	N/C			393.75	45.64	N/A	N/A
Bone Injection Padi	NOT CURRENTLY CHARGED	N/C			262.50	250.00	N/A	N/A
Drug - Acetaminophen 5 mL	NOT CURRENTLY CHARGED	N/C			262.50	250.00	N/A	N/A
Drug - Activated Charcoal 20cc PO	NOT CURRENTLY CHARGED	N/C			2.36	2.25	N/A	N/A
Drug - Adenosine 6mg	NOT CURRENTLY CHARGED	N/C			13.12	12.50	N/A	N/A
Drug - Albuterol (.83%) 3 mL	NOT CURRENTLY CHARGED	N/C			69.95	66.62	N/A	N/A
Drug - Albuterol/Ipratropium	NOT CURRENTLY CHARGED	N/C			20.82	19.83	18.82	17.83
Drug - Amiodarone 250 mg	NOT CURRENTLY CHARGED	N/C			37.80	36.00	N/A	N/A
Drug - Amiodarone HCl 150 mg / 3 mL	NOT CURRENTLY CHARGED	N/C			92.66	92.66	N/A	N/A
		N/C			352.50	335.71	N/A	N/A

CITY OF KINGSVILLE
NEW PROPOSED
EMS BILLING RATES
COMPARISON

		1.00				1.00	2.20	14.69	1.20	13.69
Drug - Aspirin, Chewable 81 mg	ASPIRIN 325MG	11.00				11.00	15.42	14.69	4.42	3.69
Drug - Atropine Sulfate 1.0MG	ATROPINE SULFATE 1.0MG									
Drug - Benzotropine 1 MG	NOT CURRENTLY CHARGED	N/C	N/C				68.25	65.00	N/A	N/A
Drug - Butorphanol 2 mg	NOT CURRENTLY CHARGED	N/C	N/C				8.14	28.89	N/A	N/A
Drug - Calcium Chloride 1 gm / 10 mL	NOT CURRENTLY CHARGED	N/C	N/C				11.55	11.00	N/A	N/A
Drug - Clonidine 0.1 mg	NOT CURRENTLY CHARGED	N/C	N/C				46.20	44.00	N/A	N/A
Drug - Dexamethasone 4 mg	NOT CURRENTLY CHARGED	N/C	N/C				30.98	29.50	N/A	N/A
Drug - Dextrose 25% (D25)	NOT CURRENTLY CHARGED	N/C	N/C				19.82	18.88	-0.18	-1.12
Drug - Dextrose 50% (D50)	DEXTROSE 50%50CC	20.00					27.54	26.23	N/A	N/A
Drug - Diazepam 5 mg	NOT CURRENTLY CHARGED	N/C	N/C				64.97	61.88	N/A	N/A
Drug - Diltiazem HCL 5mg	NOT CURRENTLY CHARGED	N/C	N/C				9.91	9.44	N/A	N/A
Drug - Diphenhydramine 50 mg	NOT CURRENTLY CHARGED	N/C	N/C				57.28	54.55	N/A	N/A
Drug - Dobutamine, per 250 mg	NOT CURRENTLY CHARGED	N/C	N/C				57.75	41.70	N/A	N/A
Drug - Doxasetron 10 MG	NOT CURRENTLY CHARGED	N/C	N/C				23.13	22.03	N/A	N/A
Drug - Dopamine 400mg/250cc bag of DSW	NOT CURRENTLY CHARGED	N/C	N/C				46.20	29.52	N/A	N/A
Drug - Enalaprilat 5 mg	NOT CURRENTLY CHARGED	N/C	N/C				9.79	9.32	6.79	6.32
Drug - EPT 1 mg/10 mL IV	EPT 1:10,000	3.00				3.00	16.53	15.74	N/A	N/A
Drug - EPT 1 mg/cc IV	NOT CURRENTLY CHARGED	N/C	N/C				63.00	60.00	N/A	N/A
Drug - EPT Pen 1 dose	NOT CURRENTLY CHARGED	N/C	N/C				63.00	60.00	N/A	N/A
Drug - EPT Pen Pedi	NOT CURRENTLY CHARGED	N/C	N/C				35.25	33.57	N/A	N/A
Drug - Etonitrate 20mg/vial	NOT CURRENTLY CHARGED	N/C	N/C				63.00	60.00	N/A	N/A
Drug - Flumazenil 0.5mg	NOT CURRENTLY CHARGED	N/C	N/C				21.76	20.72	N/A	N/A
Drug - Furosemide 20 mg	NOT CURRENTLY CHARGED	N/C	N/C				143.20	136.38	N/A	N/A
Drug - Glucagon 1 mg	NOT CURRENTLY CHARGED	N/C	N/C				27.56	27.56	N/A	N/A
Drug - Haloperidol 5 mg	NOT CURRENTLY CHARGED	N/C	N/C				44.72	42.59	N/A	N/A
Drug - Hydrocortisone 100MG	NOT CURRENTLY CHARGED	N/C	N/C				67.20	64.00	N/A	N/A
Drug - Hydromorphone 4 MG	NOT CURRENTLY CHARGED	N/C	N/C				2.36	2.25	N/A	N/A
Drug - Ibuprofen for Children 4 oz	NOT CURRENTLY CHARGED	N/C	N/C				5.51	5.51	N/A	N/A
Drug - Ipecac 5 cc	NOT CURRENTLY CHARGED	N/C	N/C				5.51	5.25	3.51	3.25
Drug - Ipratropium Bromide .18 mg	ATROVENT 0.02%/2.5ml	2.00					22.03	20.98	N/A	N/A
Drug - Isoproterenol HCL .5 %	NOT CURRENTLY CHARGED	N/C	N/C				50.40	48.00	N/A	N/A
Drug - Ketorolac 15 mg	NOT CURRENTLY CHARGED	N/C	N/C				46.82	44.59	N/A	N/A
Drug - Labetolol 10 mg	NOT CURRENTLY CHARGED	N/C	N/C				55.12	52.50	N/A	N/A
Drug - Lidocaine Drip 1 gm / 25 mL	NOT CURRENTLY CHARGED	N/C	N/C				27.54	26.23	N/A	N/A
Drug - Lidocaine HCL (2%) 50 mg	NOT CURRENTLY CHARGED	N/C	N/C				45.16	43.01	N/A	N/A
Drug - Lorazepam 2 mg	NOT CURRENTLY CHARGED	N/C	N/C				19.95	19.00	N/A	N/A
Drug - Maalox 5mL	NOT CURRENTLY CHARGED	N/C	N/C				23.13	22.03	N/A	N/A
Drug - Magnesium Sulfate, per 500 mg	NOT CURRENTLY CHARGED	N/C	N/C				110.16	104.91	N/A	N/A
Drug - Mannitol bag	NOT CURRENTLY CHARGED	N/C	N/C				37.28	35.50	N/A	N/A
Drug - Meperidine HCL 100 mg	NOT CURRENTLY CHARGED	N/C	N/C				43.51	41.44	N/A	N/A
Drug - Methylprednisolone 125 mg	NOT CURRENTLY CHARGED	N/C	N/C				44.06	41.96	N/A	N/A
Drug - Midazolam HCL 1 mg	NOT CURRENTLY CHARGED	N/C	N/C				61.69	58.75	58.69	55.75
Drug - Morphine Sulfate, 10 mg	MORPHINE SULFATE 10MG	3.00					25.88	25.88	N/A	N/A
Drug - Nalbuphine HCL 10 mg	NOT CURRENTLY CHARGED	N/C	N/C							

CITY OF KINGSVILLE
NEW PROPOSED
EMS BILLING RATES
COMPARISON

Drug - Naloxone 1 mg IV	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	13.28	12.65	N/A	N/A
Drug - Nitrous Oxide gas	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	84.00	80.00	N/A	N/A
Drug - Norcuron 10 mg	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	99.14	94.42	N/A	N/A
Drug - NTG Spray 0.4 mg SL	NITROGLYCERINE SPRAY	4.00	N/C	N/C	N/C	N/C	N/C	N/C	7.34	6.99	3.34	2.99
Drug - Ondansetron 1 mg	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	57.75	55.00	N/A	N/A
Drug - Oral Glucose Gel 15 g	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	6.60	6.29	N/A	N/A
Drug - Oxycotin 10 unit/mL	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	20.93	19.93	N/A	N/A
Drug - Fentanyl HCl 1 g	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	41.42	39.45	N/A	N/A
Drug - Frobenazine 50 mg	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	34.70	33.05	N/A	N/A
Drug - Proparacaine Oph gts	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	40.95	39.00	N/A	N/A
Drug - Propranolol HCl 1 mg	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	11.59	11.04	N/A	N/A
Drug - Racemic Epi Neb	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	47.25	45.00	N/A	N/A
Drug - Rexer 100 mce	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	63.00	63.00	N/A	N/A
Drug - Rocuronium/Zemuron 50mg/5ml	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	124.95	119.00	N/A	N/A
Drug - Sodium Bicarbonate 50 CC	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	8.13	7.74	N/A	N/A
Drug - Sublimaze 1mL	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	79.54	75.75	N/A	N/A
Drug - Succinylcholine 20 ml	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	8.81	8.39	N/A	N/A
Drug - Tetrastine gts	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	27.32	26.02	N/A	N/A
Drug - Thiamine 100 mg IV	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	20.48	20.48	N/A	N/A
Drug - Tridil Drip	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	3.53	3.36	N/A	N/A
Drug - Vasopressin 40 units	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	157.50	150.00	N/A	N/A
Drug - Vecuronium 10 mg	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	57.28	54.55	N/A	N/A
Drug - Verapamil 2.5 mg	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	115.50	110.00	N/A	N/A
Drug - Xopenex 1.25 mg	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	63.00	60.00	N/A	N/A
ETC02 Bulb Fedi	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	37.28	35.50	N/A	N/A
Nus/QuickTrak Surg Airway	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	34.12	32.50	N/A	N/A
IV - 5% Dextrose/SS 500CC	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	315.00	300.00	N/A	N/A
IV - D5W 1000CC	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	44.10	42.00	N/A	N/A
IV - D5W 250CC	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	50.14	47.75	N/A	N/A
IV - D5W 500CC	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	27.62	26.30	N/A	N/A
IV - Normal Saline 1000CC	NORMAL SALINE 1000cc	10.00	N/C	N/C	N/C	N/C	N/C	N/C	44.10	42.00	N/A	N/A
IV - Normal Saline 100CC	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	50.14	47.75	40.14	37.75
IV - Normal Saline 250CC	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	10.00	9.58	39.60	N/A
IV - Normal Saline 500CC	NORMAL SALINE 500CC	9.50	N/C	N/C	N/C	N/C	N/C	N/C	41.58	39.60	N/A	N/A
IV - Ringers Lactate 1000CC	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	9.50	44.00	41.90	34.50
Blood Glucose Test	DEXTR0STIX	10.00	N/C	N/C	N/C	N/C	N/C	N/C	50.14	47.75	N/A	N/A
EKG Interpretation	L2 LEAD MONITOR	60.00	N/C	N/C	N/C	N/C	N/C	N/C	50.14	47.75	29.92	27.64
IV - Blood Draw Procedure	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	273.00	260.00	108.00	95.00
IV - Collection Tubes	NOT CURRENTLY CHARGED	N/C	N/C	N/C	N/C	N/C	N/C	N/C	22.05	21.00	N/A	N/A
Spinal Immobilization	6 INCH LONG BACKBOARD	15.00	N/C	N/C	N/C	N/C	N/C	N/C	19.69	18.75	N/A	N/A
									15.00	193.72	121.72	112.50
BLOOD PRESSURE MACHINE		15.00										
2X2 STERILE/NON STERILE		2.00										
4X4 STERILE/NON STERILE		3.00										
IV THERAPY DRIP SET		25.00										
IV THERAPY EXTENSION SET		25.00										
IV THERAPY VENI GUARD		5.00										
IV THERAPY ALCOHOL PREP		1.00										

NOTE A: PART OF THE BUNDLE FOR THE CURRENTLY PROPOSED RATES. ONLY PRIVATE INSURANCE PAYS FOR THIS. NOT MEDICARE/MEDICAID

AGENDA ITEM #2

ORDINANCE NO. 2012-_____

AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR 822 SOUTH 9TH STREET (LOTS 29 – 32, BLOCK 11, 9TH ADDITION) FOR A DAYCARE FACILITY; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission it's reports and recommendations concerning the application of Lorena Lopez, for amendment to the zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, September 19, 2012, during a meeting of the Planning Commission, and on Monday, October 8, 2012, during a meeting of the City Commission, in the Commission Chambers, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended and a Special Use Permit is granted for a Daycare Facility on the premises known as 822 South 9th Street, Lots 29 – 32, Block 11, 9th Addition, as more specifically describe on site plan attached as Exhibit A.

SECTION 2. That the Special Permit granted in Section 1 of this Ordinance is subject the following conditions:

1. **ALLOWED USE:** The only uses authorized by this Special Permit other than the permitted "R1" Single Family District uses is as a Daycare Facility.

2. **STATE LICENSE:** The premises or operator be licensed or registered by the State of Texas to have a Daycare Facility.

3. **TIME LIMIT:** This Special Permit is good for the duration of the business from the date of this ordinance unless the property is not being used for the purpose outlined in Condition 1 or any other conditions have not been complied with.

4. **SPECIAL CONDITION:** The applicant shall obtain all required background checks, business licenses and cooperation with all annual fire safety, health, and sanitation inspections, as required by the Department of Family and Protective Services, in order to maintain compliance with state and city regulations for the day nursery.

SECTION 3. That the official Zoning Map of the City of Kingsville, Texas, is amended to reflect the amendment to the Zoning Ordinance made by Section 1 of this ordinance.

SECTION 4. That the Zoning Ordinance and Zoning Map of the City of Kingsville, Texas, as amended from time to time, except as changed by this ordinance and any other ordinances adopted on this date, remain in full force and effect.

SECTION 5. That to the extent that this amendment to the Zoning Ordinance represents a deviation from the Comprehensive Plan, the Comprehensive Plan is amended to conform to the Zoning Ordinance, as amended by this ordinance.

SECTION 6. That all ordinances or parts of ordinances in conflict with this ordinance are hereby expressly repealed.

SECTION 7. That publication shall be made in the official publication of the City of Kingsville as required by the City Charter of the City of Kingsville.

INTRODUCED on this the 8th day of October, 2012.

PASSED AND APPROVED on this the 22nd day of October, 2012.

THE CITY OF KINGSVILLE

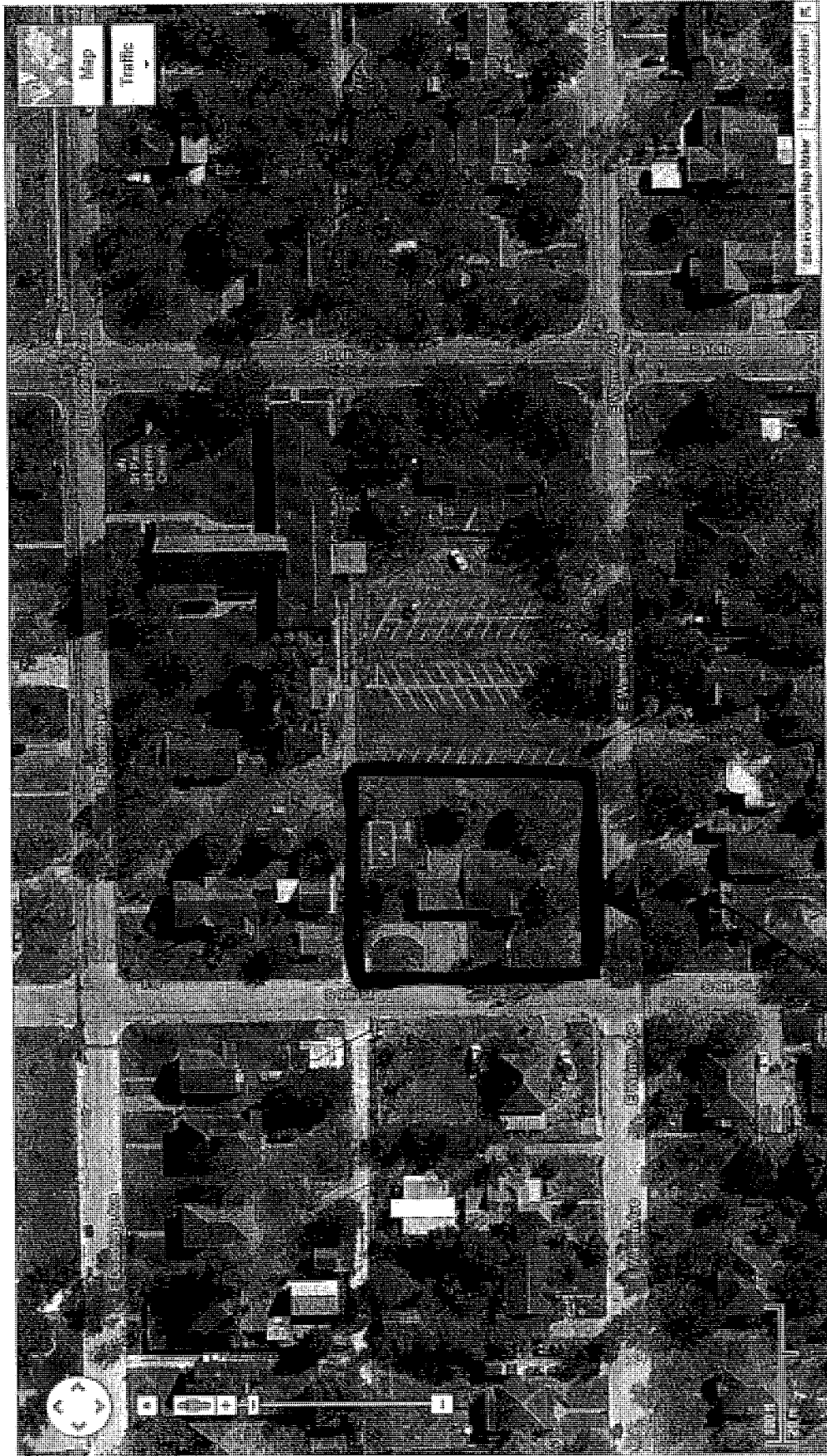
Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney




Area to be utilized as Day Nursery
Applicant: Lorena Lopez



Planning & Development Services Department

TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

FROM: Michael Kellam, AICP, Director of Planning & Development Services 

SUBJECT: Special Use Permit request to operate a home day nursery at 822 S. 9th St.

DATE: September 26, 2012

The City of Kingsville Planning and Zoning Commission met on September 19, 2012 at 7:00 p.m. in regard to a request made by the Ms. Lorena Lopez, to allow for the operation of a day nursery to be located in the home at 822 S. 9th St. The property is located in a R-1 Single Family Residential District, which allows this type of use as a specially permitted use with approval by the City Commission. There were no persons in favor or in opposition present at this meeting or on the record with the Planning Department.

All pertinent notices were published and sent out to the surrounding property owners that are within the 200ft radius 15 days prior to the meeting. No questions, comments or complaints regarding this rezone were made to the Planning Department.

Staff presented the attached staff report, supplemental information and applicant information to the Planning & Zoning Commission. As stated in the staff report the request was found to not be a detriment to the surrounding uses which are mostly single family homes. Additionally, the applicant has requested approvals from the Texas Department of Family & Protective Services and will be required to comply with all local and state laws.

Planning staff recommends conditional approval of this rezoning request. The Planning & Zoning Commission recommended **Conditional Approval** of the request with a unanimous 8/0 vote, with the following conditions:

1. The applicant shall obtain all required background checks, business licenses and cooperation with all annual fire safety, health, and sanitation inspections, as required by the Department of Family and Protective Services, in order to maintain compliance of state and city regulations for the day nursery.

Attachments

Staff Report to the PLANNING & ZONING COMMISSION and CITY COMMISSION

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

Request: APPROVAL OF A SPECIAL USE PERMIT TO OPERATE A DAY NURSERY
Petitioner and Agent: Lorena Lopez
Date of P&Z Hearing: September 19, 2012

Comprehensive Plan Land Use: Residential
Existing Zoning Classification: R-1 Single Family Residential District
Adjacent Zoning: R-1 Single Family Residential District

EXISTING INFRASTRUCTURE

Transportation: S. 9th Street- Local
Warren Street- Local
Community Facilities: Services provided
Capital Improvements: None planned
Fire Station Proximity: Within one & one-half miles
100 Year Flood Plain: The property is not within the floodplain

EXHIBITS PRESENTED

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)
- City of Kingsville Master Plan (present at meeting)
- Application for a Special Use Permit
- Mailing list of property owners within 200 feet

BACKGROUND AND HISTORY

The applicant is requesting approval of a Special Use Permit for a day nursery for up to 12 children. The applicant has applied for a state license from the Department of Family and Protective Services, but must obtain all local approvals prior to the license being issued. Additionally, the applicant has applied for a background check to be performed by the Department of Public Safety and submitted to the City of Kingsville. The City of Kingsville will require a business license and cooperation with all annual fire safety, health, and sanitation inspections, as required by the Department of Family and Protective Services, in order to maintain compliance of state and city regulations for the day nursery. The home is approximately 1,956 square feet, and the area to be utilized for the day nursery facility is approximately 400 square feet according to the supplied floor plan. The intention is to provide care for up to 12 children. The property is located within a residential neighborhood and adjacent to two Local Streets (S. 9th Street & Warren Street).

FIELD INSPECTION AND PERTINENT DATA

The overall lot size is 14,000 square feet. Off street parking for a drop off/pick up zone can be designated in the large parking area in front of the home. This area will allow 3-4 vehicles at a time and has an entry point off of 9th Street with an exit point off the adjacent alley to the north. Annual licensing inspections will be required by the Texas Department of Family and Protective Services in order to maintain compliance of

state regulations for the day nursery. A fence has been constructed around the children's outdoor play area located on the northeast side of the lot.

STAFF REVIEW & RECOMMENDATION

In conformance with acceptable land use practice, the Planning & Zoning Commission shall consider the following factors when making a recommendation to the City Commission concerning approval of a Special Use Permit:

- (1) Whether the proposed special use permit is in harmony with the general purpose, goals, objectives and standards of the adopted city land use plan;
- (2) Whether the proposed special use permit is detrimental to existing adjacent uses or to uses permitted generally in the zoning district in which the proposed special use is to be located;
- (3) Whether the proposed special use will generate volumes and/or types of vehicular traffic that will be hazardous to or conflict with the existing or anticipated traffic in the surrounding area;
- (4) Whether the proposed special use meets the height, area and design standards established in the zoning district; and
- (5) Whether the site plan for the proposed special use illustrates a project design which will be compatible with existing and future permitted uses in the surrounding area.

Staff recommends **Conditional Approval** of this request with the following findings:

1. The proposed special use permit is in harmony with the general purpose, goals, objectives and standards of the adopted city land use plan;
2. The proposed special use permit is detrimental to existing adjacent uses or to uses permitted generally in the zoning district in which the proposed special use is to be located;
3. The proposed special use will generate volumes and/or types of vehicular traffic that will be hazardous to or conflict with the existing or anticipated traffic in the surrounding area;
4. The proposed special use meets the height, area and design standards established in the zoning district; and
5. The site plan for the proposed special use illustrates a project design which will be compatible with existing and future permitted uses in the surrounding area.

And with the following condition:

1. The applicant shall obtain all required background checks, business licenses and cooperation with all annual fire safety, health, and sanitation inspections, as required by the Department of Family and Protective Services, in order to maintain compliance of state and city regulations for the day nursery.

Prepared by:



Michael Kellam, AICP
Director of Planning & Development Services

**CITY OF KINGSVILLE
PLANNING AND ZONING DIVISION
MASTER APPLICATION**

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 822 S 9th St. Nearest Intersection _____

(Proposed) Subdivision Name _____ Lot L:29-32 Block 11

Legal Description: _____

Existing Zoning Designation R Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE) (W) 595-8547

Applicant/Authorized Agent Lorena L Lopez Phone 361-246-8090

Email Address (for project correspondence only): _____

Mailing Address 822 S 9th St. City Kingsville State TX Zip 78363

Property Owner Lorena Lopez Phone 246-8090 FAX _____

Email Address (for project correspondence only): _____

Mailing Address 822 S 9th St. City Kingsville State TX Zip 78363

Select appropriate process for which approval is sought. Attach completed checklists with this application.

<input type="checkbox"/> Annexation Request..... No Fee	<input type="checkbox"/> Preliminary Plat..... Fee Varies
<input type="checkbox"/> Administrative Appeal (ZBA)..... \$ 250.00	<input type="checkbox"/> Final Plat..... Fee Varies
<input type="checkbox"/> Comp. Plan Amendment Request.... \$ 250.00	<input type="checkbox"/> Minor Plat..... \$ 100.00
<input type="checkbox"/> Re-zoning Request..... \$ 250.00	<input type="checkbox"/> Re-plat..... \$ 250.00
<input checked="" type="checkbox"/> SUP Request/Renewal..... \$ 250.00	<input type="checkbox"/> Vacating Plat..... \$ 50.00
<input type="checkbox"/> Zoning Variance Request (ZBA)..... \$ 250.00	<input type="checkbox"/> Development Plat..... \$ 100.00
<input type="checkbox"/> PUD Request..... \$ 250.00	<input type="checkbox"/> Subdivision Variance Request.... \$ 25.00 ea.

Please provide a basic description of the proposed project: _____

State license home daycare

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature: Lorena Lopez Date: 8/2/12

Property Owner(s) Signature: Lorena Lopez Date: 8/2/12

Accepted by: Jessica y. forck Date: 8/8/12

NEEDING COMMUNITY APPRAISAL DISTRICT
PROPERTY 10052
Legal Description
9TH, BLOCK 11, LOT 1-29-32

OWNER ID
32213
OWNERSHIP
100.00%

PROPERTY APPRAISAL INFORMATION 2012
LOPEZ LORENA L
822 S 9TH ST
KINGSVILLE, TX 78363-6502

Entireties
CAD 100%
CKI 100%
SKL 100%
WST 100%

101001129000192
RefID: R10052
Map ID: PLAT

SITUS: 822 S 9TH ST

ACRES:
EFF. ACRES:

Values
IMPROVEMENTS 95,070
LAND MARKET + 9,000
MARKET VALUE = 104,070
PRODUCTIVITY LOSS 0
APPRAISED VALUE = 104,070
HS CAP LOSS 0
ASSESSED VALUE = 104,070

GENERAL

UTILITIES
TOPOGRAPHY
ROAD ACCESS
ZONING
NEXT REASON

LAST APPR. LR
LAST APPR. YR 2011
LAST INSP. DATE 05/07/2011
NEXT INSP. DATE

SKETCH for Improvement #1 (RESIDENTIAL)

EXEMPTIONS

HS
HOMESTEAD

PICTURE

REMARKS

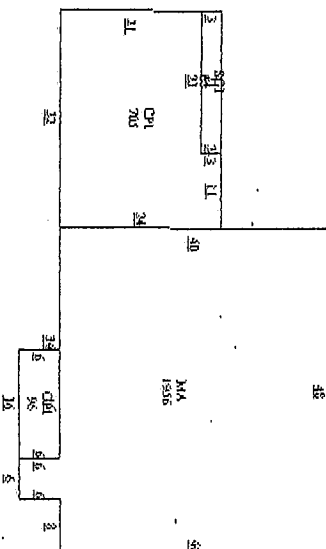
FOR 2011 NO VAL CHG ON ACCT PER APPR LR
5/7/11 5/10/11 VG -- FOR 2011 NO VAL CHG ON
ACCT PER APPR LR 5/7/11 5/10/11 VG -- FOR
2011 NO VAL CHG ON ACCT PER APPR LR 5/7/11

BUILDING PERMITS

ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL
04/01/2010 S & W 0 A 800

SALE DT PRICE

06/02/2008 GRANTOR DEED INFO
12/01/2004 ***** KILLION TOMMIE D MDVL / 391 / 710
01/28/2004 ***** BALCO DONALD B WD / 296 / 941
BALCO DIXIE EST AFF / 275 / 619



SUBD: S010 100.00% NBHD:

TYPE DESCRIPTION MTHD CLASS SUBC AREA UNIT PRICE UNITS BUILT EFF YR COND. VALUE DEPR PHYS ECON FUNC COMP ADJ ADJ VALUE
MA MAIN AREA R 1956.0 46.57 1 1955 1955 95.830 85% 100% 100% 100% 100% 0.85 61,880
CP1 OPEN PORCH B R 96.0 9.31 1 1955 1955 960 85% 100% 100% 100% 100% 0.85 760
CP1 CARPORT BASI R 705.0 4.66 1 1955 1955 3,290 85% 100% 100% 100% 100% 0.85 2,790
SG1 STORAGE FRM R 83.0 18.63 1 1955 1955 1,310 85% 100% 100% 100% 100% 0.85 1,000
1. RESIDENTIAL STCD: A1 Homesite: Y (100%) 101,580 101,580 86,430 35,070 5,242

IMPROVEMENT INFORMATION

IMPROVEMENT FEATURES

Heating/Cooling 1 CF4 5,242
Foundation 1 FD2 0
Exterior Wall 1 EWS 0
Interior Finish 1 IF4 0
Roof Style RT2, Rct1 0
Flooring 1 FLS 0
Plumbing 1 2 5,242

SUBD: S010 100.00% NBHD:

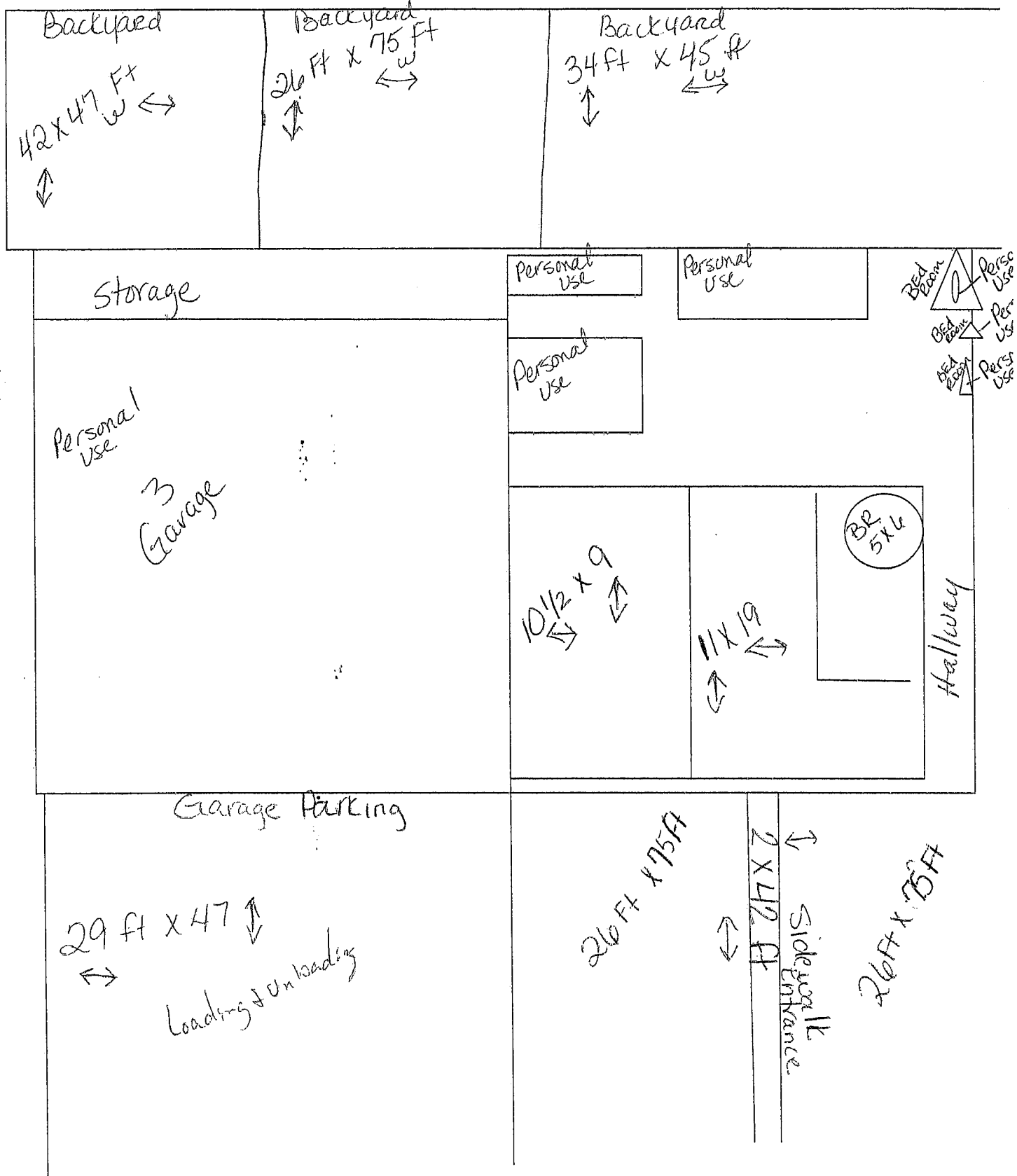
1. A1
Comment: E: 100 R: 100 FF

LAND INFORMATION

DIMENSIONS 100X140
UNIT PRICE 90.00
GROSS VALUE 9,000
ADJ MASS ADJ VAL SRC 1.00 A

IRR Acres: 0
MKT VAL AG APPLY 9,000 NO
AG UNIT PRG AG VALUE 0
Oil Wells: 0

Back yard all fence all around and has 2 doors



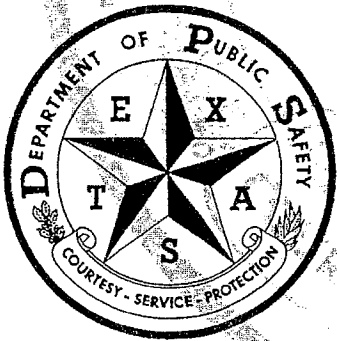
CERTIFICATION OF CRIMINAL HISTORY RECORD INFORMATION

STATE OF TEXAS
COUNTY OF TRAVIS

Pursuant to the authority contained in Rule 902, Sections 1 and 4, Texas Rules of Evidence, and Subchapter F, Chapter 411, Texas Government Code, I, Elaine Smith, Section Supervisor, Access and Dissemination Bureau, Crime Records Service, Texas Department of Public Safety, do hereby certify I am the deputy custodian of the criminal history record information of Crime Records Service of the Texas Department of Public Safety. I further certify that there is no record on file with the search criteria which was supplied, or that I am legally authorized to produce, for the following:

TEXAS CRIMINAL HISTORY RECORD

Texas SID: [REDACTED] **LOPEZ, LORENA LEE**
Date of Birth: **8/19/1980**

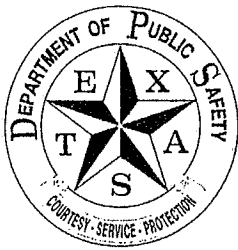


In Testimony Whereof, I hereunto set my hand and affix the seal of the Texas Department of Public Safety. Done at my office in Austin, Texas on this 10th day of September, 2012.

Elaine Smith
Section Supervisor
Access and Dissemination Bureau
Crime Records Service
Texas Department of Public Safety

TEXAS DEPARTMENT OF PUBLIC SAFETY

CRIMINAL HISTORY



The information contained in this record reflects only information contained in the Computerized Criminal History database maintained by the Texas Department of Public Safety. Contact the contributing agency for specific or additional information regarding charges or dispositions. The contents of this record are confidential and intended for dissemination only to criminal agencies or other individuals or agencies authorized by law to receive criminal history record information. UNAUTHORIZED USE OR DISCLOSURE OF THE INFORMATION CONTAINED IN THIS RECORD MAY RESULT IN SEVERE CRIMINAL PENALTIES. SEE SECTION 411.085 OF THE TEXAS GOVERNMENT CODE.

CRIME RECORDS SERVICE
P.O. BOX 4143
AUSTIN, TEXAS 78765-4143
PHONE 512-424-2079

THE FOLLOWING PERSON HAS NO CRIMINAL HISTORY RECORD AT THE TEXAS DPS AS OF 09-11-2012

NAME (S)

LOPEZ, LORENA LEE



FBI NUMBER

DPS NUMBER

SOCIAL SECURITY

DRIVERS LICENSE

ID NUMBER

MISCELLANEOUS NUMBERS

DFPS

FA-2166157

SEX

F

RACE

W

SKIN TONE

LBR

HEIGHT

502

WEIGHT

192

DATE OF BIRTH

08-19-1980

HAIR COLOR

BRO

EYE COLOR

BRO

FINGERPRINT PATTERN

AFIS FINGERPRINTS

WLWWWWSLL

RIDGE COUNT

PRIMARY CLASS

PLACE OF BIRTH

TX

CITIZEN

US

III CODE

SCARS, MARKS AND TATTOOS

ALIAS DOB

DNA

DATE OF REPORT

09-11-2012

ORIGINATION DATE

11-12-2009

DATE OF LAST UPDATE

09-06-2012

END OF REPORT

UNAUTHORIZED USE OR DISCLOSURE OF THE INFORMATION CONTAINED IN THIS RECORD MAY RESULT IN SEVERE CRIMINAL PENALTIES. SEE TEXAS GOVERNMENT CODE SECTION 411.085.

Certificate of Training

Presented to:

Lorena Lopez

Home Based Orientation - English

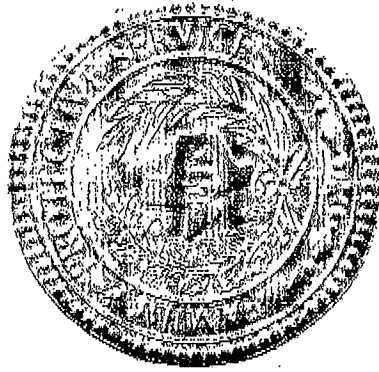
September 20, 2011

DOES NOT COUNT TOWARD
ANNUAL TRAINING HOURS

Presented by

Texas Department of Family and Protective Services

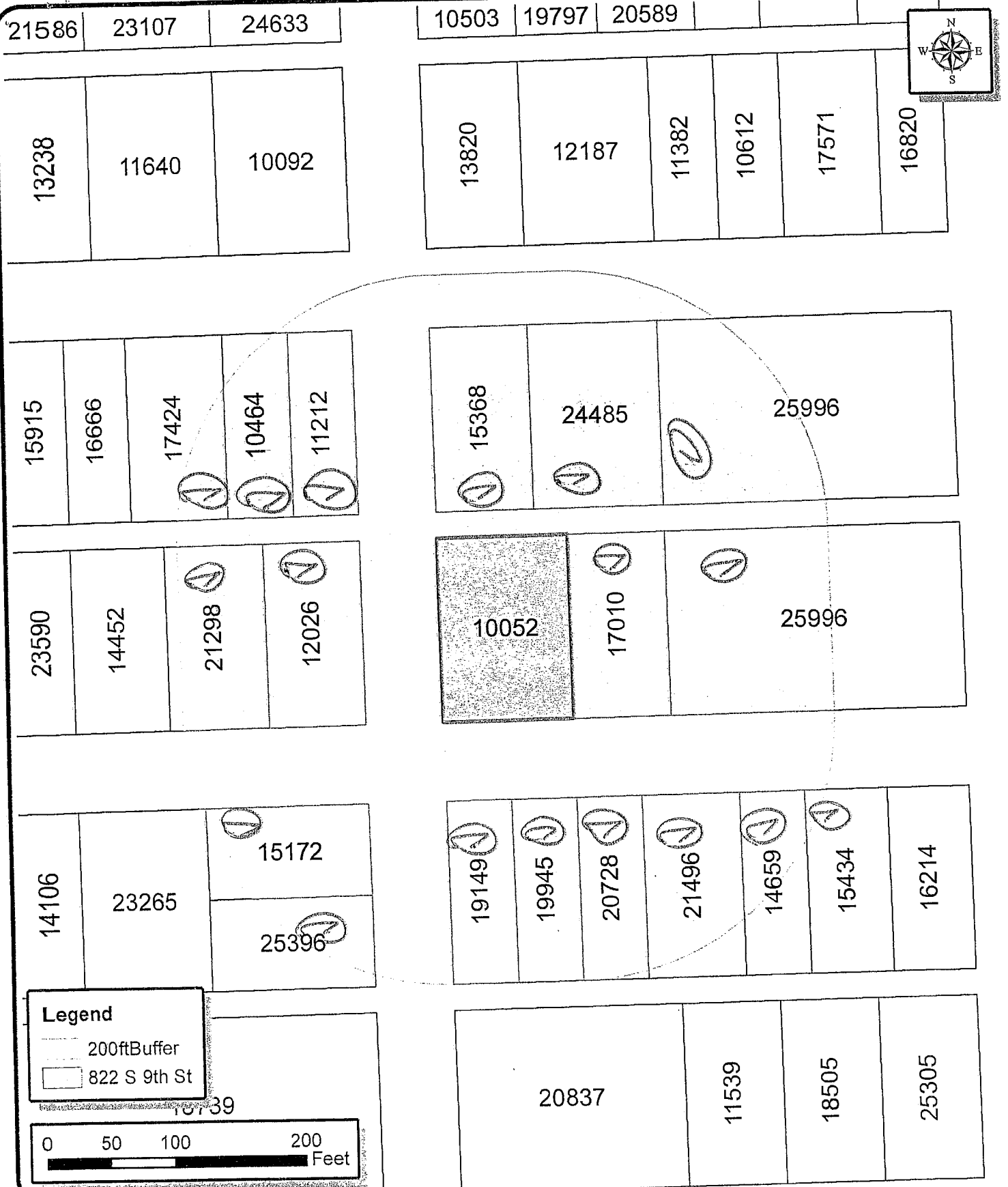
Child Care Licensing



By: *Dustin McHenry*

Licensing Trainer

City Of Kingsville



AGENDA ITEM #3

ORDINANCE #2012-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO LOTS 1, 2 & 3 OF NEWMAN CENTER ADDITION, WHICH IS AT THE SOUTHWEST CORNER OF RETAMA ST. AND CORRAL AVE., FROM R1 SINGLE FAMILY DISTRICT & R3 MULTI-FAMILY RESIDENTIAL DISTRICT TO SOLELY R3 MULTI-FAMILY RESIDENTIAL DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the City initiated zoning request for clarification of a discrepancy in the internal zoning maps of the City for an area on the northwest side of town known as the Newman Center area, for amendment to the zoning ordinance and zoning map of the City of Kingsville as some zoning maps show the area as R3 and one shows it as R1, thus necessitating the need for clarification;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, September 19, 2012 during a meeting of the Planning and Zoning Commission, and on Monday, October 8, 2012 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission by a 8-0 vote approved the requested rezone; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of Lots 1, 2 & 3 of Newman Center Addition, which is at the southwest corner of Retama St. and Corral Ave. from R1 Single Family Residential District & R3 Multi-Family Residential District to solely R3 Multi-Family Residential District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

INTRODUCED on this the 8th day of October, 2012.

PASSED AND APPROVED on this the 22nd day of October, 2012.

THE CITY OF KINGSVILLE

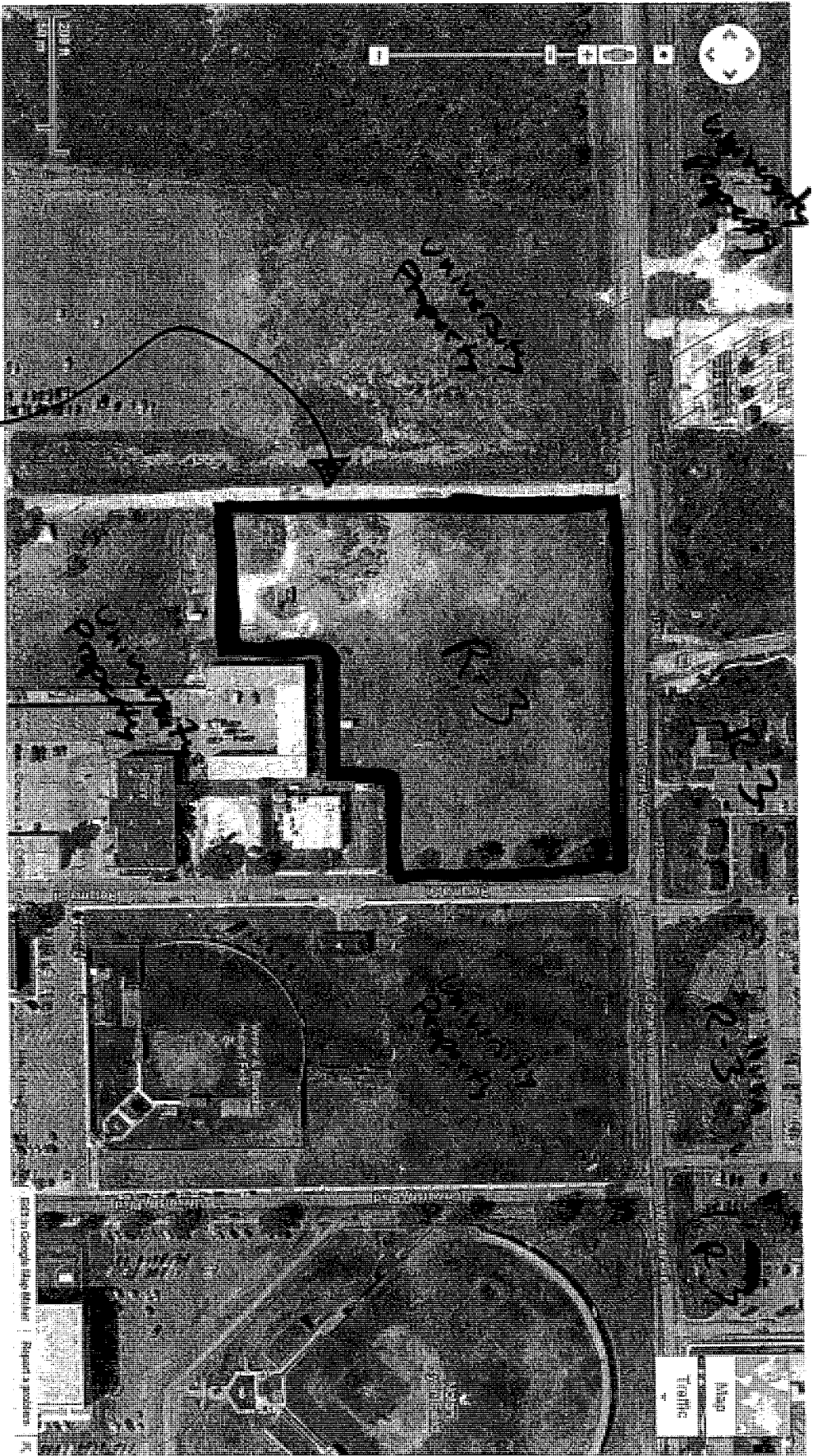
Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney




* Area to be rezoned to R-3
Newman Center Site



Planning & Development Services Department

TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

FROM: Michael Kellam, AICP, Director of Planning & Development Services 

SUBJECT: Rezoning Request for the SW Corner of Retama St. & Corral Ave., Lots 1, 2 & 3 of Newman Center Addition, also shown in the attached map.

DATE: September 26, 2012

The City of Kingsville Planning and Zoning Commission met on September 19, 2012 at 7:00 p.m. in regard to a request made by the City of Kingsville, to rezone lots 1,2 & 3 of Newman Center Addition, which is located at the southwest corner of Retama St and Corral Ave., and as delineated on the attached property map. The request is to rezone from R-1 Single Family Residential District and R-3 Multi-Family Residential District to solely R-3 Multi-Family Residential District. There were no persons in favor or in opposition present at this meeting.

All pertinent notices were published and sent out to the surrounding property owners that are within the 200ft radius 15 days prior to the meeting. No questions, comments or complaints regarding this rezone were made to the Planning Department.

Staff presented the attached staff report and supplemental information to the Planning & Zoning Commission. As stated in the staff report the request was found to be consistent with proper planning and land use management due to its proximity to the University and also similar existing multi-family residential development. Staff identifies the highest and best use of the property to be utilized as residential including, multi-family type development. Additionally, the request is consistent with the future land use plan and the master plan of the city.

Planning staff recommends approval of this rezoning request. The Planning & Zoning Commission recommended **Approval** of the request with a unanimous 8/0 vote.

Attachments

Staff Report to the PLANNING & ZONING COMMISSION and CITY COMMISSION

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

Request: APPROVAL OF A REZONING OF LOTS 1, 2 & 3 OF THE NEWMAN CENTER ADDITION, LOCATED AT THE SOUTHWEST CORNER OF RETAMA & CORRAL AVE., FROM R-1 SINGLE FAMILY RESIDENTIAL & R-3 MULTI-FAMILY RESIDENTIAL TO SOLELY R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.

Petitioner and Agent: City of Kingsville

Date of P&Z Hearing: September 19, 2012

Comprehensive Plan Land Use: University Urban District

Existing Zoning Classification: R-1 Single Family Residential District

R-3 Multi-Family Residential District

Adjacent Zoning: North: R-3 Multi-Family Residential District

East, South & West: R-1 Single Family Residential District

EXISTING INFRASTRUCTURE

Transportation: Retama Street- Local
Corral Avenue- Arterial

Community Facilities: Services provided

Capital Improvements: Services Provided

Fire Station Proximity: Within one mile

100 Year Flood Plain: The property is not within a floodplain

EXHIBITS PRESENTED

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

BACKGROUND AND HISTORY

The City is initiating a zoning district change in order to clarify a discrepancy in the internal zoning maps of the City. This area is listed on two separate maps with one indicating the zoning as R-3 Multi-Family Residential and the other indicating the area as R-1 Single Family Residential. The area is proposed to be developed as a multi-family development in a partnership with the university and to ensure proper records, the City is initiating the zoning district change to remove any potential confusion.

FIELD INSPECTION AND PERTINENT DATA

This parcel is currently undeveloped and is proposed to be utilized as a multi-family development site for student housing. The zoning to the north is R-3 Multi-Family residential and the surrounding uses are university facilities with additional university student housing to take place in the near future. The proposed zoning will not cause a detrimental impact to the planned development of the area, and will fit seamlessly

with the surrounding development. This area was also identified as the priority area for future residential growth in the recently adopted Comprehensive Housing Plan.

STAFF REVIEW & RECOMMENDATION

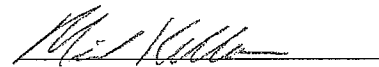
In general, the Planning & Zoning Commission shall consider the following factors when making a recommendation on the Zoning District Change request:

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

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

6. The proposal is in conformance with the goals and policies contained in all elements of the master plan;
7. The proposal is in keeping with the purpose of the zoning districts;
8. The proposal is not detrimental to the public health, safety and welfare;
9. The proposal is not detrimental to existing or potential adjacent land uses;
10. The proposal will not generate traffic levels inappropriate, hazardous or detrimental to the existing or potential nearby land uses.

Prepared by:



Michael Kellam, AICP

Director of Planning & Development Services



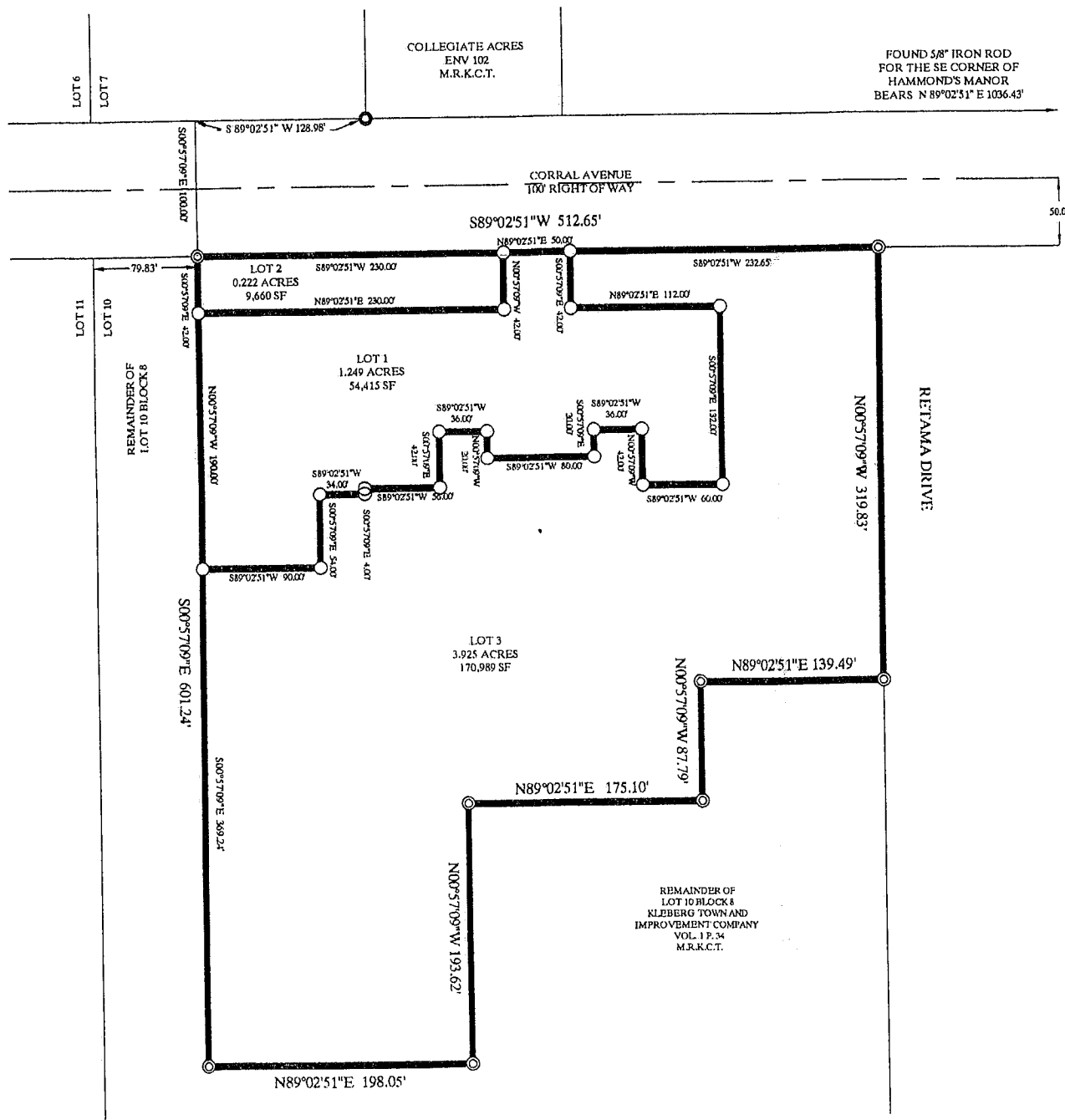
GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

PRELIMINARY PLAT OF NEWMAN CENTER ADDITION

BEING A REPLAT OF 5.396 ACRE TRACT OUT OF FARM LOT 10, SECTION 8
KLEBERG TOWN & IMPROVEMENT COMPANY LANDS, AS SHOWN ON A MAP
IN ENVELOPE 18, PLAT CABINET 1, MAP RECORDS KLEBERG COUNTY.



REMAINDER OF
LOT 10 BLOCK 8
KLEBERG TOWN AND
IMPROVEMENT COMPANY
VOL. 1 P. 34
M.R.K.C.T.

REMAINDER OF
LOT 10 BLOCK 8
KLEBERG TOWN AND
IMPROVEMENT COMPANY
VOL. 1 P. 34
M.R.K.C.T.

NOTES:

1. THE SUBJECT SITE IS LOCATED IN FLOOD ZONE "C" AS INDICATED ON PANEL NO. 480424 0005 C, KLEBERG COUNTY, TEXAS; DATED AUG 2010.
2. BEARINGS ARE BASED ON GLOBAL POSITIONING SYSTEM NAD 83.
3. THE TOTAL PLATTED AREA IS 5.396 ACRES.
4. THE PROPOSED AREA IS NOT WITHIN THE AICUZ BOUNDARIES.

AGENDA ITEM #4

ORDINANCE #2012-_____

AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP IN REFERENCE TO 39.03 ACRES OUT OF KT&I CO., SECTION 22, LOT 9 KNOWN AS THE HAWK'S LANDING AREA FROM AG AGRICULTURAL DISTRICT TO R3 MULTI-FAMILY RESIDENTIAL DISTRICT; AMENDING THE COMPREHENSIVE PLAN TO ACCOUNT FOR ANY DEVIATIONS FROM THE EXISTING COMPREHENSIVE PLAN; AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning Commission has forwarded to the City Commission its reports and recommendations concerning the City initiated zoning request for the newly annexed area on the southeast side of town known as the Hawk's Landing area, for amendment to the zoning ordinance and zoning map of the City of Kingsville;

WHEREAS, with proper notice to the public, public hearings were held on Wednesday, September 19, 2012 during a meeting of the Planning and Zoning Commission, and on Monday, October 8, 2012 during a meeting of the City Commission, at City Hall, in the City of Kingsville, during which all interested persons were allowed to appear and be heard; and

WHEREAS, a majority of the Planning Commission by a 8-0 vote approved the requested rezone; and

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

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

SECTION 1. That the Zoning Ordinance of the City of Kingsville, Texas, is amended by changing the zoning of 39.03 acres out of KT&K Co., Section 22, Lot 9, also known as the Hawk's Landing area (also known as GEO Numbers: 290002209101192, 135500101000192, 135500102001192, & 135500102001192) from AG Agricultural District to R3 Multi-Family Residential District, as more specifically described on the Zone Change Map, attached as Exhibit A.

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

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

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

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

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

INTRODUCED on this the 8th day of October, 2012.

PASSED AND APPROVED on this the 22nd day of October, 2012.

THE CITY OF KINGSVILLE

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED:

Courtney Alvarez, City Attorney



* Zoning established for recently annexed property



Planning & Development Services Department

TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

FROM: Michael Kellam, AICP, Director of Planning & Development Services *MM*

SUBJECT: Zoning establishment for the recently annexed 39.03 acres also known as Lot 9, Section 22, K.T. &I Subdivision, and as shown in the attached map.

DATE: September 26, 2012

The City of Kingsville Planning and Zoning Commission met on September 19, 2012 at 7:00 p.m. in regard to a request made by the City of Kingsville, to establish a zoning designation for the recently annexed 39.03 acres also known as Lot 9, Section 22, K.T. &I Subdivision, and as shown in the attached map. . The request is to zone the area R-3 Multi-Family Residential District, which is consistent with the existing apartment development use, known as Hawks Landing, which occupies a large portion of the annexed area. There were no persons in favor or in opposition present at this meeting.

All pertinent notices were published and sent out to the surrounding property owners that are within the 200ft radius 15 days prior to the meeting. No questions, comments or complaints regarding this rezone were made to the Planning Department.

Staff presented the attached staff report and supplemental information to the Planning & Zoning Commission. As stated in the staff report the request was found to be consistent with the existing and future land uses and exercises proper planning and land use management. Additionally, the request is consistent with the future land use plan and the master plan of the city in that it allows for single family, two-family, townhome or multi-family development.

Planning staff recommends approval of this rezoning request. The Planning & Zoning Commission recommended Approval of the request with a unanimous 8/0 vote.

Attachments

Staff Report to the PLANNING & ZONING COMMISSION and CITY COMMISSION

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

Request: APPROVAL OF ZONING ESTABLISHMENT FOR THE RECENTLY ANNEXED 39.03
ACRE AREA IN THE SOUTHEAST PORTION OF THE CITY.
Petitioner and Agent: City of Kingsville
Date of P&Z Hearing: September 19, 2012

Comprehensive Plan Land Use: Residential
Existing Zoning Classification: N/A
Adjacent Zoning: North: R- Single Family Residential District
AG Agricultural District
South & West: AG Agricultural District

EXISTING INFRASTRUCTURE

Transportation: Trant Road - Local
F.M. 3320- Local
Community Facilities: Services provided
Capital Improvements: Services Provided
Fire Station Proximity: Within two and one-half miles
100 Year Flood Plain: The property is not within a floodplain

EXHIBITS PRESENTED

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

BACKGROUND AND HISTORY

The City is initiating a zoning district establishment for this area as it was recently annexed into the corporate city limits of Kingsville. The area is 39.03 acres and is described as Lot 9, Section 22, K.T. & I. Subdivision, located in the southeast portion of the City. Given this area was not within the City, it is necessary to establish the appropriate zoning district to ensure compliance with the adopted zoning code. A portion of this area was developed in 1997, and is known as "Hawks Landing," while the remainder of the area is undeveloped.

FIELD INSPECTION AND PERTINENT DATA

As previously mentioned, this parcel is partially developed with a multi-family development. The future land use plan calls for the areas highest and best use to be residential. To accommodate the existing multi-family development and also restrict the development to single family up to multi-family, the designation of R-3 Multi-Family Residential District best ensures compliance with the Plan. The proposed zoning designation will not cause a detrimental impact to the planned development of the area, and will promote

proper development of the area. This area was also identified as the priority area for future residential growth in the recently adopted Comprehensive Housing Plan.

STAFF REVIEW & RECOMMENDATION

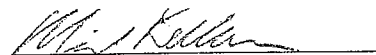
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Staff recommends **Approval** of this request with the following findings:

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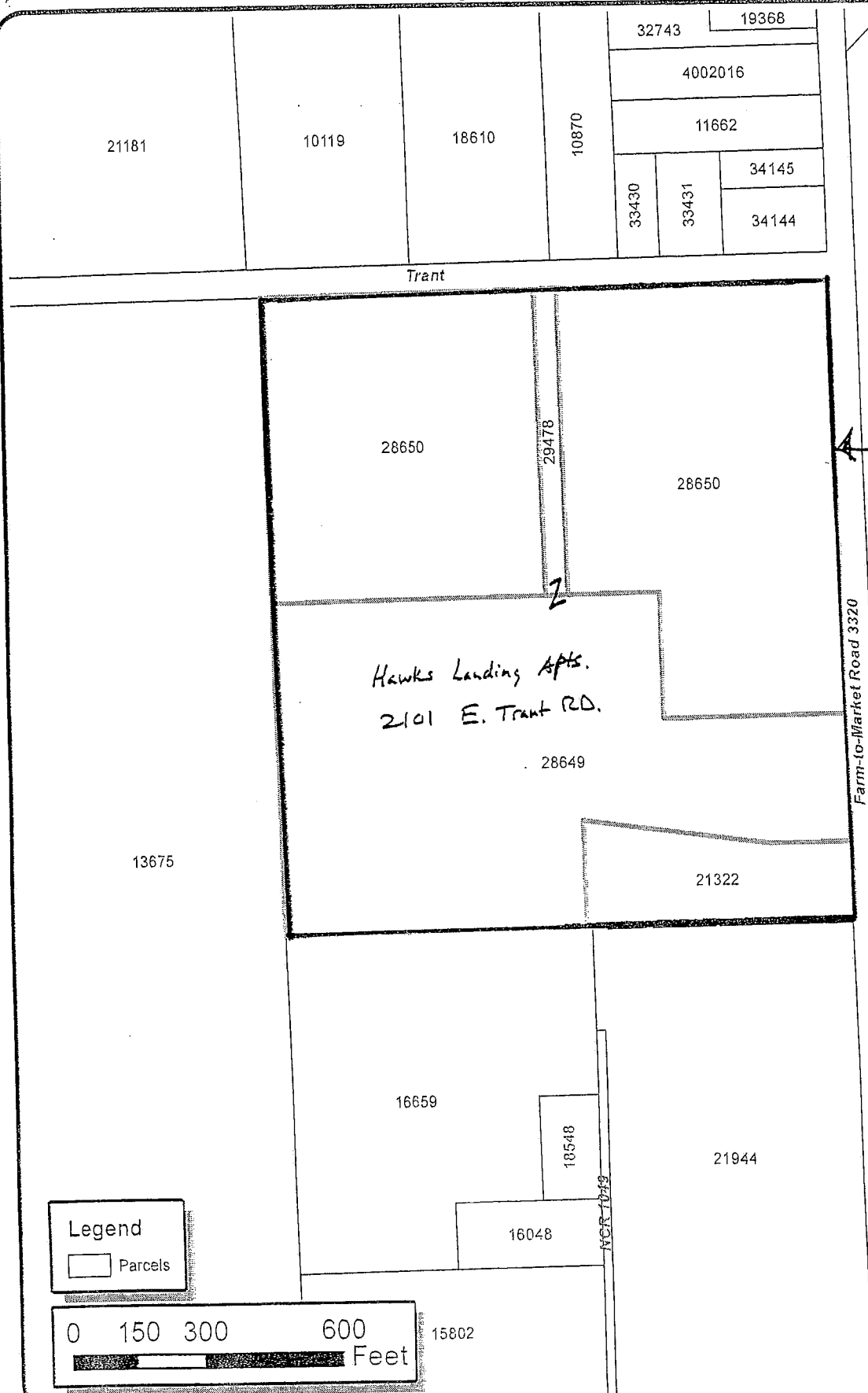
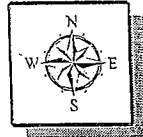
Prepared by:



Michael Kellam, AICP

Director of Planning & Development Services

City Of Kingsville



Annexation Area
 ** Improved area is
 2101 E. Trant Rd.
 Remainder is
 Vacant land

Legend

Parcels

0 150 300 600 Feet

Drawn By: Lisa McLaughlin
 and JR Cavazos

Date: 4/25/2012

Job #:

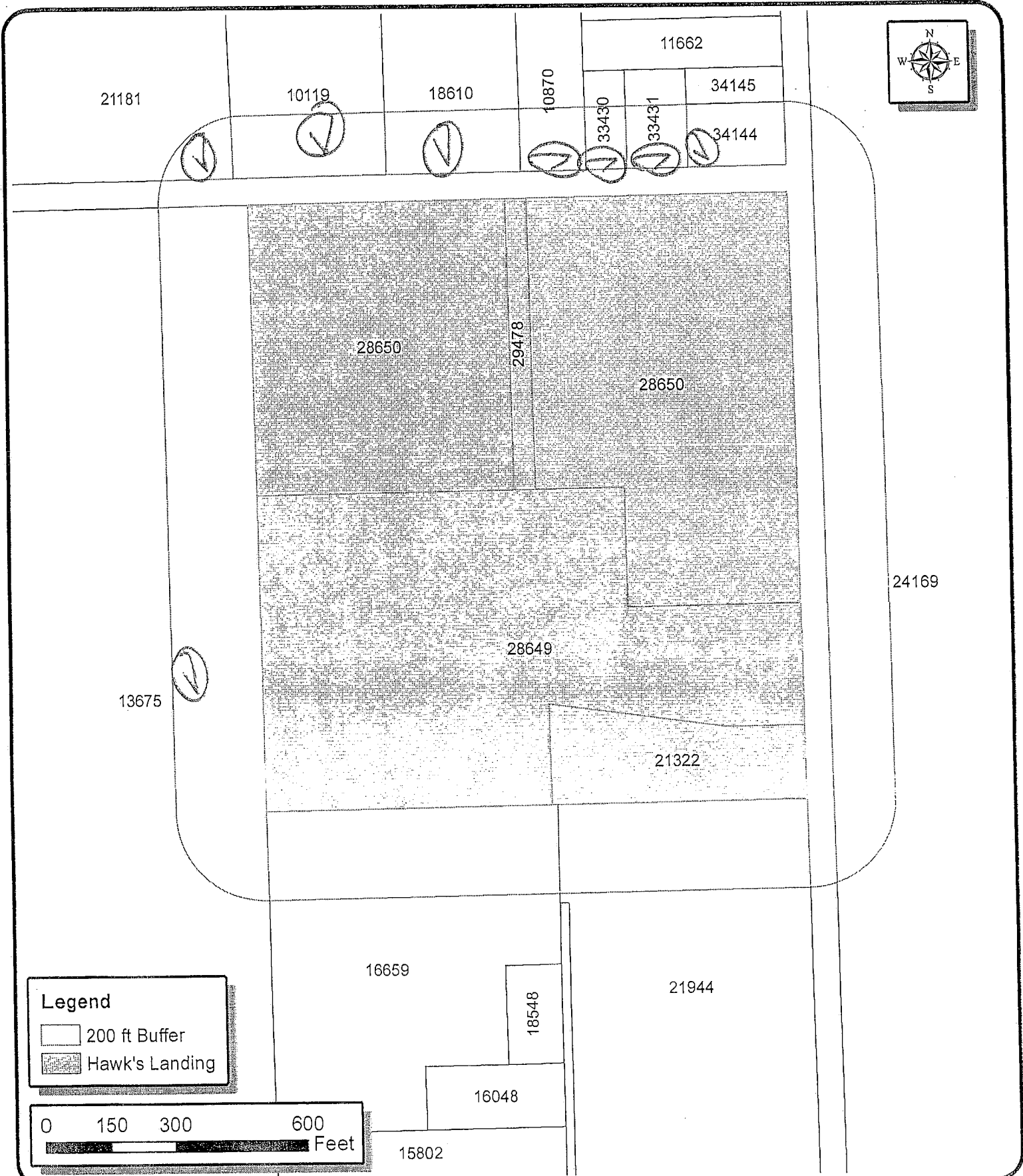
Note:

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



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

City Of Kingsville



Legend

- 200 ft Buffer
- Hawk's Landing

0 150 300 600 Feet

Drawn By: Lisa McLaughlin

Date: 8/24/2012

Job #:

Note:

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

REGULAR AGENDA

AGENDA ITEM #5

CITY OF KINGSVILLE

ADDRESS 519 N. 6th OWNER Curtis Toni YDRAGO INSPECTOR Daniel
 LEGAL DESCRIPTION Orig Town LOT 1, 2 BLOCK 12
 OWNER INFO Curtis Toni YDRAGO 415 E. Henrietta Kingsville TX 78363

PROPERTY CONDITION REPORT

	ACCEPTABLE			CONDITIONS			Remedies
	YES	NO	NOT/APP	UNSAFE	SEVERE	HAZARD	
1. YARD		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
CONDITION		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
2. UTILITIES		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
a. ELECTRICITY		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
b. GAS		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
c. WATER		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
3. ROOF		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
a. COVERING		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
b. STRUCTURE		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		<i>Rotten Wood</i>
4. WALLS		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
a. EXTERIOR		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
b. INTERIOR		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
c. CEILINGS		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
5. WINDOWS/DOORS		<input checked="" type="checkbox"/>		<i>n/a</i>			
a. SECURED		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
b. CONDITION		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
6. FOUNDATION		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
a. FLOORS		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
7. PLUMBING		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
8. ELECTRICAL							

CODES

ADDITIONAL CONCERNS

B. broken
 M. missing
 D. dirty
 X. unacceptable
 Bd. Bedroom
 Bt. Bathroom
 Kt. Kitchen
 Lv. Livingroom
 Dn. Diningroom
 Ft. front
 Bk back
 Lf. Left
 Rt. Right

address	519 N. 6 th	owner		date of inspctn	5-8-12
inspector	Commissioner Bleda	type of insp		Comm	type of building
B=broken		P= pictures		R= needs repair	A= abandoned, dilapidated
M= missing		D= dirty		I= incomplete	V= over grown
X=unacceptatle		H= hazard		O= out dated	N= need repairs
EXTERIOR		BATHROOM		other rm	rt/ctr/lft ft/ctr/rr
fence		present		lits/plgs	
yard		electricity		elec hzrds	
foundation	/	elec hzrds		security	
skirt		security		windows	
walls	XB	windows		ceiling	
roof	XB	ceiling		walls	
ft door	/	walls		floors	
bk door	/	floors		smk detectr	
secured	/	commode		other rm	rt/ctr/lft ft/ctr/rr
windows	/	lavatory		lits/plgs	
stairs	NA	tub/shower		elec hzrds	
porches	X	ventilation		security	
electric	upgraded X	Bedroom 1	rt/ctr/lft ft/ctr/rr	windows	
plumbing	upgraded X	lits/plgs		ceiling	
gas	upgraded X	elec hzrds		walls	
trees	VX	security		floors	
sidewalk	X cracked	windows		smk detectr	
parking	X	ceiling		HEATER	miss O
LIVN RM	NA	walls		WTR HTR	
present		floors		VENTILATION	
electric		smk detectr		COOLING	miss O
elec hzrds		Bedroom 2	rt/ctr/lft ft/ctr/rr	PLUMBING	O
secured		lits/plgs		SEWER TAP	m
windows		elec hzrds		WATER TAP	m
ceiling		security		ACCESS TO UNIT	H
walls		windows		FIRE EXITS	
floor		ceiling		INFESTATION	
KITCHEN	NA	walls		GARBAGE	
present		floors		DEBRIS	
electricity		smk detectr		REFUSE DISPOSAL	
elec hzrds		Bedroom 3	rt/ctr/lft ft/ctr/rr	INTERIOR	
secured		lits/plgs		HALLS	
windows		elec hzrds		STAIRS	
ceiling		security		INTR HZRDS	
walls		windows		AIR Q.LTY	
floor		ceiling		Roof Collecting	
stove		walls		Inside not inspected	
refrigerator		floors			
sink		smk detectr			

KLEBERG COUNTY APPRAISAL DISTRICT
 PROPERTY 24893
 Legal Description
 ORIG TOWN, BLOCK 12, LOT 1, 2, (APPLE HOUSE)

OWNER ID
 53989

PROPERTY APPRAISAL INFORMATION 2012
 CURTIS TONI YDROGO
 415 E HENRIETTA AVE
 KINGSVILLE, TX 78363-3858

OWNERSHIP
 100.00%

Entities
 CAD 100%
 CKI 100%
 GKL 100%
 SKI 100%
 WST 100%

Values
 IMPROVEMENTS 0
 LAND MARKET + 7,500
 MARKET VALUE = 7,500
 PRODUCTIVITY LOSS 0
 APPRAISED VALUE = 7,500
 HS CAP LOSS - 0
 ASSESSED VALUE = 7,500

100101201000192
 Ref ID: R24893
 Map ID PLAT

SITUS 519 N 6TH ST
 GENERAL
 LAST APPR. YR 2012
 LAST INSP. DATE 06/21/2012
 NEXT INSP. DATE

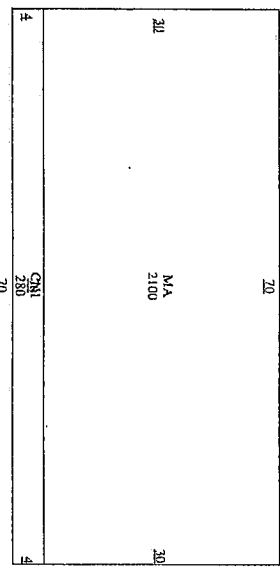
UTILITIES
 TOPOGRAPHY
 ROAD ACCESS
 ZONING C3
 NEXT REASON

APPR VAL METHOD: Cost
 SKETCH for Improvement #1 (COMMERCIAL)

REMARKS
 FOR 1/2 FLAT ALL IMPS @ NV PER LR.
 PROPERTY BEING CONDEMNED BY CITY - SEE
 INR #2012-276 6/21/12 6/22/12 JO -- FOR 1/0 REM
 FUNC, ADD 30% PHYS PER APPR LR 4/22/10

ISSUE DT PERMIT TYPE PERMIT AREA ST PERMIT VAL

SALE DT PRICE GRANTOR DEED INFO
 11/08/2008 *****
 01/07/2002 *****
 RODRIGUEZ EDILMI WDV / 401 / 615
 ALANIZ ROSAC WD / 228 / 222
 COLIN TOMAS ETAL OT / /



SUBD: S001 100.00% NBHD: IMPROVEMENT INFORMATION									
#	TYPE	DESCRIPTION	MTHD	CLASS	SUBCL	AREA	UNIT PRICE	UNITS BUILT	EFF YR COND. VALUE
1	MA	MAIN AREA	F	RS3L		2,100.0	0.00	1	1965
2	CN1	CANOPY BASIC	F	NV		280.0	0.00	1	1965
3	CN	CONCRETE	F	NV		1,500.0	0.00	1	0
4	COMMERCIAL					3,880.0			
Homestead: N									
(Flat Values)									
0									

IMPROVEMENT FEATURES									
Foundation	1	FD1							0
Interior Finish	1	IN1							0
Roof Style	1	RT2	RM1						0
Flooring	1	FL3							0
Heating/Cooling	1	HA1							0
Plumbing	1								0

SUBD: S001 100.00% NBHD: LAND INFORMATION
 1, F1
 Comment: F: 50.0 R: 50.0 FF

GLS TABLE SPECIAL F1 N
 DIMENSIONS 50X140
 UNIT PRICE 150.00
 GROSS VALUE 7,500
 ADJ MASS ADJ 1.00
 VAL SRC A
 IRR Wells: 0 Capacity: 0
 IRR Acres: 0
 MKT VAL 7,500
 AG APPLY NO
 AG CLASS AG TABLE AG UNIT PRG AG VALUE
 0.00
 0

2011 CERTIFIED APPRAISAL ROLL

As of Supplement # 0
CKI - CITY OF KINGSVILLE

07/21/2011 12:19PM

Geo ID Order

				Values			
Prop ID	Owner	%	Legal Description	Effective Acres:	Imp HS:	Market:	
13886	13123	100.00	R Geo: 100101131000192 MARTINEZ MARIA C PO BOX 546 KINGSVILLE, TX 78364-0546	0.000000	28,110	32,110	
			ORIG TOWN, BLOCK 11, LOT 31, 32		Imp NHS: 0	Prod Loss: 0	
					Land HS: 4,000	Appraised: 32,110	
					Land NHS: 0	Cap: 0	
					PLAT Prod Use: 0	Assessed: 32,110	
					Prod Mkt: 0	Exemptions: HS	
			State Codes: A Situs: 302 E ALICE	Acres: 0.0000 Map ID: Mtg Cd: DBA:			
Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	
CKI	CITY OF KINGSVILLE			32,110	0	32,110	
24883	53989	100.00	R Geo: 100101201000192 CURTIS TONI YDROGO 415 E HENRIETTA AVE KINGSVILLE, TX 78363-3858	0.000000	Imp HS: 0	Market: 12,080	
			ORIG TOWN, BLOCK 12, LOT 1, 2, (APPLE HOUSE)		Imp NHS: 4,580	Prod Loss: 0	
					Land HS: 0	Appraised: 12,080	
					Land NHS: 7,500	Cap: 0	
					PLAT Prod Use: 0	Assessed: 12,080	
					Prod Mkt: 0	Exemptions:	
			State Codes: F1 Situs: 519 N 6TH ST	Acres: . Map ID: Mtg Cd: DBA:			
Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	
CKI	CITY OF KINGSVILLE			12,080	0	12,080	
25641	15581	100.00	R Geo: 100101203000192 SOLIZ ARMELA L PO BOX 1826 KINGSVILLE, TX 78364-1826	0.000000	Imp HS: 0	Market: 3,500	
			ORIG TOWN, BLOCK 12, LOT 3, 4		Imp NHS: 0	Prod Loss: 0	
					Land HS: 0	Appraised: 3,500	
					Land NHS: 3,500	Cap: 0	
					PLAT Prod Use: 0	Assessed: 3,500	
					Prod Mkt: 0	Exemptions:	
			State Codes: C Situs: 205 E RICHARD	Acres: Map ID: Mtg Cd: DBA:			
Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	
CKI	CITY OF KINGSVILLE			3,500	0	3,500	
10354	10340	100.00	R Geo: 100101205000192 PINA GREGORIO JR 4017 JUAREZ AVE LAREDO, TX 78041-4221	0.000000	Imp HS: 0	Market: 5,250	
			ORIG TOWN, BLOCK 12, LOT 5, 6, 7		Imp NHS: 0	Prod Loss: 0	
					Land HS: 0	Appraised: 5,250	
					Land NHS: 5,250	Cap: 0	
					PLAT Prod Use: 0	Assessed: 5,250	
					Prod Mkt: 0	Exemptions:	
			State Codes: C Situs: 207 E RICHARD	Acres: Map ID: Mtg Cd: DBA:			
Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	
CKI	CITY OF KINGSVILLE			5,250	0	5,250	
19622	17006	100.00	R Geo: 100101208000192 GAITAN RAMONA S 217 E RICHARD AVE KINGSVILLE, TX 78363-4525	0.000000	Imp HS: 11,900	Market: 15,400	
			ORIG TOWN, BLOCK 12, LOT 8, 9		Imp NHS: 0	Prod Loss: 0	
					Land HS: 3,500	Appraised: 15,400	
					Land NHS: 0	Cap: 0	
					PLAT Prod Use: 0	Assessed: 15,400	
					Prod Mkt: 0	Exemptions: HS,OV65	
			State Codes: A Situs: 217 E RICHARD	Acres: Map ID: Mtg Cd: DBA:			
Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	
CKI	CITY OF KINGSVILLE			15,400	8,400	7,000	
20414	15581	100.00	R Geo: 100101210000192 SOLIZ ARMELA L PO BOX 1826 KINGSVILLE, TX 78364-1826	0.000000	Imp HS: 0	Market: 2,250	
			ORIG TOWN, BLOCK 12, LOT 10		Imp NHS: 500	Prod Loss: 0	
					Land HS: 0	Appraised: 2,250	
					Land NHS: 1,750	Cap: 0	
					PLAT Prod Use: 0	Assessed: 2,250	
					Prod Mkt: 0	Exemptions:	
			State Codes: F1 Situs: 227 E RICHARD TX	Acres: Map ID: Mtg Cd: DBA:			
Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	
CKI	CITY OF KINGSVILLE			2,250	0	2,250	
12696	12242	100.00	R Geo: 100101211000192 GARZA FELIPE M 627 W B AVE KINGSVILLE, TX 78363-3613	0.000000	Imp HS: 0	Market: 6,970	
			ORIG TOWN, BLOCK 12, LOT 11		Imp NHS: 5,220	Prod Loss: 0	
					Land HS: 0	Appraised: 6,970	
					Land NHS: 1,750	Cap: 0	
					PLAT Prod Use: 0	Assessed: 6,970	
					Prod Mkt: 0	Exemptions:	
			State Codes: A,F1 Situs: 219 E RICHARD TX	Acres: Map ID: Mtg Cd: DBA:			
Entity	Description	Xref Id	Freeze: (Year) Ceiling	Assessed	Exemptions	Taxable	
CKI	CITY OF KINGSVILLE			6,970	0	6,970	

CONDEMNATION CHECKLIST

Property Address: 519 N 6th
 Property Owner: Tony Curtis Ydorp
 Owner's Address: 415 E Henrietta
Kingsville TX 78363

Phone: _____

Phone: _____

Fax: _____

BEGINNING DATE	ENDING DATE	ACTION
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	1. Identify structure unfit for human habitation.
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	2. Inspect Property. (Building Official)
		<input type="checkbox"/> a. Prepare inspection report.
		<input type="checkbox"/> b. Photograph property.
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	3. Determine ownership from county assessment & tax collection record.
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	4. Obtain legal description.
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	5. Obtain or complete title report to verify ownership & other vested interests, such as mortgage holders, trustees, etc.
<input type="checkbox"/> <u>2-27-12</u>	<u>2-27-12</u>	6. Send Notice of Violation & copy of inspection report to property owner(s) of record. Request written response from owner within 10 days from Notice of Violation indicating action the owner intends to take within the next 30 days to correct substandard conditions.
3-5-12 had meeting with owner to explain and repairs need to be done 3-14-12 second notice 4-13-12 4-13-12 - Third notice		7. If response is not received or is not adequate, proceed as follows:
<input type="checkbox"/> _____	_____	8. Send 20-day pre notification letter owner(s) & others with vested interest in property advising the date the property will be presented to City Council for consideration of condemnation.
<input type="checkbox"/> _____	_____	<input type="checkbox"/> a. Owner unknown or whereabouts not known or such owner is a nonresident of Texas.
<input type="checkbox"/> _____	_____	1) Post affidavit in newspaper twice a week for one week
<input type="checkbox"/> _____	_____	9. Post sign on property advising date the City Council will consider condemnation of structure.

☐ _____

☐ _____

10. Photograph posted sign.

11. Prepare information packet for each City

Council member, plus one each for City Manager,
City Attorney & City Secretary consisting of

☐ a. Location Map

☐ b. Photographs of the structure

☐ c. Inspection report

☐ d. Pre-condemnation notice

☐ e. Condemnation resolution

☐ _____

12. Place condemnation action resolution &

supporting documentation for placement on the
City Council agenda.

☐ _____

13. City Council adopts condemnation resolution.

☐ _____

14. File Notice of Condemnation with the County
Clerk.

☐ _____

15. Send owner(s) & other vested interests the
following:

☐ a. Copy of the City Council resolution.

☐ b. 45-day order to demolish

☐ _____

16. Post 45-day Order to Demolish on structure.

☐ _____

17. Evaluate status of owner's action on 46th day
after Order of Demolition was issued. If no action
taken by owner, proceed with demolition.

☐ _____

18. Photograph posted notice.

☐ _____

19. Notify utility companies to disconnect &
remove services from structure for safe
demolition.

☐ _____

20. Issue Notice to Proceed to Public Works Dir.

☐ _____

21. Prepare demolition cost statement consisting of:

☐ a. Mailing fees

☐ b. Publication fees

☐ c. Demolition costs

☐ d. Landfill tipping fees

☐ e. Filing fees

☐ f. Administrative fees

☐ g. Any documentation miscellaneous costs



22. Send a letter & cost statement to the
Collections Department so they can send out bill.
Make copy of documents and send to the City
Attorney requesting a lien to be place on the
property.

CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

February 27, 2012

TONY CURTIS YDROGO
415 E HENRIETTA
KINGSVILLE TEXAS 78363

Re: ORIGINAL TOWN, BLOCK 12, LOT 1, 2 519 N 6TH

Dear Sir or Madam:

It has been determined that the structure at **519 N 6TH** is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.

(A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and be and become a condemned building or structure.

(B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:

(1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.

(2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES. YOU ARE HEREBY NOTIFIED THAT THESE VIOLATIONS LISTED MUST BE CORRECTED WITHIN THIRTY (30) CALENDAR DAYS FROM RECEIPT THIS LETTER.

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS **MARCH 8, 2012** FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within thirty (30) calendar days of the date of this letter, a case will be processed through Municipal Court. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate condemned structure.

If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM – 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,



Abel Carrillo
Building Official

CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

March 14, 2012

TONY CURTIS YDROGO
415 E HENRIETTA
KINGSVILLE TEXAS 78363

SECOND NOTICE

Re: ORIGINAL TOWN, BLOCK 12, LOT 1, 2 519 N 6TH

Dear Sir or Madam:

It has been determined that the structure at **519 N 6TH** is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.

(A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and be and become a condemned building or structure.

(B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:

(1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.

(2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES. YOU ARE HEREBY NOTIFIED THAT THESE VIOLATIONS LISTED MUST BE CORRECTED WITHIN THIRTY (30) CALENDAR DAYS FROM RECEIPT THIS LETTER.

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU WITHIN TEN (10) DAYS **MARCH 29, 2012** FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT THIRTY (30) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within thirty, (30) calendar days of the date of this letter, a case will be processed through Municipal Court. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate condemned structure.

If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM - 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,



Abel Carrillo
Building Official

CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

April 13, 2012

TONY CURTIS YDROGO
415 E HENRIETTA
KINGSVILLE TEXAS 78363

THIRD NOTICE

Re: ORIGINAL TOWN, BLOCK 12, LOT 1, 2 519 N 6TH

Dear Sir or Madam:

It has been determined that the structure at **519 N 6TH** is in a significant state of disrepair and creates a safety and health hazard to the surrounding area and the community at large. The structure is in direct violation to the City of Kingsville's Code of Ordinance § 15-1-165 Condemned Building or Structure; Specifications as adopted and as stated below.

§ 15-1-165 CONDEMNED BUILDING OR STRUCTURE; SPECIFICATIONS.

(A) Any building or structure of any type of material, whether public or private property, existing within the city limits, which is determined to be unsafe for or dangerous to human occupancy, shall be declared and become a condemned building or structure.

(B) The condemned buildings or structures mentioned in division (A) shall be determined to be such under the following listed terms and conditions:

(1) Any building or structure which, for want of repair or by reason of age or dilapidated condition, or for any causes, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein.

(2) Any building or other structure which shall be determined to have a permanent or temporary plumbing condition existing in violation of the installation, maintenance and repair provisions of the City Plumbing Code presently duly enacted or to be duly enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Plumbing Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(3) Any building or other structure which shall be determined to have a permanent or temporary electrical installation condition existing in violation of the installation, maintenance or repair provisions of the City Electrical Code as it is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the Electrical Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(4) Any building or structure which shall be determined to contain a faulty and defective structural condition existing in violation of the construction, maintenance and repair provisions of the City Building Code as is presently duly enacted or may be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the Building Code to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

(5) Any building or structure which shall be determined to have a permanent or temporary sanitary condition existing in violation of the various health and sanitation ordinances duly enacted and to be enacted from time to time, and which shall be further determined, by virtue of such condition in violation of the provisions of the sanitation ordinances to endanger the safety of the building or structure or other buildings or structures or other property, and to endanger the safety and health of persons who may have occasion to occupy and/or be in, on or about the premises, whether they be the owner thereof or not.

('62 Code, § 4-6-1)

AN INVESTIGATION HAS BEEN CONDUCTED ON THESE PREMISES FOR NON-COMPLIANCE WITH CITY ORDINANCES; Chapter 15 Article 1, Sections 97, 98, 100. YOU ARE HEREBY NOTIFIED THAT THESE VIOLATIONS LISTED BELOW MUST BE CORRECTED WITHIN TWENTY-ONE (21) CALENDAR DAYS FROM RECEIPT THIS LETTER.

- The roof, which is in despair and allows moisture penetration
- The siding, which is in despair and allows moisture penetration
- The sign, which is obsolete and in disrepair

WE MUST RECEIVE WRITTEN RESPONSE FROM YOU OUTLINING THE REPAIRS AND THE SCHEDULE OF WORK TO BE MADE WITHIN TEN (10) DAYS **APRIL 23, 2012** FROM THIS NOTICE INDICATING THE ACTION YOU INTEND TO TAKE WITHIN THE NEXT TWENTY-ONE (21) DAYS TO CORRECT SUBSTANDARD CONDITIONS.

If these violations are not mitigated within twenty-one (21) calendar days (MAY 4, 2012) of the date of this letter, a case will be processed through Municipal Court. If you should commit another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

For your information we have attached of our non-residential code

Please provide proof of necessary permits and "passed" inspections for all reconstruction and/or repairs. Provide proof of proper disposal, i.e. landfill receipt or method used to remediate condemned structure.

If you need further information, please contact me at (361) 595-8019, Monday through Friday from 8:00 AM - 12:00 PM & 1:00 PM - 5:00 P.M.

Sincerely,

A handwritten signature in cursive script, reading "Abel Carrillo". The signature is written in dark ink and is positioned above a horizontal line.

Abel Carrillo
Building Official



BUILDING DEPARTMENT

City of Kingsville
Phone: 361-595-8019 Fax: 361-595-8035

CERTIFIED MAIL – RETURN RECEIPT #7011 0110 0000 4433 0324

June 14, 2012

Tony Ydrogo Curtis
415 E Henrietta.
Kingsville, TX 78363

Re: HEARING FOR PROPERTY AT 519 N 6th

Dear Sir or Madam:

On February 27, 2012, a letter was sent from the City of Kingsville stating that your property located at 519 N 6th was a fire hazard or was dangerous to human life, or constitutes a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment such that the structures located thereon are unsafe and a nuisance. In that letter, you were further advised that you needed to repair or demolish the structures within a certain timeframe. As the timeframe has passed and the unsafe structures on your property have not been repaired or demolished, the structures on your property are being recommended for condemnation before the Kingsville City Commission.

You are hereby cited to appear before the City Commission at a public hearing on **Monday, July 9, 2012 at 6:00 p.m.** to show cause why such structures should not be condemned. You may appear in person, by agent or by counsel at the hearing. You will need to submit at the hearing proof of the scope of any work that may be required to comply with city ordinances and the time it will take to reasonably perform the work. The condemnation hearing is set for July 9, 2012.

The hearing will take place at the Alcorn Commission Chambers located on the first floor of City Hall, 200 E. Kleberg Avenue, Kingsville, Texas, during a regularly scheduled meeting of the City Commission.

If you have any questions about the condemnation process or how to get a building permit to fix the structures, please contact me at (361) 595-8019.

Sincerely,

Abel Carrillo
Building Official



BUILDING DEPARTMENT

City of Kingsville
Phone: 361-595-8019 Fax: 361-595-8035

CERTIFIED MAIL – RETURN RECEIPT #7011 0110 0000 4433 0942

September 18, 2012

TONI YDROGO CURTIS
415 E HENRIETTA
KINGSVILLE, TX 78363

Re: **HEARING FOR PROPERTY AT 519 N 6TH**

Dear Ms. Curtis:

Dating back to February 27, 2012, a series of letters were sent from the City of Kingsville stating that your property located at 519 N 6TH was a fire hazard and/or was dangerous to human life, and/or constitutes a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. Due to these findings the structures located thereon are unsafe and a nuisance. In that letter, you were further advised that you needed to repair or demolish the structures within a certain timeframe. As the timeframe has passed and the unsafe structures on your property have not been repaired or demolished, the structures on your property are being recommended for condemnation before the Kingsville City Commission.

Additionally, on July 9, 2012, you appeared before the City Commission regarding the condemnation for demolition for the above referenced property. At that hearing, city staff presented photos and a condition report indicating the building is in serious disrepair and dangerous to the public health, safety and welfare. In the meeting you indicated to the City Commission that you needed additional time to make repairs, although no formal repair plan was presented at the meeting, and you were directed by the City Commission to meet with city staff to devise an acceptable repair plan with a reasonable timeline for completion. More than two months have passed and no contact has been made to present such a plan and no improvements have been made to the property. In fact, the property has deteriorated further.

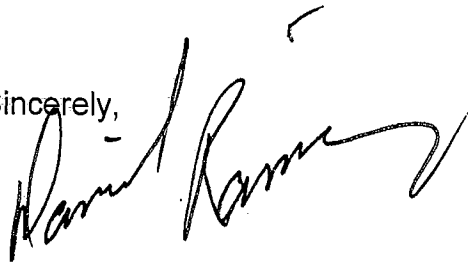
Due to the aforementioned statement of events with no corrective action being taken, you are hereby cited to appear before the City Commission at a public hearing on **Monday, OCTOBER 22, 2012 at 6:00 p.m.** to show cause why such structures should not be condemned. You may appear in person, by agent or by counsel at the hearing. You will need to submit at the hearing proof of the scope of any work that may be required to comply with city ordinances and the time it

will take to reasonably perform the work. The condemnation hearing is set for OCTOBER 22, 2012.

The hearing will take place at the Alcorn Commission Chambers located on the first floor of City Hall, 200 E. Kleberg Avenue, Kingsville, Texas, during a regularly scheduled meeting of the City Commission.

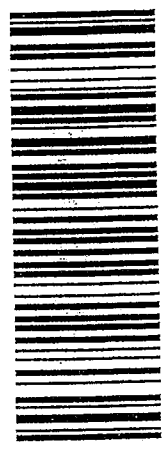
If you have any questions about the condemnation process or how you can obtain a building permit to repair the structure, please contact me at (361) 595-8019.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Ramirez", with a stylized flourish at the end.

Daniel Ramirez
Building Official

160



7011 0110 0000 4431 5628

TEXAS 78364

02004112

12x 11-11

Toni Young Curtis
415 E. Hemlock
Kingsville, TX 78363



UNC

UNITED STATES POSTAGE
02 1M \$05.59
0004247745 DEC 16 2011
MAILED FROM ZIP CODE 78363

PLACE STICKER AT TOP OF ENVELOPE TO RETURN TO SENDER
OF THE RETURNED ADDRESS FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Myrtle Vandyke
415 E. Bennett
Kingsville, TX 78363

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. 7010 0780 0000 7424 4343

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

579

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Tony Curtis Ydnap
415 E Hermite
Kensville, TX 78363

Article (Trans.)

7011 0110 0000 4431 6427

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tony Curtis Ydnap
415 E Hermite
Kensville, TX 78363

7011 0110 0000 4431 6045

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☒ Addressee
x *Tony Curtis*
B. Received by (Printed Name) *Tony Curtis*
C. Date of Delivery *04/01/12*
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☒ Addressee
x *Tony Curtis*
B. Received by (Printed Name) *Tony Curtis*
C. Date of Delivery *04/01/12*
D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

JULY 9, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, JULY 9th, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R Fugate, Mayor
Arturo Pecos, Commissioner
Dianne Leubert, Commissioner

CITY COMMISSION ABSENT:

Al Garcia, Commissioner
Noel Pena, Commissioner

CITY STAFF PRESENT:

Vincent J Capell, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
David Mason, Purchasing Director
Naim Khan, City Engineer/Public Works Director
Mike Kellam, Director of Development Services
Bob Trescott, Downtown/Special Projects Manager
Willie Vera, Task Force Commander
Mark Rushing, Finance Director
Roel Carrion, Interim Fire Chief
Yolanda Cadena, Health Director
Tony Verdin, Information System Technician
Diana Medina, Collections Supervisor
Rose Morrow, Municipal Court Supervisor
Diana Gonzales, Human Resource Director
Caron Vela, Accounting Manager
Ricardo Torres, Police Chief

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chambers at 6:02 P.M. and announced quorum as present, with three members present, and Commissioners Garcia and Pena absent.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Mr. Mark Rushing, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Fugate called for consideration of the minutes of the regular meeting of Monday, June 25th. Commissioner Pecos made a motion to accept the minutes, as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Fugate, Leubert, Pecos voting "FOR". Garcia, Pena "ABSENT".

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

1. Public Hearing regarding condemnation proceeding for structures located at 707 West Warren, 519 North 6th, & 624 West Johnston. (Director of Development Services).

Mayor Fugate opened the public hearing at 6:04 P.M.

Mr. Kellam addressed the Commission, stating that the information on said locations is in their packets, the necessary protocol was followed, inspections were made and photos are enclosed to show the state of the buildings. There's documentation of the attempts to come to a different solution and in some cases they are not available because of the conditions of the building.

Mayor Fugate called for comments from the public.

Mayor Fugate closed the public hearing at 6:07 P.M.

III. Reports from Commission & Staff.² (City Manager's Staff Report Attached).

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

City Manager Capell had no comments.

Ms Alvarez reported Friday is the deadline for agenda items for next regularly scheduled meeting on Monday, July 23rd; there will be a special public hearing scheduled to begin at 5:00 P.M. with the regular Commission meeting at 6:00 P.M.; and there will be a special Commission meeting at 5:00 P.M. on Thursday, July 26th to conduct the public hearing for the annexation of the Hawks Landing area which requires two public hearings.

Commissioner Leubert asked if the current landscaping policy addresses maintenance of landscaping after it is put in. Ms Alvarez replied she did not receive a copy of the policy prior to the meeting but her recollection is, yes. Mr. Kellam replied the language in the code is vague and doesn't call it out, but staff is working on code additions to make things clearer.

IV. Public Comment on Agenda Items.³

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

Mayor Fugate called for comments on all agenda and non-agenda items.

Dr. Miguel Martin, 723 S 12th, spoke about how good the new taxi service is for the City.

Mr. Lance Hamm, 912 S Creek, spoke about landscaping and other issues at the new RV Park.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-6.

Commissioner Leubert made a motion to accept the Consent Agenda, Items 1-6, as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Pecos, Leubert voting "FOR". Garcia, Pena "ABSENT".

V.

Consent Agenda

1. ORDINANCE NO. 2012-30 Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the Police Department State Forfeiture Fund for the purchase of computer hardware software for the Crimes Software Program. (Finance Director).
2. RESOLUTION NO. 2012-32 Motion to approve resolution authorizing the City Manager to enter into a CRIMES Law Enforcement Software License & Master Agreement with Sam Houston State University for the Kingsville Police Department. (Police Chief).
3. ORDINANCE NO. 2012-31 Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the CO Series 2011- General Fund Capital Projects for the Fire Department expenses of remodeling and upgrading Fire Station 2. (Finance Director).
4. ORDINANCE NO. 2012-32 Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund for the Development Services Department Community Appearance Division to fund hauling of debris for nuisance abatement projects. (Finance Director).
5. ORDINANCE NO. 2012-33 Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund for Solid Waste Department Sanitation Collection fuel and vehicle maintenance expenses. (Finance Director).

6. Motion to approve authorizing participation in the activities being planned in support of and building upon the King Ranch – Ranch Hand Breakfast to be held on November 16th – 18th, 2012. (Downtown /Special Project Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider condemnation of structure located at 707 West Warren. (Director of Development Services).

Mayor Fugate called for items 7, 8, & 9 to be taken together and posed the question to Ms Alvarez if this could be done. Ms Alvarez replied so long as they note that sufficient findings are in place. List each of the locations and say sufficient findings are in place for each of the locations and identify them separately they could be done in one motion. She added for their information, 45 days from today is August 23rd.

Mayor Fugate called to take Items #7, 8, & 9 together. Mayor Fugate stated the only location being condemned that bothers him is the old "Apple House" because that is a historical building. Mr. Kellam stated that the walls are buckled and the roof is collapsing. The owner has expressed that due to the economy they don't have the funds to fix it. There is a new owner.

Mayor Fugate called for Ms Toni Curtis who resides at 415 E Henrietta and is the current owner of the building located at 519 North 6th (Old Apple House) to address the Commission. Ms Curtis stated she has done everything asked of her to do per Mr. Abel Carrillo, former Building Official. The last request received was to take down the signage which she has done. She stated the roof doesn't leak and it is not collapsing. The awning was taken down as per Mr. Carrillo's request. She stated she doesn't want the building demolished because she would like to develop it and move her Kleberg Street business to that location.

Mr. Kellam stated he wasn't aware of Mr. Carrillo's statements. The photos and condition report from Mr. Carrillo do state that the roof is collapsing and the walls are buckled, and that the building is in structural disrepair.

Commissioner Leubert asked Ms Curtis, for her timeline. Ms Curtis stated it would be about another year before she could start working on the building, but the yard is clean and mowed. Everything that can fly off has been removed. Mr. Kellam stated he has not been inside this building. The former building official made the inspection and noted that he has not been inside. There's specific deterioration on the outside and would get worse in one year. The building is secured. City Manager Capell stated a concern is someone gaining access or getting injured. Ms Curtis stated that the building is uninsured. Mr. Kellam stated the concern is strong winds could cause a large amount of debris to come off this building. It is understood that the owner has intentions for the building and it is a historical building.

Mayor Fugate asked to pass on this building so that Ms Curtis could allow Mr. Kellam to go inside. Mr. Kellam replied getting inside the building would not change the structural integrity of the building. The walls are buckling which is a serious concern. Mayor Fugate stated what concerns him is that the building official told her if she did certain things she would be okay, so there is some conflict. Ms Curtis stated that the building official indeed did enter the building.

City Manager Capell suggested removing the item from the agenda, so that the owner and the City could enter into some type of repair plan. Mr. Kellam stated the walls can be braced and could give owner a timeline. Mayor Fugate suggested Staff report back to the Commission and that the owner do something to the building and work a little faster on her timeline. Mayor Fugate stated this building has some history to it.

Commissioner Pecos made a motion that the finding is not able to repair 624 W Johnston and 707 West Warren, the structure is unsafe and present condition is a violation of ordinance and cannot be corrected without substantial reconstruction, then declare the building(s) or structure(s) to be a public nuisance and order its demolition by owner/agent/person in charge with a specified time. The city shall abate in any manner it deems necessary and properly, seconded by Commissioner Leubert. Ms Alvarez stated to verify the time period which would be the standard 45 days, August 23rd. Both Commissioners Pecos and Leubert agreed with Ms Alvarez's statement. The motion was passed and approved by the following vote: Fugate, Leubert, Pecos voting "FOR" Garcia, Pena "ABSENT".

8. Consider condemnation of structure located at 519 North 6th. (Director of Development Services).

NO ACTION

9. Consider condemnation of structure located at 624 West Johnston. (Director of Development Services).

10. RESOLUTION NO. 2012-33 Consider resolution authorizing the Mayor to enter into a Tax Abatement Agreement with NSH Fund, LP in accordance with Guidelines and Criteria Governing Tax Abatement for all Taxing Units located within the City of Kingsville. (Director of Development Services).

Mr. Kellam stated this is for the new student housing development near the campus on Seale and Corral. This is for phase one of the development which is two large student housing buildings with phase two & three to come at a later date. This tax abatement agreement is for 10 years, 100% of the city's portion which is only on the improvements and not including the land values. This will increase the housing to meet the needs of the City. This is a partnership between the City, the University and the Newman Student Housing. The economic development aspect of this is that it will increase student population, increase tax base and garner additional sales tax revenue.

Mayor Fugate stated this is a win-win situation for the college. Mr. Kellam stated also for the City because the City gets the private ownership of the land which gives the City some tax revenues. Mayor Fugate stated that University President, Dr. Tallant describes this is a game changer for the University which has the potential of increasing their enrollment. City Manager Capell stated if this doesn't happen the City will not get any tax revenue and the fact that there's a 10 year tax abatement means that the City will not be getting all the taxes, until after ten years. This is still very positive.

Commissioner Leubert made a motion to accept Staff's recommendation to authorize the Mayor to enter into a Tax Abatement Agreement with NSH Fund, LP in accordance with guidelines and criteria governing tax abatement for all taxing units located with the City, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Pecos, Leubert voting "FOR". Garcia, Pena "ABSENT".

11. Consider authorizing the purchase of replacement bar screens at both Wastewater plants. (Purchasing Director).

Mr. Mason stated this authorizes the purchase of replacement bar screens at both Wastewater plants. There were four respondents to the bid. Recommendation is to award the contract to Treatment Equipment Company, Houston, Texas in the amount of \$292,771 which will expend from the North Plant \$161,386 and the South Plant \$131,385 from Fund 054.

Commissioner Pecos made a motion to approve Staff recommendation of replacement of bar screens at both Wastewater Plants, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Fugate, Leubert, Pecos voting "FOR". Garcia, Pena "ABSENT".

12. RESOLUTION NO. 2012-34 Consider resolution of the City of Kingsville approving the Municipal Service Plan for the proposed annexation of Lot 9, Section 22, K.T. & I. Subdivision. (Director of Development Services).

Mr. Kellam stated this is in preparation of the upcoming annexation hearings, presenting to you the municipal service plan outlining how the City intends to serve the newly annexed area as required Section 43 of the Texas Local Government Code. This will be communicated at the July 23rd and 26th public hearings and available for viewing before that, as well. Basically it calls out the fire and police basic services that the City provides which the City is already providing, in most cases because of the proximity of the annexed area in the City. Currently, there is no building inspection for that area which is something that the City will be affording them. They would be brought under the City and the Planning and Zoning ordinances that are established. Additionally, the Health Department which already services that area through the County, but now the City would also become a partner in that. Public Works efforts are, such as streets, storm water, street lighting, traffic, engineering, water, solid waste services all of which are being provided at the present time, except for street lighting. Mr. Kellam called for questions.

Mayor Fugate stated this has been a long time coming and the property in the front can be developed. City Manager Capell stated this would generate an additional annual property taxes estimated at \$33,000.

Mayor Fugate called for Ms Alvarez legal aspect. Ms Alvarez stated the resolution was prepared and publication notices were in the paper, and letters were sent to the school district and other taxing entities.

Commissioner Pecos made a motion to accept the resolution, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Fugate, Leubert, Pecos voting "FOR". Garcia, Pena "ABSENT".

13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter V – Public Works, Article 1 – Garbage, Amending the number of days for corrective action after notice of violation to seven. (Director of Development Services).

Mr. Kellam stated this is an attempt to make the notice and compliance time lines consistent across the board.

INTRODUCTION ONLY

14. Consider accepting \$500 donation from the Kingsville Historic District Business Association to Keep Kingsville Beautiful for various beautification projects. (Finance Director).

Mr. Rushing stated this donation is from the Kingsville Historic District Business Association for beautification projects for consideration.

Commissioner Leubert made a motion to accept the \$500 donation from the Kingsville Historic District Business Association to Keep Kingsville Beautiful, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Pecos, Leubert voting "FOR". Garcia, Pena "ABSENT".

15. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 General Fund Budget for the City of Kingsville to accept donations for Keep Kingsville Beautiful for various beautification projects. (Finance Director).

Mr. Rushing stated this is an introduction to authorize the acceptance of the donation.

INTRODUCTION ONLY

16. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 6, Traffic Control Devices; Providing for the restriction of parking on the west side of Wilson Street from Ella Ave to Avenue A. (City Engineer/Public Works Director).

Mr. Khan stated several complaints were received from citizens in the neighborhood about the parking of different type of vehicles and commercial trucks on this street. He stated the Police chief and he went to the location and found vehicles parked on the street. After several visits to the location they found vehicles parked every time. The business at that location there is doing work on vehicles that are parked in the street. For the safety of drivers and persons working there the City is proposing to put "No Parking" signs on the west side of the street from Ella to Ave A on Wilson Street. City Manager Capell stated even though the City was not required to notify the residents, letters were sent to everyone within 200 feet,

Commissioner Leubert asked if the trucks parked on the street were commercial trucks. Mr. Khan replied commercial and regular vehicles are parked on the street and the mechanics are working on the vehicles that are parked on the street. If both sides of the street are being used for parking then the garbage trucks and emergency vehicles cannot pass.

City Manager Capell stated City has received several calls and the Police Chief has visited with the business. Promises have been made to keep the vehicles off the streets and a repeated visit has to happen. Enforcement will be an important part. Mayor Fugate suggested doing both sides of the street. City Manager Capell stated initially that was the plan, but it was decided to try only the one side which would hopefully allow true access. Mr. Khan stated the reason for choosing the west side of the street was because Ella, Vela and Ave A Streets are on the west side of that business and this is where the problem was occurring.

INTRODUCTION ONLY

17. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the Solid Waste Capital Projects Fund to purchase commercial dumpsters. (City Engineer/Public Works Director).

Mr. Khan stated there was \$320,000 in the Solid Waste Capital fund 087. The City used \$93,440.60 for a front-wheel loader; \$200,283 was spent for the commercial garbage truck, so there's a savings of \$26,276.40. This money will be used to purchase the

dumpsters. The City will purchase 20 – 3 cubic yard and 25- 4 cubic yard dumpsters, for a cost of \$26,180.

INTRODUCTION ONLY

18. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the General Fund Capital Projects Fund for the Finance Department Accounts Receivable module to utilize Fiscal Year 2010-2011 Surplus Funds. (Finance Director).

Mr. Rushing stated this would authorize the purchase of specialized receivable software to efficiently and effectively manage Sundry Services. These Sundry Services include, but are not limited to, paving assessments, mowing and vacant lot clearance, abatement and noxious matters, and inter-local agreements with other governments. Staff recommends the purchase of the Incode "Accounts Receivable" software for this purpose. The cost of purchasing and installing this software is \$9,000.

INTRODUCTION ONLY

19. Consider budget amendment request from KCVB for employee severance pay. (Downtown /Special Project Manager).

Mr. Trescott stated he didn't have anything to add beyond what he has already addressed in his memo.

For clarification, Ms Alvarez stated that Mr. Trescott's memo talks about what can and can't be done. With regard to the KCVB by-laws, in Article 3, Section 4, there's a sentence that talks about the KCVB is to comply with the contract between them and the City with Texas Open Meetings Act, the Texas Open Records Act, and Chapter 351 of the Tax Code which controls the Hotel/Motel fund monies. Also, they have to comply with Article 3, Sections 52 & 53 of the Texas Constitution which states that they need to comply with the Texas Nonprofit Corporation Act and the IRS Tax Code and things of that nature. Article 3, Section 53 of the Texas Constitution which talks about how Counties and Cities authorities can or cannot give extra compensation for certain things and unauthorized claims. One of the things pointed out is that unless there is a previously approved policy or plan in place for giving employees, and things that were cited were like Cities, Counties, Housing Authorities and Water Authorities, unless they already have a previously approved plan in place for the award of additional compensation, such as, sick leave and vacation accrual on separation than those are not authorized by the Texas Constitution. Ms Alvarez stated that it wasn't clear to her at the time that the memo was written that such a plan or policy that had been previously approved or was in place by the Board prior to them taking the vote for the particular compensation plan that they voted on. So, if the plan was not in place prior to the vote being taken, then it is in conflict with the Texas Constitution and under their by-laws they are supposed to abide by that particular section of the Constitution.

Mayor Fugate asked Ms Alvarez if she had anything from the KCVB Board. Ms Alvarez replied she had not been in contact with them because Mr. Trescott was designated as the Staff Liaison, but it is her understanding she isn't aware of any such policy or plan. Mr. Trescott stated he wasn't aware of any such policy or plan.

Mayor Fugate called for comments or questions. Commissioner Leubert stated what she is hearing from the City Attorney is that, as it stands right now, this is not something that the Commission should or could approve. Ms Alvarez replied the City doesn't have sufficient knowledge. She stated that the contract would technically be in place until the end of August unless, on the next agenda item, the City Commission approves the KCVB request to terminate the contract early. Commissioner Leubert stated that the KCVB could still have a Board meeting to correct this. Ms Alvarez replied they can't do it retroactive. The board could put something in place and then vote on something new, then the City would have to examine whether or not there is still sufficient information to make that compliant with everything.

Mr. Trescott stated he was at the KCVB Board meetings when this was presented. He stated that the City ran into a couple of things on what was submitted, both their method of arriving at and doing a bonus, severance or retirement award seemed arbitrary.

Mayor Fugate called for questions or comments. Ms Alvarez stated if no action is taken on this item that would be the equivalent of not approving. If the Commission decides to table this item, it would have to be brought up at the next Commission meeting and voted on then. The only difference that would make is if they came up with some previously prior to the date the vote was taken by the Board for this particular package, policy in place to show that what they did was in conformance with a previously established policy. Commissioner Leubert asked Mr. Anse Windham, KCVB Board President, if there was anything, bonuses prior to this action by the Board. Mr. Windham stated he had communication from a representative from the Attorney General's office,

stating that Hotel/Motel tax money can be used for bonuses and awards. He stated the representative did not address having a policy in place. Ms Alvarez stated having a policy in place is in the by-laws.

NO ACTION

20. Consider a request from KCVB for 30-day early termination of the Professional Services Contract between the City of Kingsville and the Kingsville Convention & Visitors Bureau. (Downtown /Special Project Manager).

Mr. Trescott stated the City has a contract with KCVB to provide tourism services under the use of the hotel occupancy tax which expires at the end of September. The City was informed that the entire staff was going to retire before that date. The KCVB Board is requesting the contract be mutually terminated early so the termination date of the contract will match the time when staff stops operating. The termination date should be August 3rd.

City Manager Capell stated the contract needs to be extended or rescinded prior to the 60 day window. If Commission approved, tonight, the City would be in compliance with that because the contract would have been terminated prior to 60 days.

Ms Alvarez stated if the Commission were to choose, by mutual agreement of the parties to terminate the contract early, you would not need to go back and have another action item at the July 23rd meeting to provide them notice of the City's desire to terminate the contract when it expires on September 30th. If the parties are not mutually agreeable to the early termination then an agenda item would be needed on July 23rd. Ms Alvarez stated the motion should include the date. Mayor Fugate stated that Mr. Windham had shaken his head that August 3rd would be appropriate.

Commissioner Pecos made a motion to consider the request from KCVB for a 30-day early termination of the Professional Services Contract between the City of Kingsville and the Kingsville Convention & Visitor's Bureau, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Fugate, Leubert, Pecos voting "FOR". Garcia, Pena "ABSENT".

21. Consider introduction of an ordinance amending Chapter III, Article 7, Personnel Policies, Section 1 Classification and Compensation Plan to add the position of Tourism Services Director and the position of Downtown & Volunteer Manager to the Kingsville Classification and Compensation Plan for Fiscal Year 2011-2012. (Human Resource Director).

Ms Gonzales stated that the HR office has been asked to coordinate with the Downtown Special Projects Manager in the creation of a new City department, the Tourism Services Department and personnel to support the function of the department. A Director position will be created, a Tourism Service Director and support personnel, a Downtown and Volunteer Manager. The City has different levels of clerical support personnel no additional new titles are being presented.

Commissioner Leubert stated the City is adding a Tourism Services Director, a Downtown Special Projects Manager and a Downtown and Volunteer Manager. City Manager Capell stated only two positions are being added, the current Downtown Special Projects Manager would be converted to the Downtown & Volunteer Manager at a lower pay range.

Ms Alvarez stated that procedurally Mr. Trescott's position, the Downtown Special Projects Manager cannot be eliminated until the new positions are established. The two positions will be created in the Compensation Plan and once created; the current position will be eliminated in new budget year.

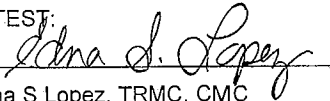
INTRODUCTION ONLY

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:12 P.M.

Sam R Fugate, Mayor

ATTEST:


Edna S Lopez, TRMC, CMC

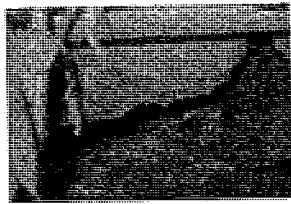
City Secretary



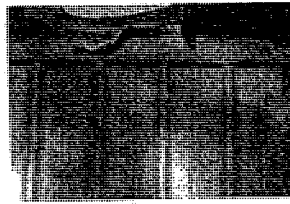
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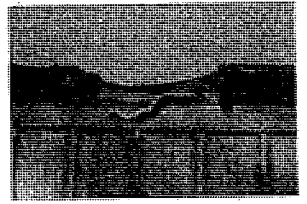
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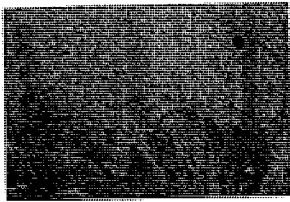
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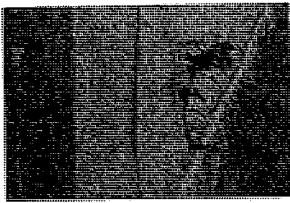
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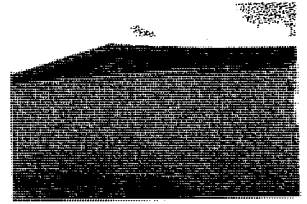
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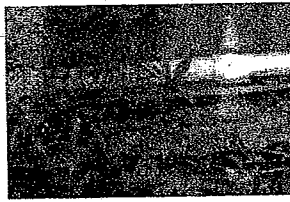
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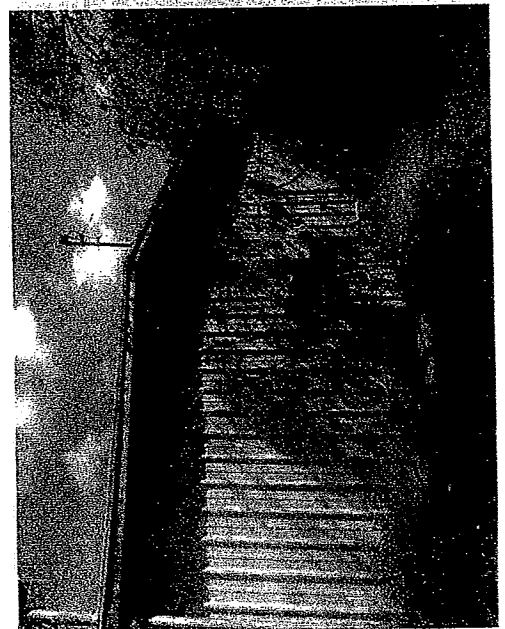
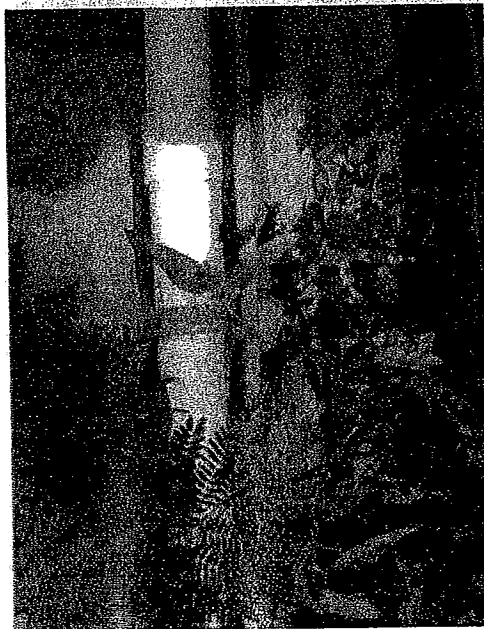
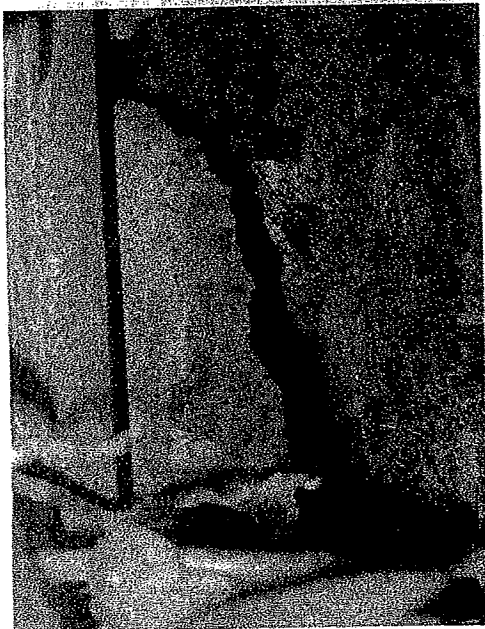
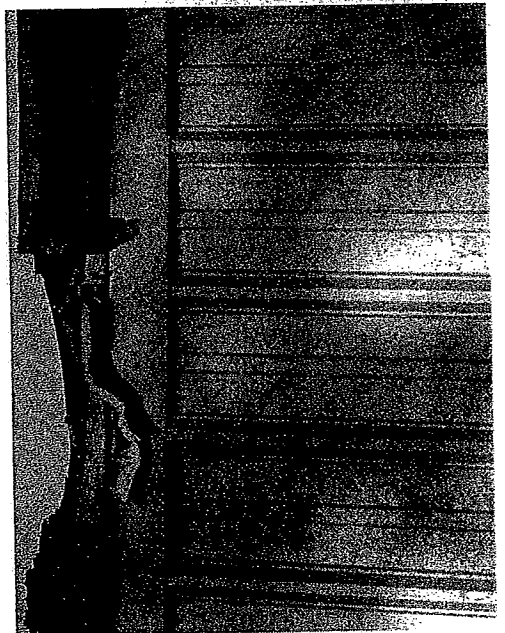
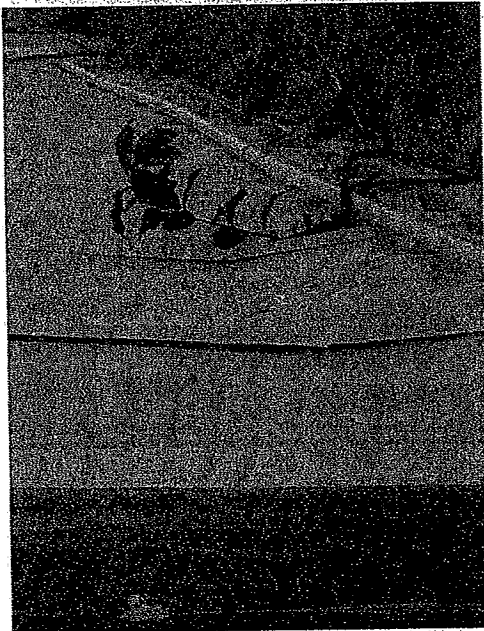
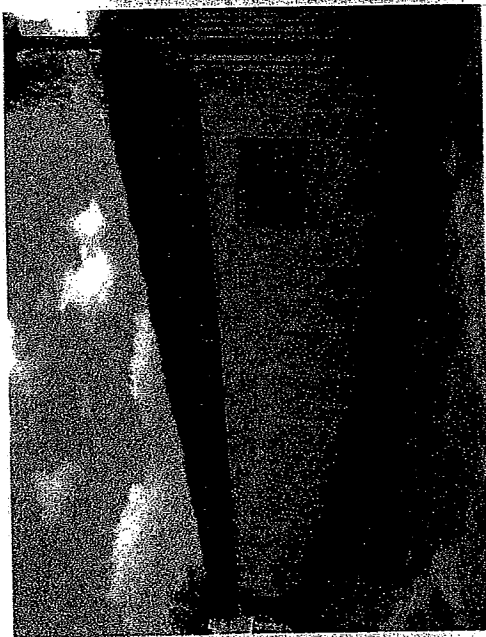
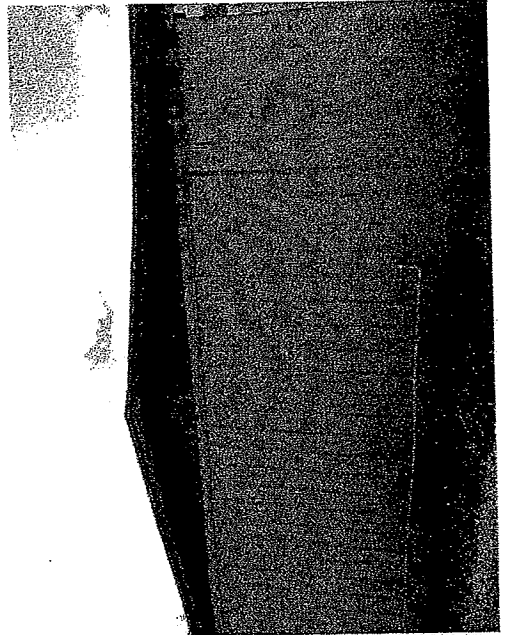
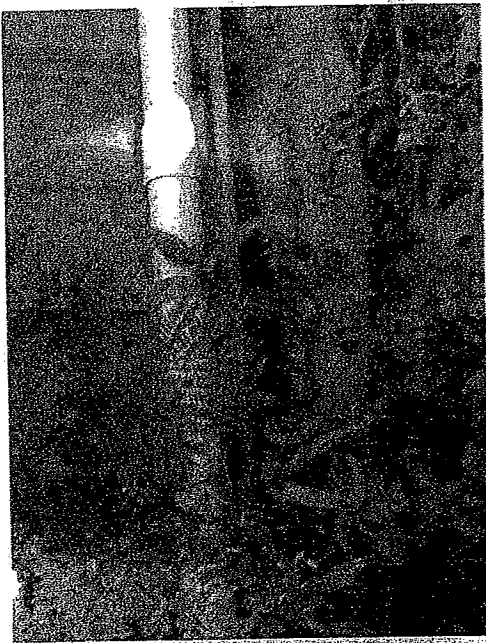


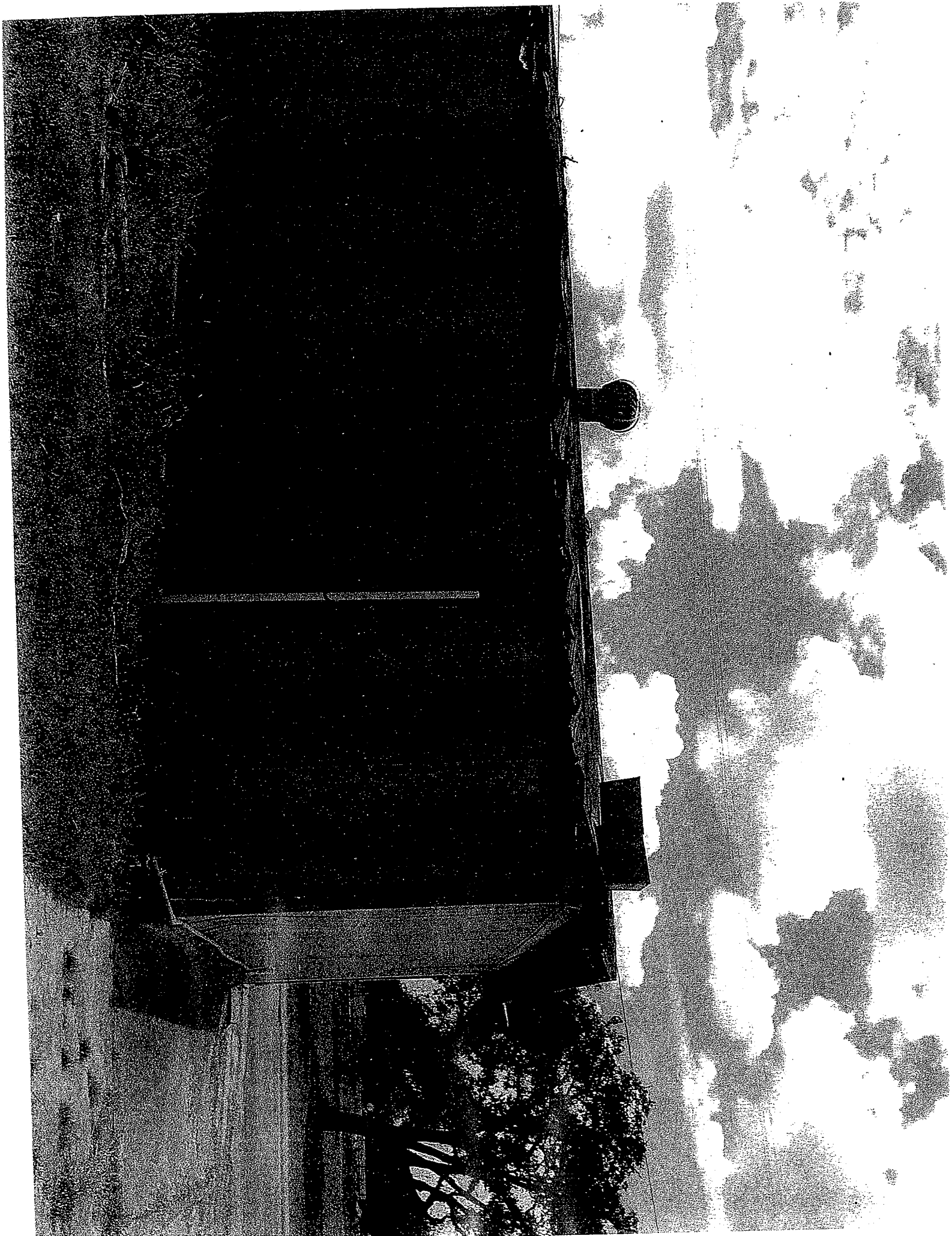
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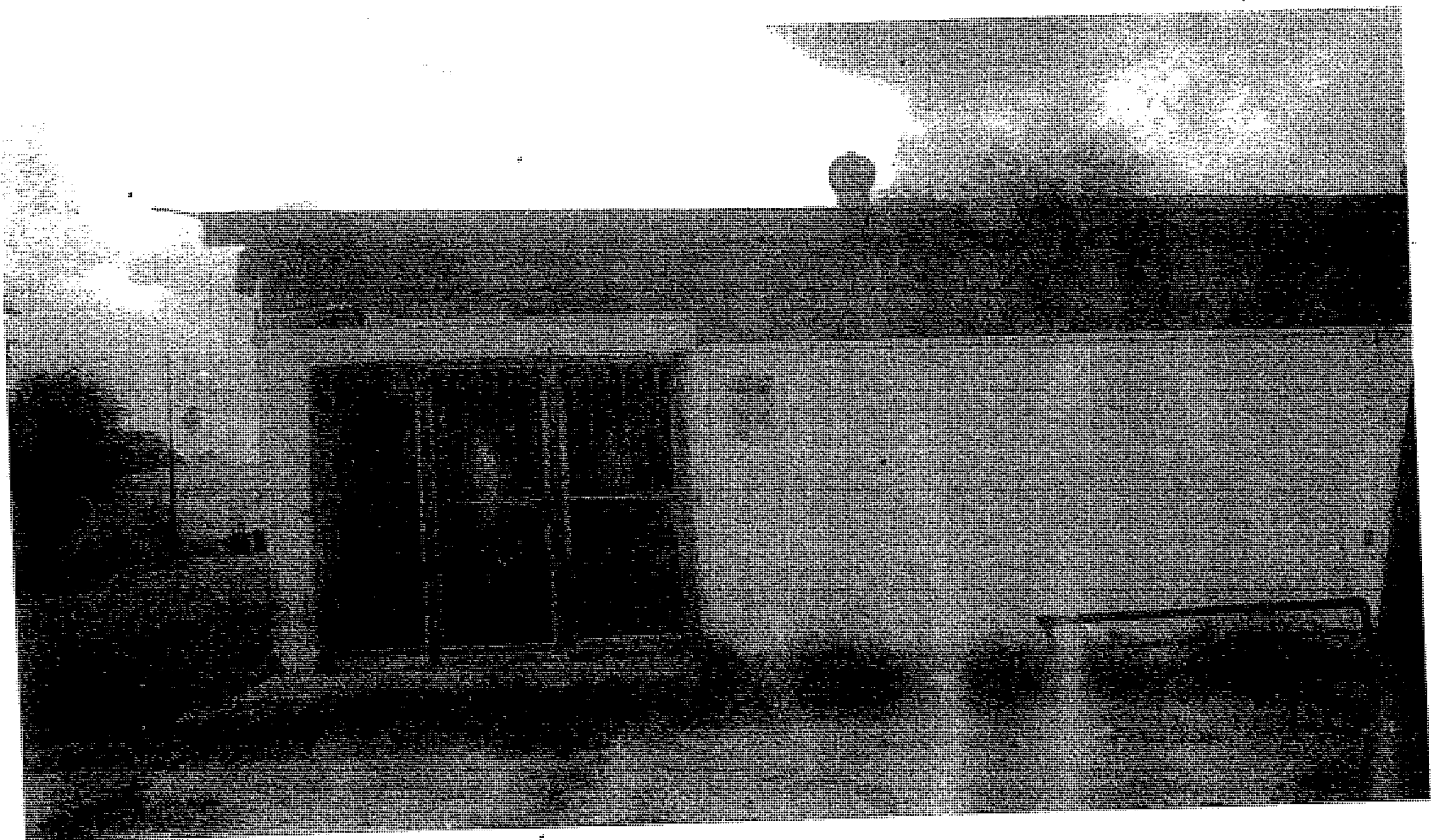
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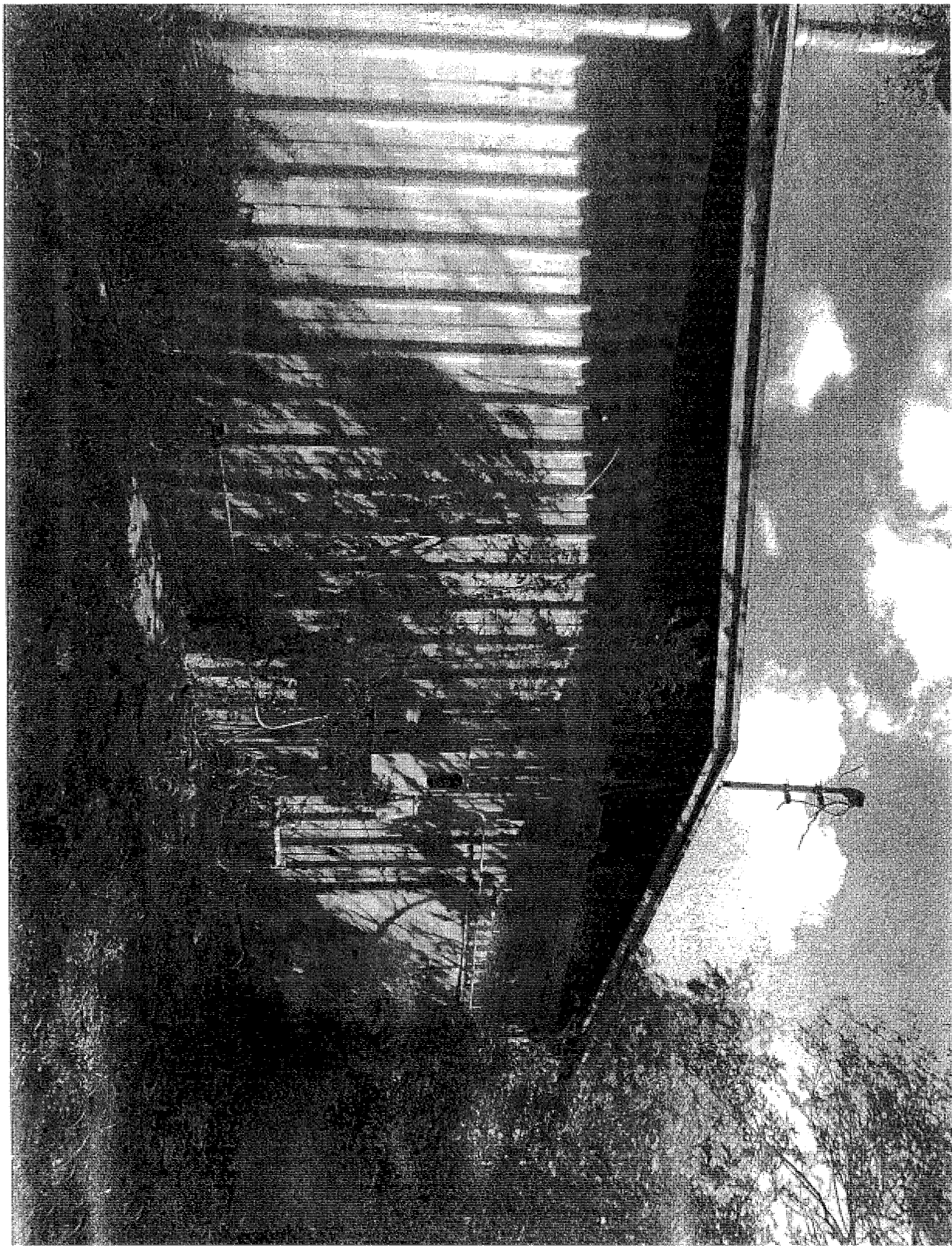


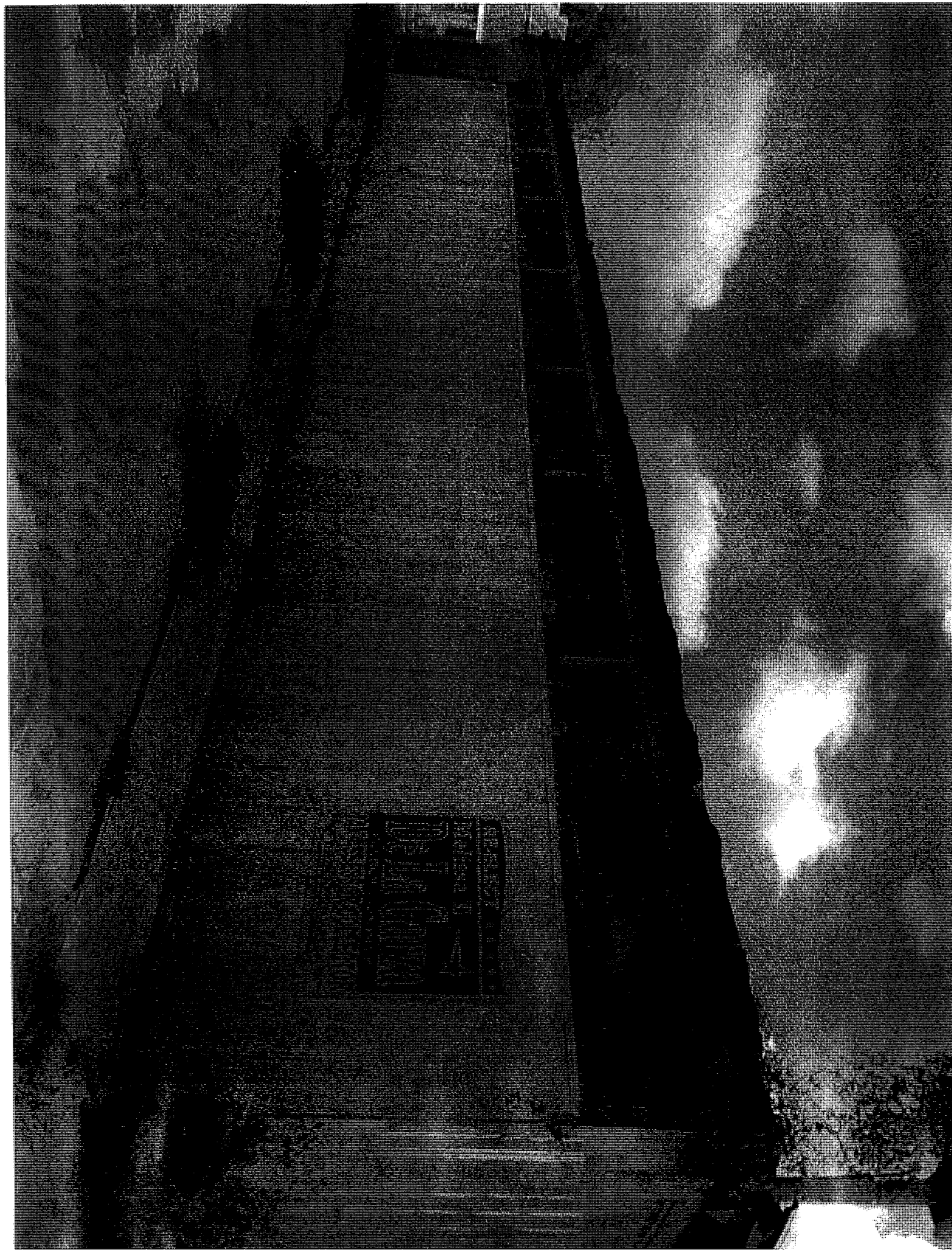


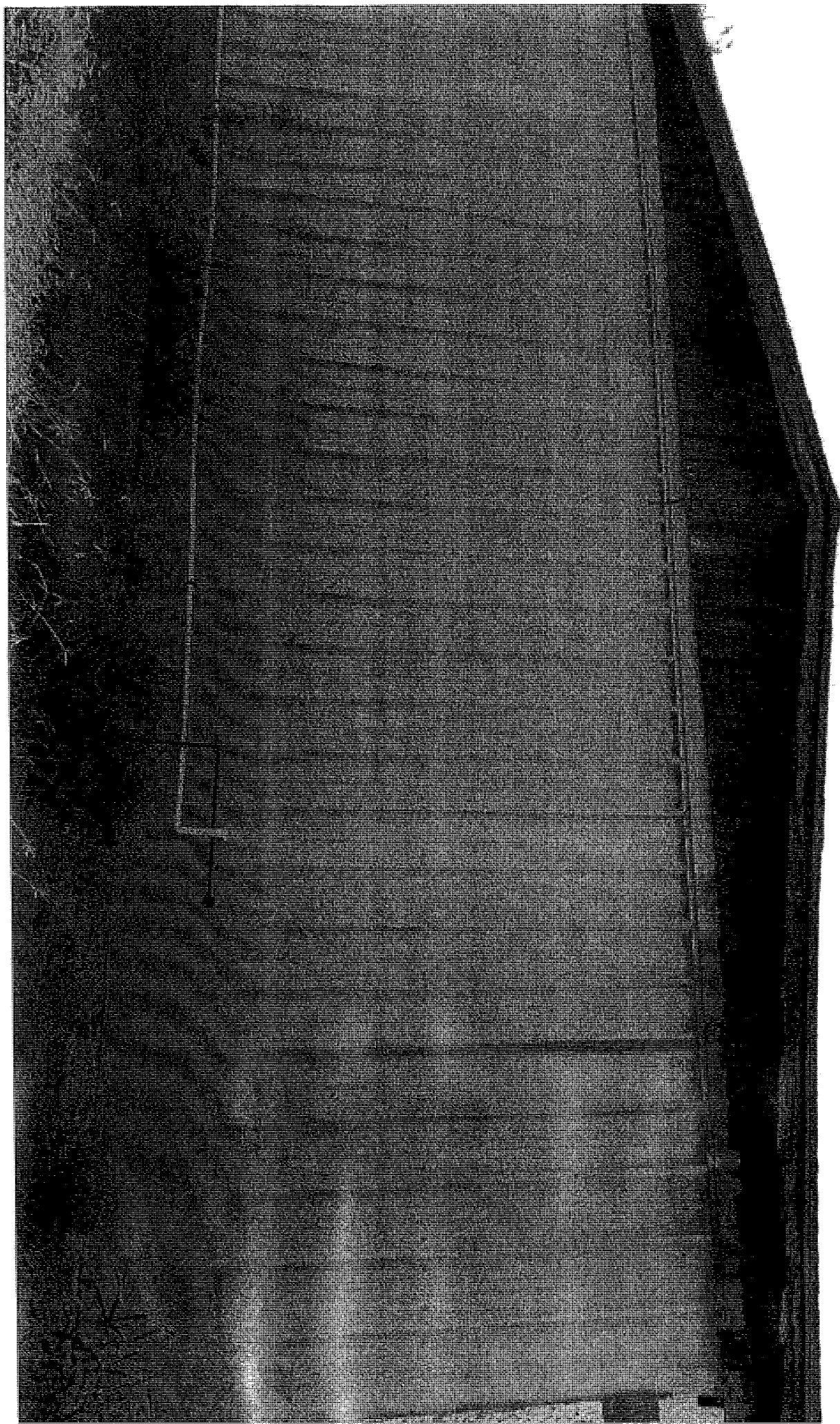


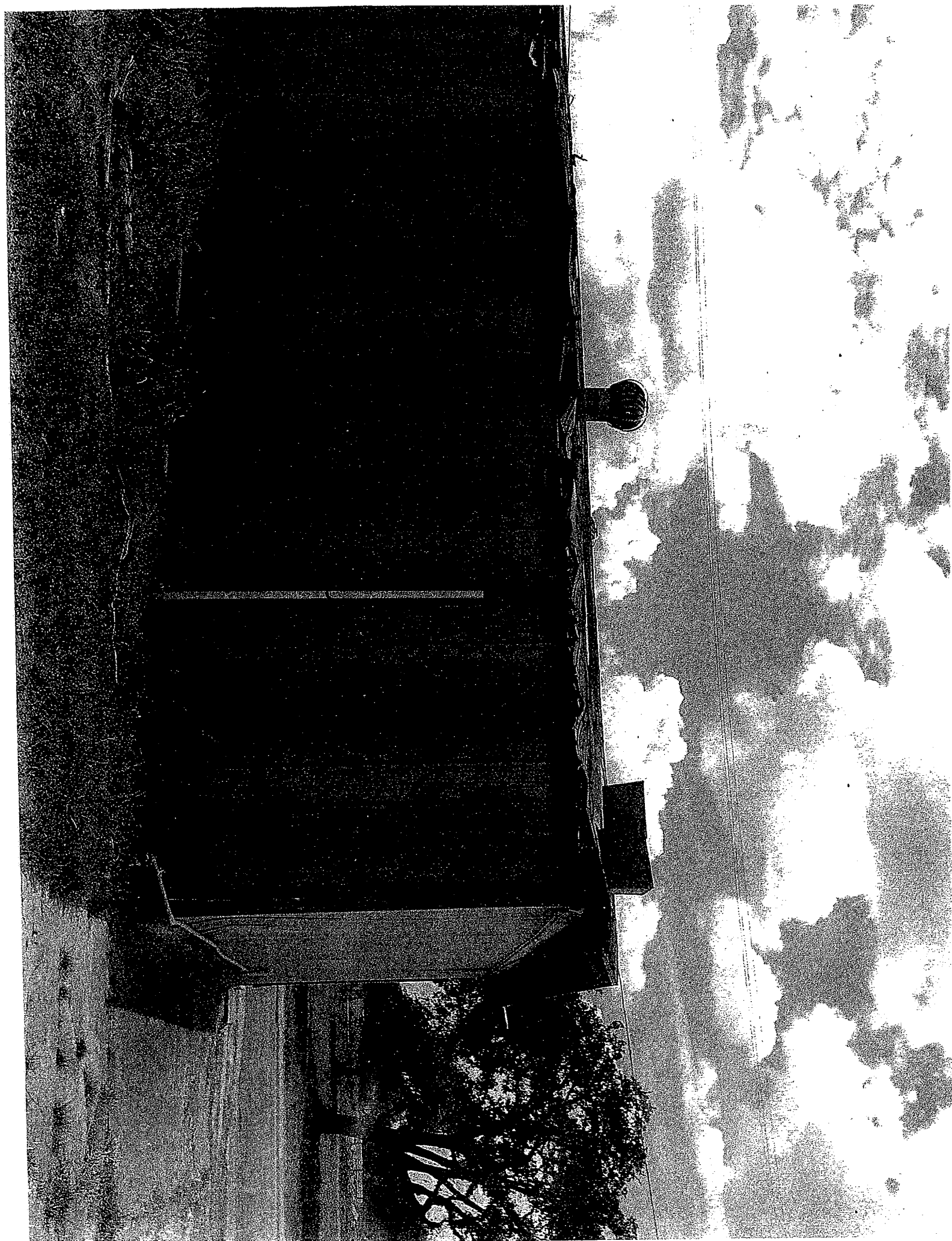
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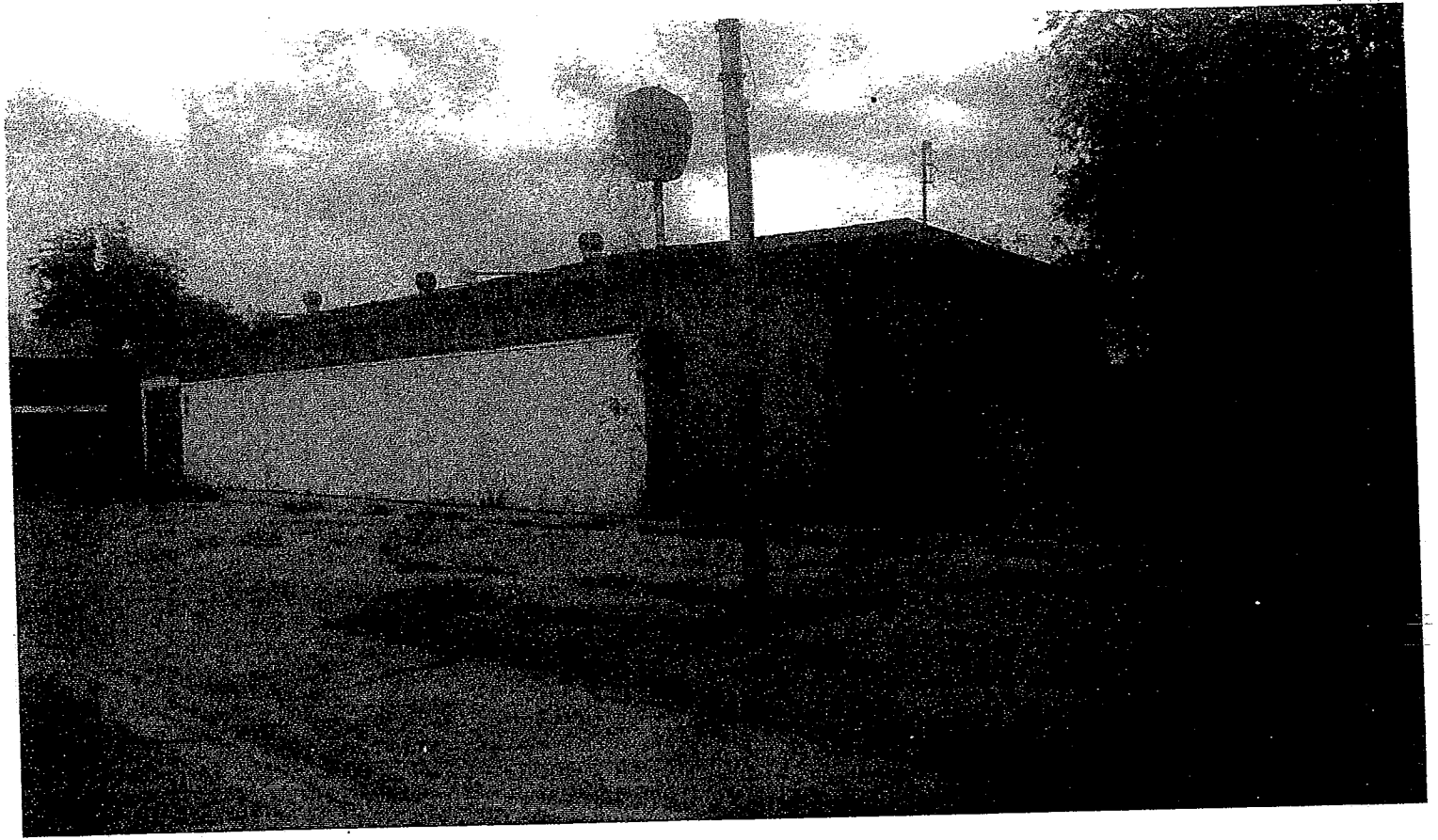












519 N. 6th



AGENDA ITEM #6

The Johnston Law Firm PLLC

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October 15, 2012

Mike Kellam, AICP
Director of Planning & Development Services
City of Kingsville
200 E. Kleberg Ave.
P.O. Box 1458
Kingsville, TX 78364

Re: Tax Abatement Agreement dated as of July 26, 2012, between the City of Kingsville and NSHF-Kingsville, LP (formerly known as "NSH Fund, LP") and Kingsville City Commission Resolution No. 2012-33

Dear Mr. Kellam:

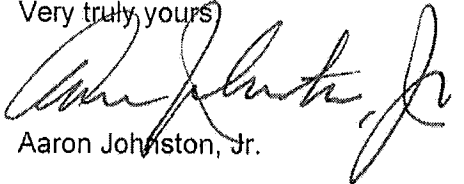
The undersigned represents NSHF-Kingsville, LP, a Texas limited partnership formerly known as "NSH Fund, LP," and NSHF-TAMUK, LLC, a Texas limited liability company.

At the time of the negotiation of the Tax Abatement Agreement, NSHF-Kingsville, LP informed the City that construction lenders almost always require borrowers to be structured as single purpose entities and requested that the Tax Abatement Agreement be assignable to the special purpose entity which would develop the dormitory. However, the enabling regulations for reinvestment zones require approval by the City of each assignment of the Tax Abatement Agreement. That requirement is documented in Section 12 of the Tax Abatement Agreement.

The dormitory will, in fact, be developed and owned by a single purpose entity named NSHF-TAMUK, LLC. NSHF-TAMUK, LLC will be the "borrower" under the construction loan for the dormitory, will be investing substantial equity in the dormitory, and intends to begin construction of the dormitory within two weeks.

This letter constitutes a formal request for the Kingsville City Commission's approval to the assignment by NSHF-Kingsville, LP of its interest in the Tax Abatement Agreement to NSHF-TAMUK, LLC in accordance with Section 12 of the Tax Abatement Agreement.

Very truly yours,



Aaron Johnston, Jr.

RESOLUTION #2012-_____

A RESOLUTION APPROVING THE ASSIGNMENT OF THE TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF KINGSVILLE, TEXAS AND NSH FUND, LP TO NSHF-TAMUK, LLC AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED TAX ABATEMENT AGREEMENT TO REFLECT SAID ASSIGNMENT.

Whereas, the City Commission by majority vote at a duly posted meeting, after publication of a notice of public hearing and conducting a public hearing on the designation of a reinvestment zone, did approve Ordinance No.2011-34 designating a certain area as a reinvestment zone, in compliance with Chapter 312 of the Texas Tax Code;

Whereas, the designation of an area as a reinvestment zone is necessary for a taxing unit to be able to grant tax abatement agreements and other economic incentives for areas within the zone;

Whereas, university student enrollment continues to expand and place a strain on the inadequate local residential housing market for which numerous business prospects have considered moving to the city but cited the lack of new housing or a depleted housing market as a major concern or reason against locating their business here and numerous people work in the city but live elsewhere for those same reasons;

Whereas, the loss of students to expand the university enrollment and local economy as well as the loss of business prospects and the non-resident workers all cost the city in the form of lost jobs, new citizens and ad valorem and sales tax dollars;

Whereas, the City previously approved a tax abatement agreement (via Resolution #2012-33) with NSH Fund, LP, for the installation of infrastructure improvements and a student dormitory space in two phases for approximately 540 occupants within the reinvestment zone, which will have a direct and substantial economic benefit to the City, with the first phase providing housing for approximately 270 students;

Whereas, Section 12 of the City's tax abatement agreement with NSH Fund, LP allowed for the assignment of the tax abatement agreement via resolution of the City Commission, with said assignment not to be unreasonable withheld;

Whereas, the City has received written notice of NSH Fund, LP's desire to have their interest in the tax abatement agreement assigned to NSHF-TAMUK, LLC;

Whereas, NSHF-TAMUK, LLC asserts they have the financial capacity and can meet all of the conditions and obligations of the tax abatement agreement and the

Tax Abatement Guidelines and Criteria Governing Tax Abatement for All Taxing Entities Within the City of Kingsville;

Whereas, NSHF-TAMUK, LLC agrees to be bound by all terms and conditions of the tax abatement agreement between the City of Kingsville and NSH Fund, LP, which was approved by the Kingsville City Commission on July 9, 2012 via Resolution #2012-33;

Whereas, NSHF-TAMUK, LLC City desires to abate taxes on the increase in value of eligible real property and improvements for the first phase that NSHF-TAMUK, LLC shall locate in the reinvestment zone;

Whereas, the City and NSHF-TAMUK, LLC agree to execute an amended tax abatement agreement under the same terms and conditions as that previously provided to NSH Fund, LP.

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

I.

THAT pursuant to Section 12 of the Tax Abatement Agreement with NSH, LP regarding assignment, the City approves the assignment of that agreement to NSHF-TAMUK, LLC;

II.

THAT the Mayor is authorized and directed as an act of the City of Kingsville, Texas to execute an Amended Tax Abatement Agreement with NSHF-TAMUK, LLC, in accordance with Exhibit A hereto attached and made a part hereof;

III.

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

IV.

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

PASSED AND APPROVED by a majority vote of the City Commission on the 22nd day of October, 2012.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**CITY OF KINGSVILLE
TAX ABATEMENT AGREEMENT
With
NSHF-TAMUK, LLC**

**THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF KLEBERG §**

THIS TAX ABATEMENT AGREEMENT (this "Agreement") is made and entered into by and between the City of Kingsville, a municipal corporation situated in Kleberg County, Texas (the "City") and NSHF-TAMUK, LLC ("Newman") under a requested assignment from NSH Fund, LP, a Texas limited partnership of a tax abatement agreement approved on July 9, 2012 by the City Commission via Resolution #2012-33.

Whereas, the City Commission by majority vote at a duly posted meeting, after publication of a notice of public hearing and conducting a public hearing on the designation of a reinvestment zone, did approve Ordinance No.2011-34 designating a certain area as a reinvestment zone, in compliance with Chapter 213 of the Texas Tax Code;

Whereas, the designation of an area as a reinvestment zone is necessary for a taxing unit to be able to grant tax abatement agreements and other economic incentives for areas within the zone;

Whereas, university student enrollment continues to expand and place a strain on the inadequate local residential housing market for which numerous business prospects have considered moving to Kingsville, Texas but cited the lack of new housing or a depleted housing market as a major concern or reason against locating their business here, and numerous people work in the City but live elsewhere for those same reasons;

Whereas, the loss of students to expand the university enrollment and local economy as well as the loss of business prospects and the non-resident workers all cost the City in the form of lost jobs, new citizens and ad valorem and sales tax dollars;

Whereas, Newman intends to install infrastructure improvements and student dormitory space in two phases for approximately 540 occupants within the reinvestment zone, which will have a direct and substantial economic benefit to the City;

Whereas, the first phase of the project will provide housing for approximately 270 students;

Whereas, if the first phase of the project is financially successful, Newman intends to build the second phase;

Whereas, the City desires to abate taxes on the increase in value of eligible real property and improvements for phase one that Newman shall locate in the reinvestment zone;

Therefore, in consideration of the respective representations and agreements herein contained, the parties hereto agree as follows:

1. Authorization. This Agreement is authorized by (a) Chapter 312 of the Texas Tax Code as it exists on the effective date of this Agreement, (b) the Guidelines and Criteria for Granting Tax Abatement in Reinvestment Zones Created in Kingsville, Texas (the "Guidelines"), which were approved by the City Commission on December 12, 2011, and (c) Ordinance Number 2011-34 designating a Reinvestment Zone, which was approved by the City Commission on December 12, 2011. The City has determined that the request for Tax Abatement presented by Newman conforms with the criteria established in the Guidelines.

2. Defined Terms. As used in this Agreement, the following terms shall have the meanings set forth below:

A. "Certified Appraised Value" means the appraised value, for property tax purposes as certified by the Kleberg County Appraisal District.

B. "Reinvestment Zone Ordinance" means City of Kingsville, Texas Ordinance No. 2011-34 passed December 12, 2011, which created the City of Kingsville Reinvestment Zone.

C. "Reinvestment Zone" means that certain area qualifying for tax abatement pursuant to the Guidelines and Reinvestment Zone Ordinance (as herein defined), which is designated as Exhibit "A" attached hereto and incorporated herein for all purposes; such area is described in the attachment to the Reinvestment Zone Ordinance.

D. "Improvements" means any improvements, structures, wiring, machinery, and equipment necessary to the operation of Newman's business which is installed, erected or expanded by Newman in the Reinvestment Zone. The base year value of the Improvements is \$0.

3. Administration Agreement. This Agreement shall be administered by the Kingsville City Manager or his/her appointed designee.

4. Term. Unless terminated earlier as provided elsewhere herein, this Agreement shall be effective on the date of approval by the Kingsville City

Commission and continue until the last day of the tenth (10th) year after the tax abatement for the first phase begins, provided terms of the abatement agreement have been met. However, this Agreement shall terminate: (i) one (1) year after final approval by the Kingsville City Commission if Newman fails to start improvements for the first phase of the project within one (1) year of said approval; or (ii) if Newman fails to comply with the provisions of this Agreement and such failure continues uncured after receipt of written notice and the expiration of any applicable grace period, as set out below.

5. Tax Abatement. The City and Newman agree and acknowledge that this Agreement shall provide for tax abatement, under the conditions set forth herein; however, in no event shall taxes be abated with respect to the first phase of the project for a term in excess of ten (10) years. There shall be granted and allowed hereunder to Newman a property tax abatement of taxes levied during the term of this Agreement on the percentage of the Certified Appraised Value of Improvements installed, relocated or expanded hereunder in the Reinvestment Zone according to the following schedule:

Tax Year <i>(Beginning with the tax year commencing January 1, 2013)</i>	Percentage of Certified Appraised Value of Improvements to be Abated
1-10	100%

No abatement shall extend to taxes on the appraised value to the land on which Improvements and any buildings in existence on such land as of the date of this Agreement. The property tax abatement granted and allowed hereunder shall extend only to real property ad valorem taxes assessable by the City, as installed or expanded within the Reinvestment Zone. The property tax abatement granted and allowed hereunder is subject to the terms of this Agreement. Newman shall make all reasonable efforts to cooperate with the City in obtaining any grants or aid from any state, federal or other sources; provided, however, that Newman shall not be required to reveal proprietary or trade information or agree to be bound by any continuing covenants or conditions of any grant or aid.

6. Adjustment Based on Rate of Return. If the cumulative average annual return on investment to Newman with respect to the first phase of the project, as computed in accordance with standard industry practices at the end of the tax abatement period for such phase, exceeds ten percent (10%), said abatement for the phase shall be reduced and/or a refund shall be issued to the City in an amount equal to the lesser of (i) an amount sufficient to reduce the aforementioned return on investment for the first phase to ten percent (10%), or (ii) the total amount of the tax abatement with respect to the phase received by Newman during such period.

7. Improvements. Newman agrees to build the first phase of a two phase student housing project. The first phase will contain space for approximately 270 students. If the first phase is financially successful, Newman intends to build the second phase with sufficient space for approximately 270 students. The first phase of the project will be constructed on land acquired by Newman in sufficient amount to accommodate the building. The anticipated taxable value of the first phase is over Five Million Five Hundred Thousand Dollars (\$5,500,000).

8. Representations.

A. Newman represents and agrees that (i) it will have a taxable interest with respect to real property and improvements to be placed on the property; (ii) the anticipated taxable value of the first phase of the project is over Five Million Five Hundred Thousand Dollars (\$5,500,000).

B. The City represents that (i) the Reinvestment Zone has been created in accordance with Chapter 312 of the Texas Tax Code; and (ii) that the property designated is located within the corporate limits of the City and the Kingsville Reinvestment Zone.

C. Newman and the City each represent that no interest in Improvements is held or subleased by a member of the Kingsville City Commission or any employee or official of the City.

9. Access To and Inspection of Property by City Employees. Newman shall allow the City's employees access to the Improvements for the purpose of inspecting any Improvements erected to ensure that such Improvements are completed and maintained in accordance with the adopted codes of the City, specifications and conditions of this Agreement and to ensure that all terms and conditions of this Agreement are being met. All such inspections shall be made only after giving Newman twenty-four (24) hours notice and shall be conducted in such a manner as to not unreasonably interfere with the construction, installation and/or operation of the Improvements. All such inspections shall be made with one (1) or more representatives of Newman present and in accordance with all applicable safety standards.

10. Default.

A. The City Manager or his/her appointed designee may declare a default hereunder if Newman (i) violates any of the terms or conditions of this Agreement; (ii) allows any ad valorem taxes owed to the City to become delinquent and fails to timely and properly follow the legal procedures for their protest and contest; or (iii) is declared in default of any other agreement by and between the City and Newman, and such violation, failure to pay or default is not corrected or cured after receipt of written notice and opportunity to cure as provided in Section 10B below. If the City Manager declares a default of this

Agreement, this Agreement shall terminate, and the City in such event, shall be entitled to recapture any property tax, with interest as provided for delinquent taxes in the Texas Property Tax Code, which has been abated as a result of this Agreement, within thirty (30) days of the termination.

B. The City Manager or his/her appointed designee shall notify Newman of any cause for default in writing in the manner prescribed herein. The notice shall specify the basis for the possible declaration of default, and Newman shall have thirty (30) days from the date of receipt of such notice to cure any default (except where fulfillment of any obligation requires activity over a period of time, performance shall be commenced within thirty (30) days after the receipt of notice, and such performance shall be diligently continued until the default is cured).

11. Compliance with State and Local Regulations. Nothing in this Agreement shall be constructed to alter or affect the obligations of Newman to comply with any ordinance, rule, or regulation of the City or laws of the State of Texas.

12. Assignment of Agreement. . This Agreement may be assigned only with the approval by resolution of the Kingsville City Commission, subject to the financial capacity of the assignee and provided that all conditions and obligations in this Agreement are guaranteed by the execution of a new Agreement with the City. No assignment shall be approved if either the current owner or the new owner is liable to City for outstanding taxes (unless such unpaid taxes are being contested or disputed in accordance with applicable law). The Kingsville City Commission shall not unreasonably withhold approval of an assignment.

13. Notice. All notices by a party must be in writing and delivered to the other party by (i) hand, (ii) reputable overnight courier, (iii) certified mail (return receipt requested, postage prepaid), or (iv) electronic facsimile, to the party or at the party's notice address set forth below (or such other addresses as a party specifies in writing to the other party). Notice will be deemed given upon the date of confirmed receipt, if sent by hand, or the third business day after the date sent, if sent by US Mail, overnight courier or electronically confirmed facsimile, except that a change of address notice will be effective five (5) business days after actual receipt. Unless otherwise provided in this Agreement, all notices shall be mailed to the following addresses:

To the Owner: NSHF-TAMUK, LLC
 Attn: Matthew Zerrusen
 106 Decker Ct., Suite 226
 Irving, TX 75062

With a copy to: Veritas Medical Properties, LLC
 8911 Meadowknoll Drive
 Dallas, TX 75243

To the City: City of Kingsville
 C/O City Manager Vincent Capell
 P.O. Box 1458
 Kingsville, TX 78364

Any party may designate a different address by giving the other party ten (10) days written notice in the manner prescribed above.

14. Effect of Waivers. No waiver by either party of any default, violation, or breach of the terms, provisions, and covenants contained in this Agreement may be deemed or construed to constitute a waiver of any other violation or breach of any of the terms, provisions, and covenants of this Agreement.

15. Not For Benefit of Third Parties. This Agreement and all activities under this Agreement are solely for the benefit of the parties and not the benefit of any third parties.

16. Immunities Not Waived. Nothing in this Agreement waives any governmental, official, or other immunity or defense of any of the parties or their officers, employees, representatives, and agents as a result of the execution of this Agreement and the performance of the covenants contained in this Agreement.

17. Severability. If any provision contained in this Agreement is held invalid for any reason, the invalidity does not affect other provisions of the Agreement that can be given effect without the invalid provision, and to this end the provisions of this Agreement are severable.

18. Validity and Enforceability. If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made a part of this Agreement and operate to amend this Agreement to the minimum extent necessary to bring this Agreement into conformity with the requirements of the limitations, and so modified, this Agreement continues in full force and effect.

19. Warranty. The individuals executing this agreement on behalf of each party represent and warrant that they are each the duly authorized representatives of such party on whose behalf the individuals are signing, each with full power and authority to bind said party to each term and condition set forth in this agreement

20. Governing Laws. This Agreement shall be governed by the laws of the State of Texas.

21. Venue. Venue for an action arising under this Agreement is in Kleberg County, Texas.

22. Effective Date. This Agreement is effective on the date when the last party executes this Agreement.

23. Multiple Originals. Two (2) copies of this Agreement are executed; each shall be deemed an original.

24. Entire Agreement. This Agreement contains the entire and integrated tax abatement agreement among the parties and supersedes all other negotiations and agreements, whether written or oral.

IN TESTIMONY OF WHICH, THIS AGREEMENT has been executed by the City as authorized by the City Commission on the _____ day of _____, 2012; by Newman on the _____ day of _____, 2012.

CITY OF KINGSVILLE

By: _____

Name: Sam R. Fugate

Title: Mayor

Attested By: _____

Name: Mary Valenzuela

Title: City Secretary

NSHF-TAMUK, LLC

By: NSHF-TAMUK, LLC, a Texas limited liability corporation

By: NSH Fund, LP, a Texas limited partnership

By: Newman Student Housing Fund GP, LLC, its General Partner

By: _____

Name: Matthew W. Zerrusen

Title: President

Attested By: _____

Name: _____

Title: _____

AGENDA ITEM #7

RESOLUTION NO. 2012-_____

A RESOLUTION ESTABLISHING 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; and

WHEREAS, a review of the Investment Policy has been done and only a few minor changes are being proposed to the 2012 investment policy and investment strategies from the 2011 investment policy and strategies adopted last year; and

WHEREAS, the changes made to the policy are as follows: in XII, A changed “quarterly” to “annually”; throughout changed “Accountant” to “Accounting Manager” and changed “Caron Vela” to “James Bryson”;

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.

PASSED AND APPROVED by a majority vote of the City Commission on the 22nd day of October, 2012.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

CITY OF KINGSVILLE

INVESTMENT POLICY

Approved by City Commission via Resolution Dated
October 22, 2012

TABLE OF CONTENTS

I.	INTRODUCTION.....	3
II.	PURPOSE	3
III.	DEFINITIONS	4
IV.	INVESTMENT OBJECTIVES	5
V.	AUTHORIZED INVESTMENT AND MAXIMUM TERM.....	7
VI.	INVESTMENT MIX AND STRATEGIES	10
VII.	RESPONSIBILITY AND CONTROLS	11
VIII.	COMPETITIVE SOLICITATION.....	13
IX.	AUTHORIZED INSTITUTIONS	14
X.	PLEDGED COLLATERAL.....	15
XI.	SAFEKEEPING	15
XII.	INFORMATION REPORTING/EVALUATION.....	16
XIII.	BANKING SERVICES.....	17
XIV.	GENERAL PROVISIONS	17

APPENDICES

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

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

A. 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).

B. 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.

C. 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:

- (A) 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);
- (B) 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
- (C) 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
- (D) For an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-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

A. 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.

B. 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.

C. 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.

For Bond issues to which arbitrage restrictions apply, the primary objectives shall be to obtain satisfactory market yields and to minimize the costs associated with investing such monies.

D. 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:

1. Government Securities – through approved brokers;
2. Repurchase Agreements – through a Third Party Safekeeping Institution Agreement, which includes an approved primary dealer;
3. Public Funds Investments Pools – through participation agreements; and
4. 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 safekept 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:

A. Authorized Investments**

Obligations of the United States or its agencies and instrumentalities that currently include:

1. Short-term U.S. Treasuries: Maximum Term
 - a. U.S. Treasury Bills.....up to 365 days
 - b. U.S. Treasury Coupon Notes..... up to 1 year
 - c. U.S. Treasury Notes and Strips up to 1 Year*

*see section V.B.3

**maximum term as allowed in section VI.B.

2. U.S. Agencies: Maximum Term
 - a. Federal Home Loan Bank up to 1 year
 - b. Federal National Mortgage Association..... up to 1 year
 - c. Federal Farm Credit up to 1 year
 - d. Federal Home Loan Mortgage Corporation up to 1 Year

3. Repurchase Agreements up to 365 days

Repurchase agreements fully collateralized at 102% with a defined maturity date placed with a primary government dealer and safekept at a Third Party safekeeping Institution, as provided under the provisions of the SIFMA (Securities Industry and Financial Markets Association) master repurchase agreement. An executed agreement between the City, primary government dealer and Third party Safekeeping Institution will be on file before the City will enter into a tri-party repurchase agreement.

Reverse repurchase agreements are not a permitted Investment.

4. Local Government Investment Pool daily

Investments made on behalf of the City by a public funds investment pool duly created to function as a money market mutual fund who marks its portfolio to market daily and, to the extent reasonably possible, who stabilizes its portfolio to market daily and, to the extent reasonably possible, who stabilizes its portfolio at a \$1 net asset value. If the ratio of the market value of the Pool's portfolio divided by the book value of the portfolio is less than 99.50% or grater than 100.50%, the Pool's portfolio holdings shall be sold as necessary to maintain the ratio between 99.50% and 100.50%.

The public funds investment pool must be continuously rated no lower than AAA or AAA-m or an equivalent rating by at least one nationally recognized rating service with a weighted average maturity no greater than 90 days.

5. Collateralized Certificates of Deposit up to 1 year

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

- a. Guaranteed or insured by the Federal Deposit Insurance Corporation or its successor; or
- b. Secured by obligations that are described by Section V. subdivision A.1 (a) and A.1 (b)

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.).

B. 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:

1. 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.

2. 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:

- a. The anticipated cash flow requirements of the Capital Improvement Funds; and
- b. 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 preformed 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.

3. 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. Treasuries:

	<u>Maximum</u>
Revenue Bond Interest & Sinking.....	\$ 400,000
G.O. Debt Service Fund.....	\$ 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. INVESTMENT MIX AND STRATEGIES

A. 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.

B. 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 compliment 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.

C. 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:

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

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

VII. RESPONSIBILITY AND CONTROLS

A. 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.

B. 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.

C. 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 pool 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:

1. preservation and safety or principal;
2. liquidity; and
3. 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.

D. 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.

E. 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 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.

VIII. 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.

IX. 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.

- A. 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:
 - 1. Received, thoroughly reviewed and acknowledged, in writing, receipt and understanding of the City's Investment Policy, and;
 - 2. 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.
- B. 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.
- C. 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.
- D. The Director of Finance will request the Investment Committee to authorize deletion of Institutions for:
 - 1. Slow response time;
 - 2. Less than competitive pricing;
 - 3. Little or no information on technical or fundamental expectations based on economic indicators.
 - 4. Delayed Transactions or continuing operational difficulties;
 - 5. Unwillingness to continue to abide the provisions listed in IX.A; or
 - 6. Other reasons as approved by the Investment Committee.

X. 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.

A. 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.

B. 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.

C. 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.

XI. SAFEKEEPING

A. 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.

B. Safekeeping of Certificate of Deposit Collateral

All Collateral Securing bank and savings and loan deposits must be held by a Third Party Safekeeping Institution approved by the City, or Collateral may be held at the Federal Reserve Bank.

C. 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.

XII. 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.

A. Investment Committee Consists of:

City Commissioner (1)
City Manager
Assistant City Manger (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 annually, 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.

B. 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.

XII. 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.

XIV. GENERAL PROVISIONS

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

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

_____, 2012

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:

Vincent J. Capell, City Manager

Mark Rushing, Director of Finance

James Bryson, Accounting Manager

THIS LISTING OF AUTHORIZED CITY REPRESENTATIVES is effective this ____ day of _____, 2012 and revokes all previous authorizations.

APPENDIX C
INTEREST DISCLOSURE FORM

TO: Mayor and City Commission

FROM: Vincent J. Capell, City Manager

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.

Vincent J. Capell,
City Manager

Date

APPENDIX C
INTEREST DISCLOSURE FORM

TO: Mayor and City Commission

FROM: Mark Rushing, Director of Finance

SUBJECT: Disclosure under the Public Funds Investment Act

As Director of Finance 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.

Mark Rushing,
Director of Finance

Date

APPENDIX C
INTEREST DISCLOSURE FORM

TO: Mayor and City Commission

FROM: James Bryson, Accounting Manager

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.

James Bryson,
Accounting Manager

Date

AGENDA ITEM #8

CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

October 16, 2012

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

Re: Budget Amendment to move FY13 Budget for the Recycle Center 170.1 to the Community Appearance Building 160.3 departmental budget.

Mr. Capell,

For your consideration is a FY13 Budget Amendment to move the Recycling Building Maintenance, Grounds and Fixtures originally budgeted in the 170.1 to the Community Appearance Building Maintenance, Grounds and Fixtures 160.3. The Building Maintenance amount of \$2,500 is for general maintenance of the building. The Ground and Permanent Fixtures of \$6,222 is for the sidewalk enhancement at the building.

Sincerely,

Mark A. Rushing

Mark A. Rushing

ORDINANCE NO. 2012-

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 BUDGET FOR COMMUNITY APPEARANCE TO TRANSFER FUNDS FOR MAINTENANCE PROJECTS.

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 2012-2013 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
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Fund 001 General Fund

Expenses

170.1 Solid Waste	Building Maintenance	511.00			<u>2,500</u>
					<u>2,500</u>

Expenses

160.3 Comm Appear.	Building Maintenance	511.00	<u>2,500</u>		
			<u>2,500</u>		

[To transfer Maintenance Costs from Solid Waste to Community Appearance.]

Fund 091 General Fund Capital Projects Fund

Expenses

170.1 Solid Waste	Grounds & Perm Fixtures	591.00			<u>6,222</u>
					<u>6,222</u>

Fund 001 General Fund

Expenses

160.3 Comm Appear.	Grounds & Perm Fixtures	591.00	<u>6,222</u>		
			<u>6,222</u>		

[Community Appearance does its own maintenance instead of having Solid Waste perform it, as has been the case in the past, so the budget needs to be moved to their Fund.]

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 22nd day of October, 2012.

PASSED AND APPROVED on this the ____ day of November, 2012.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #9



Purchasing Department

361-595-8025
361-595-8035 Fax

DATE: October 12, 2012
TO: City Commission through City Manager
FROM: David Mason, Purchasing/IT Director
SUBJECT: Janitorial Maintenance Services for Law
Enforcement Center

SUMMARY

This item authorizes an annual renewable contract for cleaning services at the Law Enforcement Center.

BACKGROUND

We advertised for Bid 13-01 on September 23 and September 30, 2012, and opened on October 9, 2012, receiving only one bid.

RECOMMENDATION

We believe the best value for the City is Valerio's Janitorial Service. Mr. Valerio is the immediate past contract holder and has satisfactorily completed required contractual duties. Police Chief Ricardo Torres concurs with this recommendation.

FINANCIAL IMPACT

This renewable contract will expend \$22,000 (2,000/mo. 11/1/2012-09/30/2012) for FY 2013. Renewal rates for FY 2014 is \$25,200 (2,100/mo.) and for 2015 is \$26,400 (2,200/mo.).

Approved

Vince Capell, City Manager

AGENDA ITEM #10

RESOLUTION #2012-_____

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH PLACING FOR SALE THE CITY'S BUILDING LOCATED AT 2211 SOUTH BRAHMA BOULEVARD, KINGSVILLE, TEXAS.

WHEREAS, the City of Kingsville owns a building located at 2211 South Brahma Blvd., Kingsville, Texas;

WHEREAS, the City purchased the building via a 20-year Texas Capital Fund (TCF) loan in 2000 for economic development purposes to use as a call center location for a new business that was coming to town;

WHEREAS, the City has successfully closed out its TCF contractual requirements but still has several years to go before paying back the loan to the State;

WHEREAS, the City has twice leased the property out to businesses, but it has been unoccupied for the last two years;

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville that the property and structures located at 2211 South Brahma Blvd., Kingsville, Texas be placed for sale as authorized by the Texas Local Government Code; and

WHEREAS, pursuant to the Texas Local Government Code, real property owned by the City can be sold via public auction or sealed bids, unless an exception is met;

WHEREAS, the City finds the property does not meet any of the exceptions to the bidding requirement as set out in Texas Local Government Code Section 272.001, staff recommends the property be sold via sealed bids with the bids coming back before the Commission for approval of the sale, knowing that the bid recommended for approval cannot be at a price below the payoff on the loan to the State;

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

I.

THAT the City Commission of the City of Kingsville authorizes staff to proceed with placing for sale via sealed bids in compliance with the Texas Local Government Code the City's real property located at 2211 South Brahma Blvd., Kingsville, Texas.

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 the 22nd
day of October, 2012.

Sam Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney