

City of Kingsville, Texas

AGENDA CITY COMMISSION

**MONDAY, SEPTEMBER 10, 2012
REGULAR MEETING**

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


I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law

APPROVED BY:



Vincent J. Capell
City Manager

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

1. Public Hearing to consider ordinance for creation of a storm water utility rates. (City Manager).

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."

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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)

None.

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

1. Consider request for an alcohol variance at 716 W. Santa Gertrudis for applicant Marty West on behalf of University Liquor. (Director of Development Services).
2. Consider accepting a \$500 donation from Apache Corporation for the Kingsville Police Department. (Chief of Police).
3. Consider introduction of an ordinance of the City Commission of the City of Kingsville, Texas amending the fiscal year 2011-2012 budget for donation of \$500 to the Kingsville Police Department. (Finance Director).
4. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 3, Water, Providing for an increase in water rates. (Finance Director).
5. Consider final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter V, Article 2, Sewer, Providing for an increase in sewer rates. (Finance Director).
6. Consider final passage of an ordinance of the City Commission of the City of Kingsville, Texas, amending Chapter V Public Works of the Code of Ordinances of the City of Kingsville, Texas by adding Article 6 entitled "Stormwater Utility System"; Article 1 "Stormwater Utility System Rules" to establish a Municipal Stormwater Utility System; Establish an administrative appeals process; Provide penalties and remedies for nonpayment; Exempt certain property from fees; and provide a process by which to discontinue the Stormwater Utility System; Providing a cumulative clause; providing a severability clause; Providing a savings clause; and providing an effective date. (City Manager).

7. Consider introduction of an ordinance of the City Commission of the City of Kingsville, Texas, amending Chapter V Public Works of the Code of Ordinances of the City of Kingsville, Texas by amending Article 6 entitled "Stormwater Utility System", as amended, by adding "Stormwater Utility Fees", to establish monthly stormwater utility fees for the purpose of funding the Stormwater Utility System; providing a cumulative clause; providing a severability clause; Providing a savings clause; and providing an effective date. (City Manager).

8. Consider introduction of an ordinance adopting the City Manager's annual budget as amended of the City of Kingsville, Texas, and appropriating funds for the fiscal year beginning October 01, 2012 and ending September 30, 2013 in the particulars hereinafter stated. (City Manager).

9. Consider introduction of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the fiscal year beginning October 01, 2012 and ending September 30, 2013, distributing the tax levy among the various funds, and providing for a lien on real and personal property to secure the payment of taxes assessed. (City Manager).

10. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter III, Article 7, Personnel Policies (Comp Plan for FY2012-2013). (Human Resources Director).

11. Consider final passage of an ordinance annexing the hereinafter described territory to the City of Kingsville, Kleberg County, Texas and extending the boundary limits of said City so as to include said hereinafter described property (Lot 9, Section 22, KT&I Subdivision) within said City limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the Acts, Ordinances, Resolutions, and Regulations of said City; and Adopting a Service Plan, Repealing all Ordinances in conflict herewith and Providing for an effective date. (Director of Development Services).

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 elopez@cityofkingsville.com for further information. Braille Is Not Available. The City Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551-071 (Consultation with Attorney), 551-072 (Deliberations about Real Property), 551-073 Deliberations about Gifts and

Donations), 551-074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551-086 (Certain Public Power Utilities: Competitive Matters), and 551-087 (Economic Development).

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

September 7, 2012 at 4:45 P.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.


Mary Valenzuela
Interim 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)

PUBLIC HEARING(S)

NOTICE OF PUBLIC HEARING TO CONSIDER ORDINANCE FOR CREATION OF STORMWATER UTILITY RATES

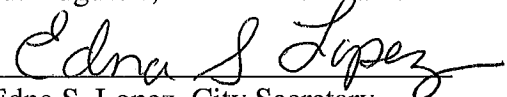
The City of Kingsville will hold a public hearing on Monday, September 10, 2012 at 6:00 p.m. at the Kingsville City Hall (200 E. Kleberg, Kingsville, Texas) in regard to an ordinance for the creation of stormwater utility rates for the City of Kingsville, Texas.

The purpose of the hearing is to allow citizens an opportunity to discuss reasons for or against the creation of stormwater utility rates for the City. Citizens unable to attend may submit written comments to the Mayor, Sam Fugate, at City Hall-City of Kingsville, 200 E. Kleberg, Kingsville, Texas

In addition, should any non-English speaking citizen(s) desire to address the City during such hearing and needs the assistance of an interpreter, the City will attempt to provide one if sufficient notice is provided. Also, should any citizen(s) desire technical assistance, handicap accessibility to the hearing site, or need interpreter assistance, please call Edna Lopez, City Secretary at 361/595-8002.

Sam R. Fugate
Mayor
City of Kingsville

Posted: August 8, 2012 @10:15 a.m.

By: 
Edna S. Lopez, City Secretary

Publish three times in newspaper with full copy of ordinance. **PUBLISH
AUGUST 8,12 & 15.**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS, AMENDING CHAPTER V PUBLIC WORKS THE CODE OF ORDINANCES OF THE CITY OF KINGSVILLE, TEXAS BY AMENDING ARTICLE 6 ENTITLED "STORMWATER UTILITY SYSTEM", AS AMENDED, BY ADDING "STORMWATER UTILITY FEES", TO ESTABLISH MONTHLY STORMWATER UTILITY FEES FOR THE PURPOSE OF FUNDING THE STORMWATER UTILITY SYSTEM; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Kingsville, Texas ("City Commission") has adopted Ordinance No. _____, to create a Stormwater Utility System and provide stormwater drainage service to collect and direct stormwater runoff for benefitted properties within the utility service area upon payment of Stormwater Drainage Utility Fees; and

WHEREAS, the City Commission, after holding a public hearing and finding that the fees are non-discriminatory, reasonable, and equitable, now desires to levy a schedule of Stormwater Utility Fees for stormwater service; and

WHEREAS, in setting the schedule of Stormwater Utility Fees, the fees are based on an inventory of improved parcels within the utility service area.

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

SECTION 1: The City Commission hereby establishes Stormwater Utility Fees as set forth herein. Stormwater Utility Fees shall be levied against all benefitted properties within the utility service area unless exempt under Chapter V, Article 6, Section 11. These fees shall be imposed and issued with utility billing statements issued on and after October 1, 2012.

SECTION 2: The Code of Ordinances of the City of Kingsville, Texas is hereby amended by adding 5-6-20 and 5-6-21 to Chapter V, Article 6 "Stormwater Utility Fees" to read as follows:

ARTICLE II. STORMWATER UTILITY FEES

Sec. 5-6-20. Applicability.

A Stormwater Utility Fee shall be levied against all benefitted property within the utility service area unless exempt under section 5-6-11.

Sec.5-6-21. Fee Calculation.

(a) Stormwater Utility Fee Calculation. Stormwater Utility Fees shall be calculated based on the total stormwater runoff potential for benefitted properties for all customers within the utility service area. The total stormwater runoff potential shall be measured as impervious cover in square feet (SF).

(b) Stormwater Utility Fee. The total stormwater runoff potential for the service area shall be allocated between the customer classes based on the relative amount of impervious area in each class established in Section 5-6-6. The monthly Stormwater Utility Fee is based on the average impervious area for an ERU, which is Two Thousand Four Hundred Twenty Five Square Feet (2,425.0 SF).

1) Residential Property Class. The monthly Stormwater Utility Fees for each residential property as defined in Section 5-6-4, shall be either a flat-rate fee per singly-family equivalent residential unit (ERU) or a flat-rate fee per dwelling unit on a residential parcel.

2) Non-Residential Property Class. The monthly Stormwater Utility Fees for each improved non-residential property or allocated portion of an improved non-residential property shall be equal to: Impervious Area in square feet divided by 2,425.0 square feet for the ERU time the applicable flat-rate ERU fee.

3) Minimum Monthly Stormwater Utility Fee. The minimum Stormwater Utility Fee for all customer classes shall be the fee for one ERU.

(c) Revision of Fees or Rates. The Stormwater Utility Fee or the stormwater utility rate may be revised by the City Commission through an ordinance from time to time as permitted by the Article and the Act.

(d) Applicable Stormwater Utility Fee. The applicable Stormwater Utility Fee is \$1.25/ERU/month.

SECTION 3: It is found and determined by the City Commission that the fees established by this Ordinance are non-discriminatory, reasonable, and equitable, and that the fees are based upon an inventory of improved parcels within the utility service area.

SECTION 2: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval.

INTROUCED on this the _____ day of _____, 2012.

PASSED AND APPROVED by the City Commission on this the _____ day of _____, 2012.

_____/s/_____
SAM FUGATE, MAYOR

ATTEST:

_____/s/_____
EDNA S. LOPEZ, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

_____/s/_____
COURTNEY ALVAREZ, CITY ATTORNEY

NOTICE OF PUBLIC HEARING TO CONSIDER ORDINANCE FOR CREATION OF STORMWATER UTILITY RATES

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Sam R. Fugate
Mayor
City of Kingsville

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Sam R. Fugate
Mayor
City of Kingsville

Posted: August 8, 2012 @3:30 p.m.

By: _____
Edna S. Lopez, City Secretary

Publish three times in newspaper with full copy of ordinance. **PUBLISH
AUGUST 8,12 & 15.**

**PETITIONS,
GRIEVANCES &
PRESENTATIONS**

CONSENT AGENDA

REGULAR AGENDA

AGENDA ITEM #1



Planning & Development Services Department

TO: Mayor & City Commission

THROUGH: Vincent Capell, City Manager

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

SUBJECT: **Request for Alcohol Variance at 716 W. Santa Gertrudis**

DATE: August 31, 2012

Mr. Marty West, owner and operator of University Liquor-Wine-Spirits-Cigars-Beer-Kegs is requesting an alcohol variance for a Beer Retail Dealer's Off-Premise License, Package Store Permit, Local Cartage Permit, Local Cartage Transfer Permit and Package Store Tasting Permit. This address is located at 716 W. Santa Gertrudis and is within 300ft of a public school. The property in question therefore requires a variance according to City ordinance ORD-2004-20.

Also, all required notices have been sent to the property owners within 300ft. Additionally, a public hearing notice was placed in the newspaper on August 19, 2012. As of this point, we have not received any negative feedback from the property owners and or citizens that have been noticed.

AGENDA ITEM #2

**KINGSVILLE POLICE DEPARTMENT
INTRA-OFFICE MEMORANDUM**

August 21, 2012

TO : Vincent J. Capell, City Manager
Courtney Alvarez, City Attorney

FROM : Ricardo Torres, Chief of Police

SUBJECT : Request to Accept \$500 Donation from Apache Corporation for Purchase of Command Board and Associated Materials.

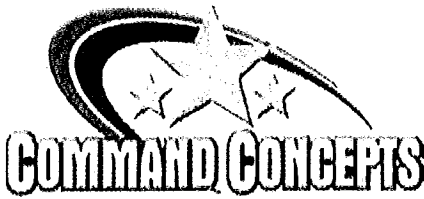
The City of Kingsville Police Department is in receipt of a donation from Apache Corporation in the amount of \$500.00. I made contact with Faron Griffin, District Production Manager, who informed me that his company had sent the check and made similar donations to police departments near their facilities around the state. Mr. Griffin explained that Apache Corporation has a facility on FM70 between Kingsville and Agua Dulce to explain why we were a recipient. Mr. Griffin indicated that his company would prefer that the funds be spent on equipment that would assist our department.

Our department is in need of a NIMS Compliant Portable Command Board which can be utilized in the field for response to multiple incidents for example Haz-Mat Response, WMD Response, and Active Shooter Scenarios.

ITEMS TO BE PURCHASED:	COST PER ITEM:
1 Deluxe Command Board with Large Map Pouch	\$320.00
1 Rite in the Rain Black All-Weather Pen	\$ 7.95
3 Law Enforcement Pocket Guides	\$ 65.85
1 Accessory Kit with Xtra Flex Clip Lights	\$ 48.00
1 Law Enforcement Incident Command Package (Refill)	\$ 59.95
TOTAL COST	\$501.75

The additional \$1.75 and shipping will be covered from our budget.

We would request that this be placed on the next available City of Kingsville Commission Agenda for consideration. Thank you for your assistance regarding this matter.



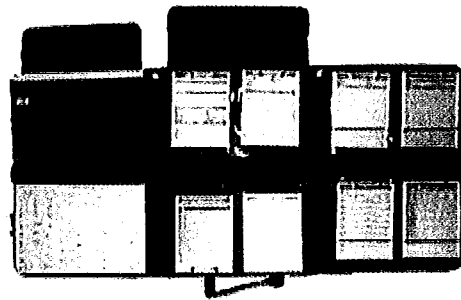
Published on *Command Concepts* (<http://www.commandboard.com/cc>)

[Home](#) > Deluxe Command Board

Deluxe Command Board

Deluxe Command Board out of stock until late June **\$295.00**

The Deluxe size board was designed for operations requiring the use of large maps, like the military, wildland firefighting and search and rescue. The Deluxe Board folds to 16"X24" and opens to 30"X60" and can accommodate any incident command package.



[1]

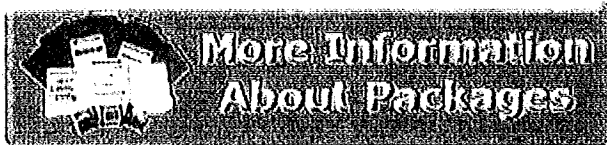
Features

The center panel is designed to accommodate several map pouches that are attached with metal o-rings that allow the pouches to be flipped on both the left and right panels. The upper left expandable pouch section holds incident command forms and more. A dry-erase board is mounted below for fast diagramming and planning. The right side has four spring-loaded clips for padded forms and elastic straps can accommodate light sticks.

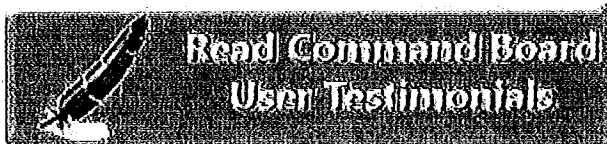


[2]

The deluxe board includes one large map pouch. Additional map pouches can be purchased separately in the accessories area of this store.



[3]



[4]

Price: \$295.00

Incident Command Package: *

Please select



Required: Please choose an accompanying package for your board



Published on *Command Concepts* (<http://www.commandboard.com/cc>)

[Home](#) > Rite in the Rain Black All-Weather Pen

Rite in the Rain Black All-Weather Pen

Rite in the Rain Black All-Weather Pen

\$7.95

Writes on wet paper and even upside down, in temperatures ranging from -50 degrees Ferenheit to 250 degrees Farenheit.

Price: \$7.95

Quantity:

1

Add to cart



The Command Board® is a registered trademark of Command Concepts and is covered by U.S. Patent #US 6,578,706B2. International Patents Pending

[1]

Source URL: <http://www.commandboard.com/cc/content/rite-rain-black-all-weather-pen>

Links:

[1] http://www.commandboard.com/cc/files/imagecache/product_full/sites/default/files/RR_Pen.jpg



Published on *Command Concepts* (<http://www.commandboard.com/cc>)

[Home](#) > Pocket Guides

Pocket Guides

Pocket Guides

\$21.95

These pocket-sized spiral-bound quick reference guides provide critical information fast.

Features

Full color graphics
Valuable reference text
Tear-Proof and Water-proof pages

Price: \$21.95

Choose Guide Format:

Fire and Rescue

Quantity:

1

[Add to cart](#)

The Command Board® is a registered trademark of Command Concepts and is covered by U.S. Patent #US 6,578,706B2. International Patents Pending

Source URL: <http://www.commandboard.com/cc/content/pocket-guides>

Links:

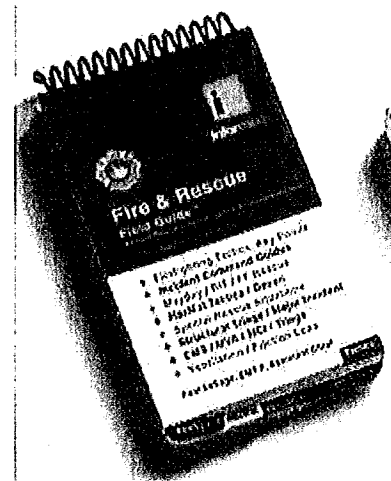
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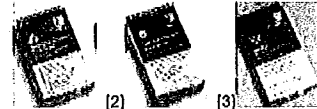
http://www.commandboard.com/cc/files/imagecache/product_full/sites/default/files/nb_homesec_0.jpg

[3] http://www.commandboard.com/cc/files/imagecache/product_full/sites/default/files/nb_lawenf.jpg

[4] http://www.commandboard.com/cc/files/imagecache/product_full/sites/default/files/nb_nimslcs.jpg



[1]



[2]

[3]

[4]



Published on *Command Concepts* (<http://www.commandboard.com/cc>)

[Home](#) > Accessory Kit

Accessory Kit

Accessory Kit

\$40.00

Matching nylon zipper pouch contains two clip-on lights, a wooden dry-erase board stand and a set of dry-erase board markers in a variety of colors.

Price: \$40.00

Clip Light Style:

Standard Clip Lights

Quantity:

1

Add to cart

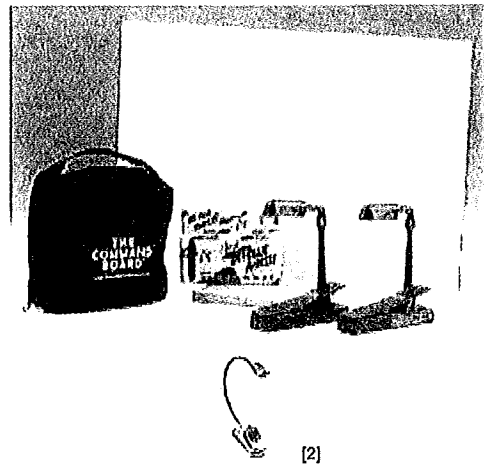
The Command Board® is a registered trademark of Command Concepts and is covered by U.S. Patent #US 6,578,706B2. International Patents Pending

Source URL: <http://www.commandboard.com/cc/content/accessory-kit>

Links:

[1] http://www.commandboard.com/cc/files/imagecache/product_full/sites/default/files/Access_Kit.jpg

[2] http://www.commandboard.com/cc/files/imagecache/product_full/sites/default/files/B_Lite_Silver.jpg





Published on *Command Concepts* (<http://www.commandboard.com/cc>)

[Home](#) > Incident Command Packages

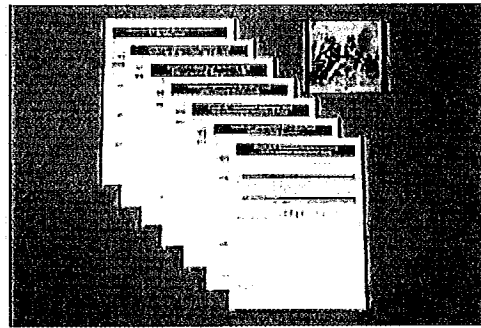
Incident Command Packages

Incident Command Packages

\$59.95

This is the same content that comes with our industry renowned Command Board available loose to be used as a refill or with another incident management solution.

Puts you in command in minutes and allows everyone involved to see critical information at a glance.



[1]



[2]



[3]



[4]



[5]



[6]

Features

Specific logs for handling operations, logistics planning and intelligence

Special sections for evacuations, containments and operations planning

Logs and tactical guidelines for 8 critical incidents including: barricades, riots, bombings and bomb threats, hazardous material, missing persons, officer involved shootings, natural disasters and school incidents

Padded incident forms held in place with spring loaded clips and safety band

The master CD enclosed contains ready-to-print files for this package and all forms can be customized for your department or uploaded to your computer.

Emergency Management and School packages both include the Emergency Response Binder.

Price: \$59.95

Incident Command Package:

Law Enforcement

Required: Please choose an accompanying package for your board

Quantity:

1



Search this site:

[Why the Command Board?](#) [Which Board?](#) [Which Package?](#) [See the Board in Action](#) [Trainers](#) [Contact](#)

[Home](#)

Remove	Products	Qty.	Total
<input type="button" value="Remove"/>	<input type="checkbox"/> Deluxe Command Board Incident Command Package: Law Enforcement Add an Extra Map Pouch: Large Map Pouch	1	\$320.00
<input type="button" value="Remove"/>	<input type="checkbox"/> Rite in the Rain Black All-Weather Pen	1	\$7.95
<input type="button" value="Remove"/>	<input type="checkbox"/> Pocket Guides Choose Guide Format: Law Enforcement	3	\$65.85
<input type="button" value="Remove"/>	<input type="checkbox"/> Accessory Kit Clip Light Style: Xtra Flex Clip Lights	1	\$48.00
<input type="button" value="Remove"/>	<input type="checkbox"/> Incident Command Packages Incident Command Package: Law Enforcement	1	\$59.95
			Subtotal: \$501.75

Estimated shipping cost:

Country: *
United States

State/Province: *
Please select

Postal code: *

Products

[Standard Board](#)
[Deluxe Board](#)
[Compact Board](#)
[Dry Erase Board](#)
[Accessories](#)
[Accessory Kit](#)
[Clip Lights](#)
[Clipboard](#)
[Dry Erase Boards](#)
[Emergency Binder](#)
[Grab and Go Packs](#)
[IC Packages](#)
[Map Pouches](#)
[Pocket Guides](#)
[Rite in the Rain](#)
[T-Card Binder](#)
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Password: *

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The Command Board® is a registered trademark of Command Concepts and is covered by U.S. Patent #US 6,578,706B2.
International Patents Pending

AGENDA ITEM #3

ORDINANCE NO. 2012-

AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 GENERAL FUND BUDGET FOR THE CITY OF KINGSVILLE TO ACCEPT A DONATION FOR THE KINGSVILLE POLICE DEPARTMENT.

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 2011-2012 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
Fund 001	General Fund				
<u>Revenues</u>					
4-210	Police Dept.	Miscellaneous Income	990.00	500.00	
<u>Expenditures</u>					
5-210.2	Police Dept.	Supplies	211.00	500.00	

[To accept a donation of \$500 to the Kingsville Police Dept. from Apache Corporation for the purchase of Command Board and Associated Materials.

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 Monday this the 10th day of September, 2012.

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

EFFECTIVE DATE: _____

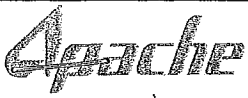
Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Apache Corporation
ONE POST OAK CENTRAL
2000 POST OAK BOULEVARD
HOUSTON, TEXAS 77056-4400
(713) 296-6000

Nellis Fargo Bank, N.A.
115 Hospital Drive
Van Wert, OH 45891

56-382/412

VOID IF NOT CASHED WITHIN
SIX MONTHS OF ISSUE

DATE: 07/26/2012

CHECK #: 4275572

PAY FIVE HUNDRED*****

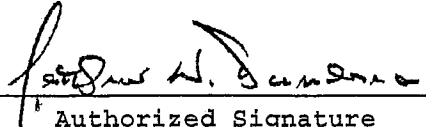
00/100

AMOUNT
\$ 500.00

TO
THE
ORDER
OF

CITY OF KINGSVILLE
POLICE DEPARTMENT
200 E KLEBERG AVE, P O BOX 1458
KINGSVILLE TX 78363

MANUAL SIGNATURE REQUIRED
FOR CHECKS IN EXCESS OF \$300,000.00


Authorized Signature

⑈4275572⑈ ⑆041203824⑆ 9600106744⑈

City of Kingsville Police Department
200 E Kleberg Ave
Kingsville, Texas 78363

Gentlemen:

On behalf of Apache Corporation, please accept this donation in the amount of \$500. We appreciate the services your department provides to the community.

Sincerely,



Faron Griffin
District Production Manager

cc: Gordon Moore



**KINGSVILLE POLICE DEPARTMENT
INTRA-OFFICE MEMORANDUM**

August 21, 2012

TO : Vincent J. Capell, City Manager
Courtney Alvarez, City Attorney

FROM : Ricardo Torres, Chief of Police

SUBJECT : Request to Accept \$500 Donation from Apache Corporation for Purchase of Command Board and Associated Materials.

The City of Kingsville Police Department is in receipt of a donation from Apache Corporation in the amount of \$500.00. I made contact with Faron Griffin, District Production Manager, who informed me that his company had sent the check and made similar donations to police departments near their facilities around the state. Mr. Griffin explained that Apache Corporation has a facility on FM70 between Kingsville and Agua Dulce to explain why we were a recipient. Mr. Griffin indicated that his company would prefer that the funds be spent on equipment that would assist our department.

Our department is in need of a NIMS Compliant Portable Command Board which can be utilized in the field for response to multiple incidents for example Haz-Mat Response, WMD Response, and Active Shooter Scenarios.

ITEMS TO BE PURCHASED:

COST PER ITEM:

1 Deluxe Command Board with Large Map Pouch	\$320.00
1 Rite in the Rain Black All-Weather Pen	\$ 7.95
3 Law Enforcement Pocket Guides	\$ 65.85
1 Accessory Kit with Xtra Flex Clip Lights	\$ 48.00
1 Law Enforcement Incident Command Package (Refill)	\$ 59.95

TOTAL COST \$501.75

The additional \$1.75 and shipping will be covered from our budget.

We would request that this be placed on the next available City of Kingsville Commission Agenda for consideration. Thank you for your assistance regarding this matter.



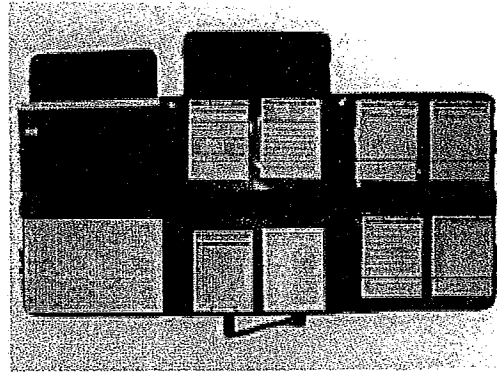
Published on *Command Concepts* (<http://www.commandboard.com/cc>)

[Home](#) > Deluxe Command Board

Deluxe Command Board

Deluxe Command Board out of stock until late June **\$295.00**

The Deluxe size board was designed for operations requiring the use of large maps, like the military, wildland firefighting and search and rescue. The Deluxe Board folds to 16"X24" and opens to 30"X60" and can accommodate any incident command package.



[1]

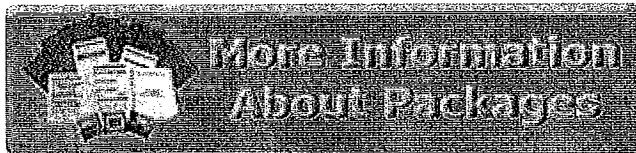
Features

The center panel is designed to accommodate several map pouches that are attached with metal o-rings that allow the pouches to be flipped on both the left and right panels. The upper left expandable pouch section holds incident command forms and more. A dry-erase board is mounted below for fast diagramming and planning. The right side has four spring-loaded clips for padded forms and elastic straps can accommodate light sticks.



[2]

The deluxe board includes one large map pouch. Additional map pouches can be purchased separately in the accessories area of this store.



[3]



[4]

Price: \$295.00

Incident Command Package: *

Please select



Required: Please choose an accompanying package for your board



Published on *Command Concepts* (<http://www.commandboard.com/cc>)

[Home](#) > Rite in the Rain Black All-Weather Pen

Rite in the Rain Black All-Weather Pen

Rite in the Rain Black All-Weather Pen

\$7.95

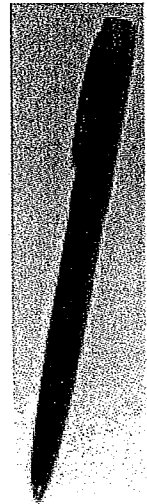
Writes on wet paper and even upside down, in temperatures ranging from -50 degrees Ferenheit to 250 degrees Farenheit.

Price: \$7.95

Quantity:

1

Add to cart



[1]

The Command Board® is a registered trademark of Command Concepts and is covered by U.S. Patent #US 6,578,706B2. International Patents Pending

Source URL: <http://www.commandboard.com/cc/content/rite-rain-black-all-weather-pen>

Links:

[1] http://www.commandboard.com/cc/files/imagecache/product_full/sites/default/files/RR_Pen.jpg

[4]



Published on *Command Concepts* (<http://www.commandboard.com/cc>)

[Home](#) > Accessory Kit

Accessory Kit

Accessory Kit

\$40.00

Matching nylon zipper pouch contains two clip-on lights, a wooden dry-erase board stand and a set of dry-erase board markers in a variety of colors.

Price: \$40.00

Clip Light Style:

Standard Clip Lights



Quantity:

1

[Add to cart](#)

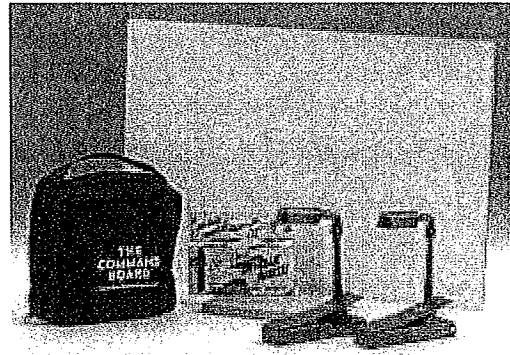
The Command Board® is a registered trademark of Command Concepts and is covered by U.S. Patent #US 6,578,706B2. International Patents Pending

Source URL: <http://www.commandboard.com/cc/content/accessory-kit>

Links:

[1] http://www.commandboard.com/cc/files/imagecache/product_full/sites/default/files/Access_Kit.jpg

[2] http://www.commandboard.com/cc/files/imagecache/product_full/sites/default/files/B_Lite_Silver.jpg



[1]



[2]



Published on *Command Concepts* (<http://www.commandboard.com/cc>)

[Home](#) > Incident Command Packages

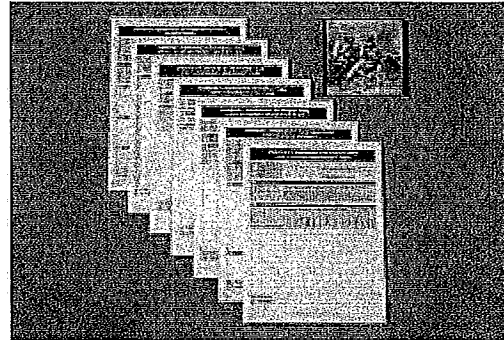
Incident Command Packages

Incident Command Packages

\$59.95

This is the same content that comes with our industry renowned Command Board available loose to be used as a refill or with another incident management solution.

Puts you in command in minutes and allows everyone involved to see critical information at a glance.



Features

Specific logs for handling operations, logistics planning and intelligence

Special sections for evacuations, containments and operations planning

Logs and tactical guidelines for 8 critical incidents including: barricades, riots, bombings and bomb threats, hazardous material, missing persons, officer involved shootings, natural disasters and school incidents


Padded incident forms held in place with spring loaded clips and safety band

The master CD enclosed contains ready-to-print files for this package and all forms can be customized for your department or uploaded to your computer.

Emergency Management and School packages both include the Emergency Response Binder.

Price: \$59.95

Incident Command Package:

Law Enforcement 

Required: Please choose an accompanying package for your board

Quantity:

1



Search this site:

[Why the Command Board?](#)

[Which Board?](#)

[Which Package?](#)

[See the Board in Action](#)

[Trainers](#)

[Contact](#)

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Remove	Products	Qty.	Total
<input type="button" value="Remove"/>	<input checked="" type="checkbox"/> Deluxe Command Board Incident Command Package: Law Enforcement Add an Extra Map Pouch: Large Map Pouch	1	\$320.00
<input type="button" value="Remove"/>	<input checked="" type="checkbox"/> Rite in the Rain Black All-Weather Pen	1	\$7.95
<input type="button" value="Remove"/>	<input checked="" type="checkbox"/> Pocket Guides Choose Guide Format: Law Enforcement	3	\$65.85
<input type="button" value="Remove"/>	<input checked="" type="checkbox"/> Accessory Kit Clip Light Style: Xtra Flex Clip Lights	1	\$48.00
<input type="button" value="Remove"/>	<input checked="" type="checkbox"/> Incident Command Packages Incident Command Package: Law Enforcement	1	\$59.95
			Subtotal: \$501.75

Estimated shipping cost:

Country: *

United States

State/Province: *

Please select

Postal code: *

Products

[Standard Board](#)

[Deluxe Board](#)

[Compact Board](#)

[Dry Erase Board](#)

[Accessories](#)

[Accessory Kit](#)

[Clip Lights](#)

[Clipboard](#)

[Dry Erase Boards](#)

[Emergency Binder](#)

[Grab and Go Packs](#)

[IC Packages](#)

[Map Pouches](#)

[Pocket Guides](#)

[Rite in the Rain](#)

[T-Card Binder](#)

[*NEW* User Testimonials](#)

Shopping cart

7 Items

Total:

\$501.75

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User login

Username: *

Password: *

[Create new account](#)

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The Command Board® is a registered trademark of Command Concepts and is covered by U.S. Patent #US 6,578,706B2.
International Patents Pending

AGENDA ITEM #4

ORDINANCE NO. 2012-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER V, ARTICLE 3, WATER, PROVIDING FOR AN INCREASE IN WATER RATES; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City had a water rate study done by HDR Engineering and the following increases were recommended by that study,

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 5-3-51 of Article 3: Water of Chapter V, Public Works, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 5-3-51 MINIMUM MONTHLY CHARGE; RATE SCHEDULE.

(A) The following monthly rates shall be charged inside-city customers for the use of city water, provided that minimum monthly charges shall be made and bills rendered accordingly, under the standard water rates schedule as follows:

Minimum Monthly Bill Water Service

<i>Meter Allowance Size</i>	<i>Meter Allowance Size</i>	<i>Multi-Family Residential</i>	<i>Commercial**</i>	<i>Irrigation</i>	<i>Gallons</i>
5/8 - 3/4 inch	12.04 <u>12.16</u>	\$0.00	\$0.00	\$0.00	0
5/8 - 3/4 inch	—	22.82 <u>23.04</u>	23.73 <u>23.96</u>	27.20 <u>27.47</u>	3,000
1 inch	24.68 <u>24.92</u>	27.76 <u>28.03</u>	29.99 <u>30.28</u>	34.08 <u>34.42</u>	5,000
1 1/4 inch	30.04 <u>30.31</u>	33.48 <u>33.51</u>	36.26 <u>36.62</u>	43.39 <u>43.82</u>	7,000

1½ inch	36.80 <u>37.16</u>	40.95 <u>41.35</u>	45.65 <u>46.10</u>	55.52 <u>56.07</u>	10,000
2 inch	53.66 <u>54.19</u>	56.48 <u>57.04</u>	64.44 <u>65.08</u>	79.80 <u>80.60</u>	16,000
3 inch	—	105.69 <u>106.74</u>	113.96 <u>115.09</u>	156.70 <u>158.26</u>	35,000
4 inch	—	170.42 <u>172.12</u>	175.72 <u>177.47</u>	257.86 <u>260.43</u>	60,000
6 inch	—	338.74 <u>342.12</u>	335.69 <u>339.04</u>	520.90 <u>526.10</u>	125,000
8 inch	---	---	640.06 <u>646.46</u>	---	200,000

* Includes apartments of 3-4 units.

** Includes hotels, motels, and apartments over 4 units.

(B) The following monthly rates shall be charged outside-city customers for the use of city water, provided that minimum monthly charges shall be made and bills rendered accordingly, under the standard water rates schedule as follows:

Minimum Monthly Bill Water Service

<i>Meter Allowance Size</i>	<i>Single-Family Residential</i>	<i>Multi-Family Residential*</i>	<i>Commercial**</i>	<i>Irrigation</i>	<i>Gallons</i>
5/8 – ¾ inch	13.85 <u>13.98</u>	\$0.00	\$0.00	\$0.00	0
5/8 – ¾ inch	—	26.24 <u>26.50</u>	27.28 <u>27.55</u>	31.27 <u>31.58</u>	3,000
1 inch	28.39 <u>28.67</u>	31.92 <u>32.24</u>	34.48 <u>34.83</u>	39.18 <u>39.58</u>	5,000

1¼ inch	34.51 <u>34.85</u>	38.15 <u>38.54</u>	41.69 <u>42.10</u>	49.37 <u>49.86</u>	7,000
1½ inch	42.30 <u>42.72</u>	47.09 <u>47.56</u>	52.49 <u>53.01</u>	63.85 <u>64.48</u>	10,000
2 inch	61.72 <u>62.33</u>	64.96 <u>65.60</u>	74.10 <u>74.84</u>	91.76 <u>92.67</u>	16,000
3 inch	—	121.54 <u>122.75</u>	131.04 <u>132.35</u>	180.19 <u>181.99</u>	35,000
4 inch	—	195.98 <u>197.93</u>	202.08 <u>204.10</u>	296.53 <u>299.49</u>	60,000
6 inch	—	389.54 <u>393.43</u>	386.02 <u>389.88</u>	599.02 <u>605.01</u>	125,000
8 inch	---	---	736.05 <u>743.41</u>	---	200,000

* Includes apartments of 3-4 units.

** Includes hotels, motels, and apartments over 4 units.

(C) For all water furnished in excess of the minimum allowance, the charge per 1,000 gallons of water delivered per month shall be shown as follows:

	In-side City	Outside City
Single-family residential:		
0 - 5,000 gallons	2.52 <u>2.54</u>	2.91 <u>2.93</u>
5,001 - 10,000 gallons	2.66 <u>2.68</u>	3.06 <u>3.09</u>
10,001 – 15,000 gallons	2.77 <u>2.79</u>	3.20 <u>3.23</u>

15,001 - 20,000 gallons	2.90 <u>2.92</u>	3.34 <u>3.37</u>
20,001 - 30,000 gallons	3.02 <u>3.05</u>	3.47 <u>3.50</u>
30,000 + gallons	3.91 <u>3.94</u>	4.50 <u>4.54</u>
Multi-family:	2.68 <u>2.70</u>	3.08 <u>3.11</u>
Commercial:	3.20 <u>3.23</u>	3.68 <u>3.71</u>
Irrigation	4.03 <u>4.07</u>	4.64 <u>4.68</u>

(D) These rates shall be applied to all water that passes through the meter regardless of whether the water is used or not.

(E) Industrial rates by special contract with the city.

(F) Naval Air Station Kingsville water rate, as determined by the most current water rate study, is set at \$1.75/1,000 gallons.

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 27th day of August, 2012.

PASSED AND APPROVED on this the 10th day of September, 2012.

Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #5

ORDINANCE NO. 2012-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER V, ARTICLE 2, SEWERS, PROVIDING FOR AN INCREASE IN SEWER RATES; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City had a waste water rate study done by HDR Engineering and the following increases were recommended by that study,

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 5-2-2 of Article 2: Sewers of Chapter V, Public Works, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 5-2-2 USER CLASSIFICATIONS; SCHEDULE OF CHARGES.

(A) *Single-family residential.* Minimum monthly charge of \$10.23 ~~\$10.54~~ with an allowance of 2,000 gallons. For consumption in excess of 2,000 gallons a charge of \$2.92 ~~\$3.01~~ per 1,000 gallons will be levied to a maximum of 15,000 gallons after which no further charge shall be levied.

(B) *Duplex.* Minimum monthly charge of \$12.55 ~~\$12.93~~ with an allowance of 2,000 gallons. For consumption in excess of 2,000 gallons a charge of \$2.92 ~~\$3.01~~ per 1,000 gallons will be levied.

(C) *Multi-family residential (includes apartments of 3-4 units).* Minimum monthly charge of \$19.19 ~~\$19.76~~ with an allowance for 3,000 gallons. For consumption in excess of 3,000 gallons, a charge of \$2.92 ~~\$3.01~~ per 1,000 gallons shall be levied.

(D) *Commercial (includes hotels, motels, apartments over 4 units, and all others not meeting any other categories).* Minimum monthly charge of \$23.60 ~~\$24.31~~ with an allowance of 3,000 gallons. For consumption in excess of 3,000 gallons a charge of \$3.08 ~~\$3.17~~ per 1,000 gallons will be levied.

(E) *Irrigation.* No customer using city water services solely for irrigation purposes shall be assessed a sewer charge.

(F) *Industrial plants.* By special contract with the city.

(G) *Billing charge.* All sewer customers who are not billed for water services shall be assessed a monthly billing charge of \$2.00 ~~\$2.06~~ in addition to their sewer charges.

(H) (1) *Outside city limits.* All parts of this section shall apply to customers located outside the city limits and who receive city sewer service except the rates to such customers shall be as follows:

(2) *Single-family residential.* Minimum monthly charge of \$14.73 ~~\$12.03~~ with an allowance of 2,000 gallons. For consumption in excess of 2,000 gallons a charge of \$3.35 ~~\$3.43~~ per 1,000 gallons of water consumed to a maximum of 15,000 gallons after which no further charge shall be levied.

(3) *Duplex.* Minimum monthly charge of \$14.15 ~~\$14.58~~ with an allowance of 2,000 gallons. For consumption in excess of 2,000 gallons a charge of \$3.55 ~~\$3.66~~ per 1,000 gallons of water consumed.

(4) *Multi-family residential (includes apartments of 3-4 units).* Minimum monthly charge of \$22.06 ~~\$22.73~~ with an allowance of 3,000 gallons. For consumption in excess of 3,000 gallons a charge of \$3.55 ~~\$3.66~~ per 1,000 gallons of water consumed.

(5) *Commercial (includes hotels, motels, apartments over 4 units, and all others not meeting any of the above categories).* Minimum monthly charge of \$27.14 ~~\$27.96~~ with an allowance of 3,000 gallons. For consumption in excess of 3,000 gallons a charge of \$3.54 ~~\$3.66~~ per 1,000 gallons of water consumed.

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 27th day of August, 2012.

PASSED AND APPROVED on this the 10th day of September, 2012.

Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #6

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS, AMENDING CHAPTER V PUBLIC WORKS OF THE CODE OF ORDINANCES OF THE CITY OF KINGSVILLE, TEXAS BY ADDING ARTICLE 6 ENTITLED "STORMWATER UTILITY SYSTEM"; ARTICLE I "STORMWATER UTILITY SYSTEM RULES" TO ESTABLISH A MUNICIPAL STORMWATER UTILITY SYSTEM; ESTABLISH AN ADMINISTRATIVE APPEALS PROCESS; PROVIDE PENALTIES AND REMEDIES FOR NONPAYMENT; EXEMPT CERTAIN PROPERTY FROM FEES; AND PROVIDE A PROCESS BY WHICH TO DISCONTINUE THE STORMWATER UTILITY SYSTEM; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to ensure that the collection of stormwater runoff and conveyance of stormwater within the City of Kingsville ("City") protects the public health, safety, and welfare of City residents, as well as protects against property damage; and

WHEREAS, the City Commission of the City of Kingsville, Texas ("the City Commission") desires to address the various water quality and environmental issues that may further burden the City's stormwater infrastructure; and protect against surface water overflow, standing water, and pollution; and

WHEREAS, the City Commission desires to establish a Stormwater Utility System, as authorized by the Texas Local Government Code Chapter 552, Subchapter C "Municipal Drainage Utility Systems," ("the Act") within the City's municipal boundaries; and

WHEREAS, the Act further authorized the City to establish a municipal Stormwater Utility System service area; to provide rules for the use, operation, and financing of the system; to declare, after a public hearing, the City's Stormwater System to be a "public utility" as defined in the Act; to prescribe bases upon which to fund a Stormwater Utility System and to assess the fees and charges to support the system; and to require certain exemptions along with other mandatory exemptions contained in Texas Local Government Code sections 552.053 and 580.003(a); and

WHEREAS, the City desires to adopt the Act and establish a Stormwater Utility System as a public utility; and

WHEREAS, it is the intent of the City to fund the Stormwater Utility System in a manner that fairly, equitably, and in a non-discriminatory manner allocates the cost of stormwater control and treatment to properties in proportion to stormwater runoff potential for each class of property; and

WHEREAS, proper notice has been given and a public hearing has been held regarding the adoption of this Ordinance, as required by law.

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

SECTION 1: The Code of Ordinances of the City of Kingsville, Texas is hereby amended by adding Chapter Article 6, "Stormwater Utility System" to Chapter V Public Works to read as follows:

Article 6. STORMWATER UTILITY SYSTEM

ARTICLE I. STORMWATER UTILITY SYSTEM RULES

Sec. 5-6-1. Authority to create Stormwater Utility System.

The City does hereby declare under the Texas Constitution and the Texas Local Government Code, Chapter 552, Subchapter C, The Municipal Drainage Utility System Act, that said Act is hereby adopted and it is declared that the stormwater utility of the City of Kingsville, Texas, shall be a "public utility" as defined in the Act. Pursuant to the provisions of Section 552.046 of the Act, the City incorporates its existing stormwater facilities, materials, equipment, and supplies into the Stormwater Utility System ("Stormwater System" or "Utility" or "Public Utility").

Sec. 5-6-2. Finding and determinations.

- (a) *Determination of Utility Service Area.* The Stormwater System shall serve the City, the boundaries of which shall be the City's municipal boundaries.
- (b) It is hereby found, determined, and declared that the City shall:
 - 1) Ensure that the cost of operating and maintaining the Stormwater System, and the financing of necessary repairs, replacements, improvements, and extension thereof must be related to stormwater service and the terms of the Stormwater Utility Fees;
 - 2) Provide stormwater facility and services for benefitted real property within the utility service area upon payment of the Stormwater Utility Fee unless the property is exempt under Section 5-6-11; and
 - 3) Establish a schedule of Stormwater Utility Fees for benefitted properties within the utility service area in accordance with the provisions of the Act; and
 - 4) Offer stormwater service under non-discriminatory, reasonable, and equitable terms.

Sec. 5-6-3. Application.

This Article applies to the Owner or Customer of a benefitted property within the utility service area, as determined by Section 5-6-2, to which stormwater service is provided, either directly or indirectly.

Sec. 5-6-4. Definitions.

The following definitions shall apply to the establishment and operation of the Stormwater System:

Act means Chapter 552, Subchapter C “Municipal Drainage Utility Systems,” of the Texas Local Government Code, as amended.

Allocated portion of a parcel means the lot, tract, or part of a parcel that has been assigned to an Owner or Customer based on the portion used by the Owner or Customer as compared to the parcel’s total area.

Benefitted property means an improved lot, tract or parcel within the utility service area to which stormwater service is made available under this Article. All real property within the utility’s service area directly or indirectly receives stormwater service.

City means the City of Kingsville, Texas and the City’s officers and employees.

City Engineer means the City’s Engineer or his/her designee responsible for the administration and enforcement of this Article.

Customer means the person(s) or entity(ies) recorded as the customer or user of utility services for a parcel based on the records of the City or its contracted utility billing system provider.

Equivalent residential unit (ERU) means a unit of measurement of impervious surface area calculated for the average single family residential property within the utility service area, as measured in square feet (SF), including the residential structure, garage, driveway, sidewalk, patio, out buildings, and any other impervious surface.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is resistant to penetration by water and does not have vegetative cover. An impervious surface includes, but is not limited to, parking lots, driveways, a sidewalk or private roadway, a building or artificial structure, or any surface that changes the natural landscape and increases, concentrates, pollutes, or otherwise alters the flow or amount of stormwater runoff.

Impervious area means a measurement in square feet (SF) of impervious surface on which the amount of stormwater runoff potential for a benefitted property within a customer class is estimated.

Improved parcel means a parcel, lot or tract or portion of lot or tract that has been changed from its natural state by addition of a building, facility, structure or other improvement on all or a portion of the parcel, which creates an impervious surface.

KCAD means the Kleberg County Appraisal District.

Non-residential property means an improved parcel that is not a residential property, including commercial, industrial, institutional, and government uses, a condominium or apartment consisting of four (4) or more residential units, a homeowner’s association, or other similar uses or properties.

Owner means the person(s) or entity(ies) listed as the owner of a parcel in the records of KCAD or the City.

Public Utility (or Utility) shall have the same meaning as defined by the Act, Section 552.044(7).

Residential property means an improved parcel upon which three (3) or fewer residential units are constructed in one building on the Improved Parcel.

Residential dwelling unit means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by applicable City codes, for not more than one family. A residential unit may be a single-family house, a town home, a condominium, a manufactured home or a portion of a duplex, triplex, or quadplex.

Service area means the geographical area within the incorporated limits of the City.

Stormwater infrastructure means the property – real, personal or mixed – that is used in providing stormwater capacity to manage and control stormwater runoff for the stormwater system, including bridges, catch basins, channels, conduits, creeks, culverts, detention ponds, retention ponds, ditches, draws, creeks, flumes, pipes, pumps, sloughs, treatment works, and appurtenances to those items, whether natural or artificial, or using force or gravity, that are used to draw off surface water from land, carry the stormwater runoff away, collect, store, or treat the stormwater runoff, or divert the stormwater runoff into natural or artificial watercourses.

Stormwater Utility expenditures means an expenditure required to finance, operate and maintain stormwater infrastructure, including debt service, equipment, personnel, educational and administrative expenditures.

Stormwater runoff potential means the relative potential for causing stormwater runoff quantities, qualities, or velocities from an improved parcel based on the type of development or land use on the parcel and the size of the parcel.

Stormwater Utility Fee means the fee established under Article 6 of Chapter V of the Code of Ordinances of the City of Kingsville, Texas that is levied against the Owner or Customer of a benefitted property for stormwater services provided by the Stormwater System, including but not limited to, the items described in the definition of “cost-of-service” in the Act. The Stormwater Utility Fee may also be referred to a *Fee*.

Stormwater System means the Stormwater Utility System owned or controlled, in whole or in part, by the City, including the City’s existing stormwater facilities, materials, and supplies and any stormwater facilities, materials, and supplies hereafter constructed or utilized and dedicated to the service of benefitted property, and including provision for additions to the system. The Stormwater System may also be referred to as a *Public Utility or Utility*.

Wholly sufficient and privately owned Stormwater System means land and a facility owned and operated by a person or entity other than the City and from which stormwater does not discharge, under any storm frequency event or conditions, into a creek, river, slough, culvert, channel or other infrastructure that is part of the City’s Stormwater System.

Sec. 5-6-5. Administration

- (a) *Duty of City Engineer.* The City Engineer shall administer the Stormwater System. The City Engineer shall maintain an accurate record of all properties benefitted or served by the Stormwater System and the Stormwater Utility Fee levied for each parcel or portion of a parcel. The record may be maintained within the City's billing system or in another record keeping system that may be developed.
- (b) *Program Implementation.* By the adoption of this Article, the City makes no representation that all stormwater problems may or will be remedied and the City Commission retains full discretion in establishing the priorities in expending funds as they become available to meet the City's stormwater needs. The adoption of this Article shall not be construed to relieve private land owners, developers or other individuals or entities from providing stormwater improvements required by the Code of Ordinances of the City of Kingsville, Texas, and federal or State laws and regulations.
- (c) *Access to Benefitted Properties.* City employees shall have access to a benefitted property within the utility service area to inspect, maintain, repair, or enforce this Article or State laws or regulations.
- (d) *Governmental Immunity.* The City does not waive any immunity granted under any law.

Sec. 5-6-6. Stormwater Utility Fee, billing policies, and procedures.

- (a) *Stormwater Utility Rate Classes.* A Stormwater Utility Fee is established, and the fee shall be imposed on each benefitted property within the utility service area for stormwater services and stormwater facilities provided by the Stormwater System. A benefitted property within the utility service area shall be classified and charged a Stormwater Utility Fee based on the Stormwater Utility rate determined by the property's rate class. Depending on the use of the benefitted property, the property shall be classified as one of the rate classes:
 - 1) Residential property; or
 - 2) Non-residential property.
- (b) *Responsible Party.*
 - 1) A Customer or Owner shall be billed monthly for stormwater services. The Stormwater Utility Fee shall be levied along with other municipal utility services provided to the premises, including water, wastewater or solid waste/refuse services.
 - 2) The utility bill imposing the Stormwater Utility Fee will be mailed to either the Customer or Owner; and, the Customer or Owner recorded in the utility billing system shall be responsible for payment of the Stormwater Utility Fee.
 - 3) If there is no active Customer account for a benefitted property recorded in the City's utility billing system, or at the discretion of the City, or when a benefitted property is not served by other municipal utility services, the City Engineer shall establish a "Stormwater Only Account" and shall bill the Owner of the benefitted property for the Stormwater Utility Fee. The Owner

of the benefitted property shall be responsible for payment of fees imposed via a Stormwater Only Account.

- (c) *Revision of Rates.* The City Commission shall establish the initial Stormwater Utility Fee and Stormwater Utility rates through an ordinance pursuant to the provisions of the Act. The City Commission reserves the right to review the fee and rate schedules at any time and may, by ordinance, increase or decrease the Stormwater Utility Fee or rates within the schedule upon a determination that the increase or decrease is warranted.
- (d) *Billing Procedures and Policies.*
 - 1) Any partial payment of the Stormwater Utility Fee shall be applied against the amount due in accordance with the policies and procedures established for municipal utility services.
 - 2) A late charge and interest may be imposed in accordance with the policies and procedures established for municipal utility services.
- (e) *Non-Payment.* The City may file suit to recover any unpaid fees, together with maximum interest, attorney's fees and other costs and fees allowable under State or federal law. In addition, to any other remedies or penalties provided by State or federal law or in this Article, a Customer's failure to pay the Stormwater Utility Fee when due shall subject the Customer to disconnection of any or all municipal utility services and/or the placement of lien against the benefitted property to the extent authorized by law and the Code of Ordinances of the City of Kingsville, Texas, as amended.

Sec. 5-6-7. Calculation of Fees.

- (a) *Rates in Accordance with the Act.* The Stormwater System rates shall be established in accordance with the provisions of the Act and this Section.
- (b) *Fee Calculation.* The Stormwater Utility Fee shall be based on an inventory of improved parcels within the service area. The inventory shall evaluate the stormwater runoff potential for improved parcels within the service area and establish a rate for each class of benefitted properties. The stormwater runoff potential for each class shall be equitably and proportionately distributed between classes and among parcels within each class of benefitted properties relative to the contribution of each class to stormwater runoff.
- (c) *Stormwater Runoff Potential.* For purposes of establishing the stormwater runoff potential for each class of benefitted properties and between classes of benefitted properties, the City Engineer shall calculate the impervious area for parcels within the service area based on data gathered from KCAD, Geographic Information System records, and aerial photography and site plans or plats available. The City Engineer shall then determine the relative stormwater runoff potential for each rate class and among parcels within each rate class. The rate for each class of benefitted properties and for parcels within each rate class shall be based on the impervious area measured in square feet (SF).

Sec. 5-6-8. Appeal.

- (a) *Standing and Exclusive Remedy.* An Owner or Customer who has been charged with and contests a Stormwater Utility Fee, or who challenges action taken by the City under this Article for non-payment of the Stormwater Utility Fee charged to that Owner or Customer, shall have standing to appeal under this Article; that Owner or Customer will be referred to as an "appellant" in this section. The provisions in this section shall be the exclusive administrative remedy for an appellant. By way of example and not limitation, an appellant may appeal an error in calculating the Stormwater Utility Fee for a benefitted property due to an error in calculating impervious surface area or an error in calculating the customer class; or an appellant may appeal the discontinuance of utility service, the filing of a lien, or other legal action taken by the City under this Article for non-payment of the Stormwater Utility Fee. The City's appeal process is set forth in Appendix C of "_____."
- (b) *Burden of Proof.* The appellant shall bear the burden of proving by a preponderance of the evidence the relief sought in the appeal. By way of example and not limitation, the appellant shall bear the burden of proving that a fee does not apply, or that the fee is calculated in error, or that the rate class assigned to the appellant is incorrect.

Sec. 5-6-96. Termination of Stormwater Utility System.

If, after at least five (5) years of substantially continuous operation of the Stormwater System, the City Commission determines that the Stormwater System should be discontinued, the powers under the Act should be revoked, and the provision for financing municipal stormwater costs should be made by using other revenues, the City Commission may adopt an ordinance that in effect, after providing notice and a public hearing as required by the Act, discontinues the Stormwater System.

Sec. 5-6-10. Stormwater Utility fund.

- (a) *Stormwater Utility fund.* A Stormwater Utility fund is established and may consist of one or more accounts. All Stormwater Utility fees shall be deposited as collected and received into this fund, and shall be used exclusively for stormwater services as provided in the Act, but not limited to the following:
- 1) The cost of the acquisition of land, rights-of-way, options to purchase land, easements, and interests in land relating to structures, equipment, and facilities used in draining the benefitted property;
 - 2) The cost of the acquisition, construction, repair, and maintenance of structures, equipment, and facilities used in draining the benefitted property;
 - 3) The cost of architectural, engineering, legal, and related services, plans and specifications, studies, surveys, estimates of cost and of revenue, and all other expenses necessary or incident to planning, designing, providing, or determining the feasibility and capability of structures, equipment, and facilities used in draining the benefitted property;
 - 4) The cost of all machinery, equipment, furniture, and facilities necessary or incident to the provision and operation of draining the benefitted property;

- 5) The prorated cost of funding and financing charges and interest arising from construction projects and the start-up cost of a stormwater facility used in draining the benefitted property;
 - 6) The prorated cost of debt service and reserve requirements for funding of stormwater infrastructure, equipment and facilities paid with revenue bonds or other securities or obligations issued by the City and supported by pledge of stormwater revenues, including any fees and expenses incidental thereto;
 - 7) To the extent permitted by law, the cost of constructing, sampling, monitoring, building, inspecting and maintaining structures needed for the State's regulation and permitting requirements imposed on the City for providing stormwater quality improvements for the benefitted property; and
 - 8) The administrative costs of the Stormwater System.
- (b) *Stormwater Utility fund accounting.*
- 1) The City shall clearly account for revenues and expenditures authorized for operation of the Stormwater System.
 - 2) The revenues collected from Stormwater Utility Fees shall be segregated and completely identified from other City funds and accounts.
 - 3) Funds and revenues in the Stormwater Utility fund may be transferred to the City's general fund as allowed by law.
- (c) *Stormwater Utility service deposit.* A deposit shall not be imposed for initiation or continuation of Stormwater Utility service.

Sec. 5-6-11. Exemptions.

- (a) The following shall be exempt from payment of the fees established by the Article:
- 1) Entities to which a mandatory exemption under Section 580.003(a) of the Texas Local Government Code applies.
 - 2) Any property to which a mandatory exemption under Section 552.053 of the Texas Local Government Code applies, including without limitation:
 - A. Property with proper construction and maintenance of a wholly sufficient and privately owned Stormwater System that does not discharge under any storm frequency event or conditions to waterways controlled or maintained by the City;
 - B. Property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the City for maintenance; or
 - C. A subdivided parcel or lot, until a structure has been built on the subdivided parcel or lot and a certificate of occupancy has been issued, or the City has taken another official action to release the property for occupancy.
- (b) **Proof of Exemption.** If an Owner asserts that property is exempt pursuant to this Section or any other applicable law, the Owner has the burden of proving the exemption by filing with the City Engineer a notice of exemption eligibility and

sufficient evidence of entitlement to such exemption. If the exemption is not granted, the Owner may appeal under Section 5-6-8.

SECTION 2: It is provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval.

INTRODUCED on this the 27th day of August, 2012.

PASSED AND APPROVED by the City Commission on this the 10th day of September, 2012.

SAM FUGATE, MAYOR

ATTEST:

INTERIM CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

COURTNEY ALVAREZ, CITY ATTORNEY

AGENDA ITEM #7

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS, AMENDING CHAPTER V PUBLIC WORKS THE CODE OF ORDINANCES OF THE CITY OF KINGSVILLE, TEXAS BY AMENDING ARTICLE 6 ENTITLED "STORMWATER UTILITY SYSTEM", AS AMENDED, BY ADDING "STORMWATER UTILITY FEES", TO ESTABLISH MONTHLY STORMWATER UTILITY FEES FOR THE PURPOSE OF FUNDING THE STORMWATER UTILITY SYSTEM; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Kingsville, Texas ("City Commission") has adopted Ordinance No. _____, to create a Stormwater Utility System and provide stormwater drainage service to collect and direct stormwater runoff for benefitted properties within the utility service area upon payment of Stormwater Drainage Utility Fees; and

WHEREAS, the City Commission, after holding a public hearing and finding that the fees are non-discriminatory, reasonable, and equitable, now desires to levy a schedule of Stormwater Utility Fees for stormwater service; and

WHEREAS, in setting the schedule of Stormwater Utility Fees, the fees are based on an inventory of improved parcels within the utility service area.

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

SECTION 1: The City Commission hereby establishes Stormwater Utility Fees as set forth herein. Stormwater Utility Fees shall be levied against all benefitted properties within the utility service area unless exempt under Chapter V, Article 6, Section 11. These fees shall be imposed and issued with utility billing statements issued on and after October 1, 2012.

SECTION 2: The Code of Ordinances of the City of Kingsville, Texas is hereby amended by adding 5-6-20 and 5-6-21 to Chapter V, Article 6 "Stormwater Utility Fees" to read as follows:

ARTICLE II. STORMWATER UTILITY FEES

Sec. 5-6-20. Applicability.

A Stormwater Utility Fee shall be levied against all benefitted property within the utility service area unless exempt under Article I, Section 5-6-11.

Sec. 5-6-21. Fee Calculation.

- (a) *Stormwater Utility Fee Calculation.* Stormwater Utility Fees shall be calculated based on the total stormwater runoff potential for benefitted properties for all customers within the utility service area. The total stormwater runoff potential shall be measured as impervious cover in square feet (SF).

- (b) *Stormwater Utility Fee.* The total stormwater runoff potential for the service area shall be allocated between the customer classes based on the relative amount of impervious area in each class established in Section 5-6-6. The monthly Stormwater Utility Fee is based on the average impervious area for an ERU, which is Two Thousand Four Hundred Twenty Five Square Feet (2,425.0 SF).
- 1) *Residential Property Class.* The monthly Stormwater Utility Fees for each residential property as defined in Section 5-6-4, shall be either a flat-rate fee per singly-family equivalent residential unit (ERU) or a flat-rate fee per dwelling unit on a residential parcel.
 - 2) *Non-Residential Property Class.* The monthly Stormwater Utility Fees for each improved non-residential property or allocated portion of an improved non-residential property shall be equal to: Impervious Area in square feet divided by 2,425.0 square feet for the ERU time the applicable flat-rate ERU fee.
 - 3) *Minimum Monthly Stormwater Utility Fee.* The minimum Stormwater Utility Fee for all customer classes shall be the fee for one ERU.
- (c) *Revision of Fees or Rates.* The Stormwater Utility Fee or the stormwater utility rate may be revised by the City Commission through an ordinance from time to time as permitted by the Article and the Act.
- (d) *Applicable Stormwater Utility Fee.* The applicable Stormwater Utility Fee is \$1.25/ERU/month.
-

SECTION 3: It is found and determined by the City Commission that the fees established by this Ordinance are non-discriminatory, reasonable, and equitable, and that the fees are based upon an inventory of improved parcels within the utility service area.

SECTION 2: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval.

INTROUCED on this the ____ day of _____, 2012.

PASSED AND APPROVED by the City Commission on this the ____ day of _____, 2012.

SAM FUGATE, MAYOR

ATTEST:

EDNA S. LOPEZ, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

COURTNEY ALVAREZ, CITY ATTORNEY

AGENDA ITEM #8

ORDINANCE NO. 2012-_____

AN ORDINANCE ADOPTING THE CITY MANAGER'S BUDGET, AS AMENDED, OF THE CITY OF KINGSVILLE, TEXAS, AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 01, 2012 AND ENDING SEPTEMBER 30, 2013 IN THE PARTICULARS HEREINAFTER STATED.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS, that the budget for FY 2012-2013 is adopted as follows:

Section One: The official budget for the City of Kingsville for the fiscal year beginning October 01, 2012 and ending September 30, 2013 has been presented to the City Commission by the City Manager, several budget workshops were conducted on such budget, along with a duly noticed public hearing, and the budget is hereby approved.

Section Two: The budget contains a complete financial statement of the City and shows (1) the outstanding obligations of the City of Kingsville, Texas, (2) the cash on hand to the credit of each fund, (3) the funds received from all sources during the preceding year, (4) the funds available from all sources during the ensuing year, (5) the estimated revenue available to cover the proposed budget, and, (6) the estimated tax rate required to cover the proposed budget. The budget shows each of the projects for which expenditures are set up and the estimated amount of money appropriated for each project.

Section Three: The sum of \$37,902,873 is hereby appropriated for the budget revenues and expenses in the amounts shown on the attached Condensed Statement of all Operating and General Obligation Debt Service Funds – Summary of Revenues and Expenditures. The General Obligation Debt Service principle is \$1,120,000 and interest is \$337,689.

Section Four: The budget and all the attached support material as outlined in the above sections shall be deemed the official budget for the City of Kingsville, Texas, for the fiscal year starting October 01, 2012 and ending September 30, 2013. A copy of the official budget shall be kept by the City Secretary with the designation thereon as the official budget for FY 2012-2013, with the date of the adoption clearly stated, and filed with the County Clerk's Office. The official budget shall be available for inspection by any taxpayer.

Section Five: The City Commission is authorized to levy taxes in accordance with this budget. The City Commission may authorize the expenditure of City funds only in strict compliance with the budget, except in an emergency. The City Commission may authorize an emergency expenditure as an amendment to

the original budget only in case of grave public necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent care and attention. If the City Commission amends the original official budget to meet an emergency, the City Commission shall file a copy of its ordinance amending the budget with the City Secretary, and the City Secretary shall attach it to the original budget. The City Manager shall provide for the filing of true copy of the approved budget in the office of the County Clerk of Kleberg County. The City Commission reserves the right to make changes in the official budget for municipal purposes.

Section Six: All Ordinances of parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

Section Seven: 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.

Section Eight: This Ordinance shall NOT be codified but will become effective on and after adoption and publication as required by law.

Section Nine: This Ordinance was considered, passed, and approved at a regular meeting of the City Commission of the City of Kingsville, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code, and Chapter 102 of the Texas Local Government Code.

INTRODUCED on this the 10th day of September, 2012.

PASSED on this the 17th day of September, 2012.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

EFFECTIVE DATE: _____

GENERAL FUNDS
Judging FY11 & 12 Surplus

GENERAL FUNDS	
Accounting FY11 & 12 Surplus)	
ent Yr	City Mgr
ected	Requested
2011-12	FY 2012-13
07,016	17,705,250

Water Trade with Kleberg County
(for Infrastructure @ Parks)

$$\frac{0}{0}$$

0	0
07,016	17,705,256

Copy of Budget Changes 09 06 12 FY13 09/07/2012 11:48 AM

FOR FY 2012-13

GENERAL FUNDS				G.F. CAPITAL IMPROVEMENT				G.O. DEBT SERVICE				UTILITY FUNDS				ASSET FORFEITURE FUNDS				OTHER GOV. FUNDS				TOTAL CITY			
FY 11.1.12 (Suppl.)				FY 11.1.12 (Suppl.)				FY 11.1.12 (Suppl.)				FY 11.1.12 (Suppl.)				FY 11.1.12 (Suppl.)				FY 11.1.12 (Suppl.)				FY 11.1.12 (Suppl.)			
Current Yr. Budgeted	City Mgr. Requested	Current Yr. Budgeted	City Mgr. Requested	Current Yr. Budgeted	City Mgr. Requested	Current Yr. Budgeted	City Mgr. Requested	Current Yr. Budgeted	City Mgr. Requested	Current Yr. Budgeted	City Mgr. Requested	Current Yr. Budgeted	City Mgr. Requested	Current Yr. Budgeted	City Mgr. Requested	Current Yr. Budgeted	City Mgr. Requested	Current Yr. Budgeted	City Mgr. Requested	Current Yr. Budgeted	City Mgr. Requested	Current Yr. Budgeted	City Mgr. Requested	Current Yr. Budgeted	City Mgr. Requested		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,724	591,204	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092	37,038,970	37,012,564	0	573,092		
12,272,556	12,248,770	1,972,690	759,289	1,812,932	1,074,500	1,823,198	1,889,088	12,706,115	13,970,440	1,908,555	1,480,593	444,															

COMMISSION CHANGES

21,318	21,318	0	21,318
		0	30,000
		0	25,000
8,473		0	8,473
		0	0

STAFF CORRECTIONS

[illegible]

PENDING CALCULATIONS

[illegible]

AGENDA ITEM #9

ORDINANCE NO. 2012-_____

AN ORDINANCE ESTABLISHING AND ADOPTING THE AD VALOREM TAX RATE FOR ALL TAXABLE PROPERTY WITHIN THE CITY OF KINGSVILLE, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 01, 2012 AND ENDING SEPTEMBER 30, 2013, DISTRIBUTING THE TAX LEVY AMONG THE VARIOUS FUNDS, AND PROVIDING FOR A LIEN ON REAL AND PERSONAL PROPERTY TO SECURE THE PAYMENT OF TAXES ASSESSED.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS, that the ad valorem tax rate for all taxable property within the city limits of Kingsville, Texas for FY 2012-2013 be established and adopted as follows:

Section One: **CITY OF KINGSVILLE ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.**

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 4.41 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$26.43.

Section Two: That there be and there is hereby levied and ordered collected on each One Hundred Dollar (\$100) valuation of all taxable property, real, personal, and mixed, within the corporate limits of the City of Kingsville, Texas, for the tax corporate limits of the City of Kingsville, Texas, for the tax year 2012 starting October 01, 2012 and ending September 30, 2013, the sum of \$.84220 based on 100% of the fair market value.

Section Three: Said levy shall be distributed in the following manner:

FOR GENERAL FUND EXPENDITURES (Maintenance & Operations), the sum of \$.66395 on each one hundred dollar (\$100.00) assessed valuation of such property.

FOR DEBT SERVICE FUND EXPENDITURES of annual principal, interest, and service fees of all General Obligation Bonds, Warrants,

Certificates of Obligation, and Combination Tax and Junior Lien Revenue Certificates of Obligations, of the City of Kingsville, the sum of \$.17825 on each one hundred dollar (\$100) assessed valuation of such property.

Section Four: That said taxes shall be due and payable at the time and in the manner provided by ordinances of the City of Kingsville and laws of the State of Texas, relating to the payment of taxes and providing for penalties and interest on delinquent taxes.

Section Five: There is hereby fixed, levied on each and every item of taxable property a lien for the purpose of securing the certain payment of the taxes assessed against said item of property and said lien shall continue to exist against any item of property against which a tax is assessed hereunder until such tax together with all penalties and interest shall be paid.

Section Six: This ordinance shall be in full force and effective ten days from and after the date of the second publication in a local newspaper as provided by law and the City Charter of the City of Kingsville.

Section Seven: The tax rate established and adopted by this ordinance and a copy of this ordinance shall be filed in the office of the Tax Assessor Collector.

Section Eight: That no discounts or split payments are allowed for the 2012 tax year.

Section Nine: That an exemption of \$8,400.00 be granted for any person of age sixty-five (65) or over.

Section Ten: The Kleberg County Tax Assessor-Collector is hereby authorized to assess and collect the taxes of the City of Kingsville employing the above tax rate.

INTRODUCED on this the 10th day of September, 2012.

PASSED on this the 17th day of September, 2012.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

EFFECTIVE DATE: _____

AGENDA ITEM #10

ORDINANCE NO. 2012-_____

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

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

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

I.

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

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

The City of Kingsville Classification and Compensation Plan dated effective as of October 1, 2012 is hereby adopted by reference providing for certain classifications and positions as more particularly defined therein. Classified positions and incumbents thereof who have completed the designated probationary period and any extensions thereof shall be subject to the terms and conditions of all policies incorporated by reference and adopted by the City Commission by resolution. Except members of the Fire and Police collective bargaining units, all other employees (executive, managerial, or hourly) serve at will, at the pleasure of the City Manager, or designee, or at the pleasure of the City Commission if appointed by the City Commission, and shall have and continue such at-will status, notwithstanding any other provision of this Classification Plan, any other City Ordinance, or any rule or regulation of the City.

All hourly Non-Management Non-Civil Service employees of the City of Kingsville, in their current positions, are placed in the step corresponding to the anniversary of their current hire date with the City according to Fiscal Year 2012-2013 Hourly Chart.

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

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

All management employees of the City of Kingsville shall be placed in a step program to receive a scheduled salary increase on the anniversary date of their 1st, 3rd, 6th, 10th, 15th, 20th and 25th year of service in their Management Level position. Percentage increases shall correspond to the Management Level Step Program included in the Classification and Compensation Plan for Fiscal Year 2012-2013.

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

II.

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

III.

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

IV.

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

INTRODUCED on this the 10th day of September, 2012.

PASSED AND APPROVED on this the _____ day of September, 2012.

Sam R. Fugate, Mayor

ATTEST:

_____, City Secretary

Approved As to Form:

Courtney Alvarez, City Attorney

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

Ordinance Introduced: 09/10/2012

Ordinance Approved: _____

NON-EXEMPT / NON-CIVIL SERVICE

		MIN/	HOURLY MAX/
		HOURLY	HOURLY
RANGE 7	Custodian	\$ 8.04	\$10.83
	Equipment Service Worker	\$ 8.38	\$11.05
	Library Assistant FT/PT		
	Maintenance Worker		
	Plant Helper		
	Utility Worker		
RANGE 8	Animal Control Officer/Kennel Attendant	\$ 8.39	\$11.18
	Children's Services Librarian	\$ 8.57	\$11.30
	Equipment Operator I		
	Pump Operator		
	Recycling Technician		
RANGE 9	Crime Intelligence Analyst	\$ 8.78	\$11.86
	Customer Service Representative	\$ 8.91	\$12.04
	Municipal Court Deputy Clerk		
	Reference/Information Librarian		
RANGE 10	Circulation Librarian	\$ 9.18	\$11.96
	Plant Mechanic	\$ 9.32	\$12.15
	Technician Services Assistant		
RANGE 11	Meter Reader Technician	\$ 9.62	\$12.68
	Pump Operator	\$ 9.75	\$12.87
	Secretary		
	Water Production Operator		
RANGE 12	Equipment Operator II	\$10.06	\$13.12
	Inventory Clerk	\$10.21	\$13.32
	Information and Technology Librarian		
	Lab Technician		
	Plant Operator		
RANGE 13	Assistant Accountant I	\$10.51	\$13.57
		\$10.67	\$13.77
RANGE 14	<u>Accountant I</u>		
	Crime Scene Specialist	\$11.00	\$14.07
	Customer Billing Specialist	\$11.17	\$14.28
	Engineering Technician		
	<u>Equipment Operator II</u>		
	Executive Secretary		
	GIS Technician		
	Human Resources Coordinator		
	<u>Meter Reader Technician</u>		
	Telecommunications Operator		
RANGE 15	Administrative Assistant I	\$11.49	\$14.56
	Assistant Accountant II	\$11.66	\$14.78
	Equipment Operator III		
	Meter Reader Foreman		
RANGE 16	Lead Telecommunications Operator	\$12.03	\$15.64
		\$12.21	\$15.87
RANGE 17	<u>Accountant II</u>		
	Administrative Assistant II	\$12.60	\$15.66
	Assistant Library Administrator	\$12.79	\$15.89
	<u>Equipment Operator III</u>		
	Maintenance Technician		
	<u>Water/Wastewater Operator</u>		
	Welder/Fabricator		

RANGE 18	<u>Lab Technician</u>		
	Legal Assistant/Paralegal	\$13.16	\$16.22
	Litter Abatement Technician	\$13.36	\$16.46
RANGE 19	Code Enforcement Officer	\$13.79	\$16.86
		\$14.00	\$17.11
RANGE 20	Garage Foreman		
	<u>Meter Reader Foreman</u>		
	Water Foreman	\$14.42	\$17.87
	Street Foreman	\$14.64	\$18.14
	Wastewater Construction Foreman		
	Wastewater Plant Foreman		
RANGE 21	City Marshal	\$16.92	\$20.47
	<u>Crime Scene Specialist</u>	\$17.17	\$20.78
	Health Inspector I		
RANGE 22	Building Inspector	\$17.57	\$21.57
	City Marshal – Senior	\$17.84	\$21.89
	Health Inspector II		
OTHER POSITIONS			
	Probationary Firefighters (0-12 months)	\$ 8.37	\$13.19
		\$ 13.52	\$13.52
	Probationary Police Officers (0-12 months)	\$ 11.43	\$17.53
		\$ 13.50	\$17.80

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

	<u>MIN</u> ————— <u>MAX</u> <u>ANNUAL</u> ————— <u>ANNUAL</u>	<u>BEGINNING</u> ————— <u>BEGINNING</u> <u>MIN</u> ————— <u>MAX</u>
EXECUTIVE OFFICER – 1 City Manager	\$ 90,000—————\$120,000	\$ 91,350—————\$121,800
EXECUTIVE OFFICER - 2 City Attorney Municipal Court Judge	\$ 75,000—————\$ 97,000	\$ 76,125—————\$ 98,455
MANAGEMENT LEVEL - 1 Fire Chief Finance Director Police Chief Public Works Director/City Engineer	\$ 60,000—————\$ 90,000	\$ 60,900—————\$ 91,350
MANAGEMENT LEVEL - 2 Assistant City Attorney Director of Development Services <u>Planning & Development Services Director</u> Human Resources Director Purchasing and Technology Director Tourism Services Director	\$ 45,500—————\$ 77,000	\$ 46,183—————\$ 78,155
MANAGEMENT LEVEL - 3 <u>Accounting Manager</u> Assistant Public Works Director City Marshal (Commander) Downtown/Special Projects Manager Health Director Library Director Risk Manager	\$ 40,000—————\$ 67,000	\$ 40,600—————\$ 68,005
MANAGEMENT LEVEL - 4 <u>Accounting Manager</u> Building Official City Marshal -(Assistant Commander) City Secretary Collection's Manager Community Appearance Supervisor <u>Downtown and Volunteer Manager</u> <u>Engineering Technician</u> Garage Supervisor Information System Technician Landfill Supervisor Municipal Court Manager Sanitation Supervisor Street Supervisor Wastewater Supervisor Water Production Supervisor Water Supervisor	\$ 35,000—————\$ 55,000	\$ 35,525—————\$ 55,825

FY 12-13 Compensation Plan with Proposed 1.5% increases
101.5% and Range 7 & 8 additional adjustments

PAY RANGE Year	A TEMP	B New Hire	C 1	D 3	E 6	F 10	G 15	H 20	I 25
7	\$8.04 \$8.51	\$8.38 \$8.87	\$8.74 \$9.22	\$9.08 \$9.58	\$9.44 \$9.93	\$9.78 \$10.28	\$10.13 \$10.64	\$10.48 \$10.99	\$10.83 \$11.22
8	\$8.40 \$8.70	\$8.74 \$9.07	\$9.09 \$9.59	\$9.45 \$9.94	\$9.79 \$10.29	\$10.14 \$10.65	\$10.49 \$10.99	\$10.83 \$11.35	\$11.18 \$11.47
9	\$8.78 \$8.91	\$9.19 \$9.33	\$9.61 \$9.75	\$10.03 \$10.18	\$10.44 \$10.60	\$10.86 \$11.02	\$11.27 \$11.44	\$11.70 \$11.88	\$11.86 \$12.04
10	\$9.18 \$9.32	\$9.53 \$9.67	\$9.87 \$10.02	\$10.22 \$10.37	\$10.57 \$10.73	\$10.91 \$11.07	\$11.29 \$11.46	\$11.73 \$11.91	\$11.97 \$12.15
11	\$9.61 \$9.75	\$10.00 \$10.15	\$10.37 \$10.53	\$10.75 \$10.91	\$11.14 \$11.31	\$11.53 \$11.70	\$11.91 \$12.09	\$12.29 \$12.47	\$12.68 \$12.87
12	\$10.06 \$10.21	\$10.44 \$10.60	\$10.83 \$10.99	\$11.21 \$11.38	\$11.60 \$11.77	\$11.98 \$12.16	\$12.35 \$12.54	\$12.74 \$12.93	\$13.12 \$13.32
13	\$10.51 \$10.67	\$10.89 \$11.05	\$11.27 \$11.44	\$11.66 \$11.83	\$12.04 \$12.22	\$12.42 \$12.61	\$12.80 \$12.99	\$13.19 \$13.39	\$13.57 \$13.77
14	\$11.00 \$11.17	\$11.38 \$11.55	\$11.76 \$11.94	\$12.15 \$12.33	\$12.53 \$12.72	\$12.91 \$13.10	\$13.30 \$13.50	\$13.70 \$13.91	\$14.07 \$14.28
15	\$11.49 \$11.66	\$11.88 \$12.06	\$12.26 \$12.44	\$12.65 \$12.84	\$13.03 \$13.23	\$13.41 \$13.61	\$13.79 \$14.00	\$14.18 \$14.39	\$14.56 \$14.78
16	\$12.03 \$12.21	\$12.48 \$12.67	\$12.93 \$13.12	\$13.38 \$13.58	\$13.83 \$14.04	\$14.28 \$14.49	\$14.74 \$14.96	\$15.19 \$15.42	\$15.64 \$15.87
17	\$12.60 \$12.79	\$12.99 \$13.18	\$13.36 \$13.56	\$13.75 \$13.96	\$14.13 \$14.34	\$14.52 \$14.74	\$14.89 \$15.11	\$15.27 \$15.50	\$15.66 \$15.89
18	\$13.16 \$13.36	\$13.54 \$13.74	\$13.92 \$14.13	\$14.30 \$14.51	\$14.70 \$14.92	\$15.08 \$15.31	\$15.46 \$15.69	\$15.84 \$16.08	\$16.22 \$16.46
19	\$13.79 \$14.00	\$14.17 \$14.38	\$14.56 \$14.78	\$14.93 \$15.15	\$15.32 \$15.55	\$15.70 \$15.94	\$16.10 \$16.34	\$16.47 \$16.72	\$16.86 \$17.11
20	\$14.42 \$14.64	\$15.19 \$15.42	\$15.58 \$15.81	\$15.95 \$16.19	\$16.34 \$16.59	\$16.72 \$16.97	\$17.10 \$17.36	\$17.49 \$17.75	\$17.87 \$18.14
21	\$16.92 \$17.17	\$17.17 \$17.43	\$17.76 \$18.03	\$18.35 \$18.63	\$18.94 \$19.22	\$19.33 \$19.62	\$19.71 \$20.01	\$20.09 \$20.39	\$20.47 \$20.78
22	\$17.58 \$17.84	\$18.27 \$18.54	\$18.85 \$19.13	\$19.45 \$19.74	\$20.04 \$20.34	\$20.43 \$20.74	\$20.81 \$21.12	\$21.20 \$21.52	\$21.57 \$21.89

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

HOURLY CHART

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

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

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

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

Class/Grade/Unit	Monthly		Per Pay Period Basis *	
I or D	\$ 15.00	<u>\$ 30.00</u>	\$ 6.92	<u>\$ 13.85</u>
C	\$ 25.00	<u>\$ 40.00</u>	\$ 11.54	<u>\$ 18.47</u>
II or B	\$ 35.00	<u>\$ 55.00</u>	\$ 16.15	<u>\$ 25.39</u>
III or A	\$ 50.00	<u>\$ 85.00</u>	\$ 23.08	<u>\$ 39.24</u>

* Rounding up one cent on per pay period amounts

MANAGEMENT LEVEL STEP PROGRAM

INCREASE DUE ON ANNIVERSARY DATE OF MANAGEMENT LEVEL POSITION.

1 ST YEAR	3%
3 RD YEAR	3%
6 TH YEAR	3%
10 TH YEAR	2%
15 TH YEAR	2%
20 TH YEAR	2%
25 TH YEAR	2%

AGENDA ITEM #11

ORDINANCE NO. 2012-_____

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF KINGSVILLE, KLEBERG COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY (LOT 9, SECTION 22, K.T.&I. SUBDIVISION) WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN, REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville ("City") is a home rule city and municipal corporation of Kleberg County, Texas; and

WHEREAS, §43.021 of the Texas Local Government Code and Article I, Section 4 of the Charter of the City of Kingsville, Texas, an incorporated home-rule city, authorizes the annexation of territory, subject to the laws of this state.

WHEREAS, the area proposed for annexation is contiguous to the city limits and within the City's extraterritorial jurisdiction; and

WHEREAS, City approved a resolution (#96012) on March 11, 1996 whereby it authorized the City Manager to enter into a contract with Landmark Organization, Inc. not to annex certain land (also known as Hawk's Landing area) for a prescribed period of time and that period of time has since expired; and

WHEREAS, the contract not to annex certain land (also known as Hawk's Landing area) provided the City would provide water service, sewer service, and trash collection service as though the area was within the City and that those services would be provided at rates as if for a comparable user in the City; and

WHEREAS, the City now desires to annex Lot 9, Section 22, K.T.&I. Subdivision, which is the land not previously annexed as per contract; and

WHEREAS, Section 43.052(h) of the Texas Local Government Code provides several exceptions that authorize cities to annex territory without placing the territory in an annexation plan;

WHEREAS, the City has determined the area proposed for annexation to be exempt from an annexation plan by virtue of Section 43.052(h)(1) of the Texas Local Government Code; and

WHEREAS, the City Commission passed Resolution #2012-25 on May 14, 2012 establishing dates, times and locations for two public hearings on the proposed

annexation (public hearing dates are July 23 and 26, 2012 at 5:00p.m. in the Alcorn Commission Chambers located in City Hall, 200 E. Kleberg Ave, Kingsville, Texas) and providing all required notices and preparing a service plan; and

WHEREAS, the City Commission held the two public hearings on the proposed annexation after duly posting and noticing them; and

WHEREAS, the procedures prescribed by the Texas Local Government Code and the Charter of the City of Kingsville, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

Lot 9, Section 22, K.T.&I. Subdivision

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

1. **THAT** the heretofore described property is hereby annexed to the City of Kingsville, Kleberg County, Texas, and that the boundary limits of the above described territory within the city limits of the City of Kingsville, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Kingsville and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

2. **THAT** a service plan for the area is hereby adopted and attached as Exhibit A.

3. **THAT** the City Secretary is hereby directed to file with the County Clerk of Kleberg Texas, a certified copy of this ordinance.

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

5. **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.

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

INTRODUCED on this 27th day of August, 2012.

PASSED AND APPROVED on this the 10th day of September,
2012.

Sam R. Fugate, Mayor

ATTEST:

Interim City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

City Of Kingsville~ HAWKS LANDING ANNEX



Legend

- HAWKS_LANDING_ANNEX
- City Limits
- Parcels

0 112.5 225 450 Feet

Page
1/1

Drawn By: Lisa McLaughlin
and JR Cavazos

Date: 5/9/2012

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

N



200 East Kleberg
Kingsville, Texas 78363
Office 361.595.8005
Fax 361.595.8035

MUNICIPAL SERVICE PLAN

FIRE

Existing Services: City of Kingsville Fire Department

Services to be Provided: Fire suppression will continue to be available to the area upon annexation. Primary fire response will be provided by Fire Station No.1, located at 119 North 10th. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed. Please see Appendix A for further description of City Fire services to the area.

POLICE

Existing Services: Kleberg County Sheriff's Office

Services to be provided: Currently, the area is under the jurisdiction of the Kleberg County Sheriff's Office. However, upon annexation, the City of Kingsville Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation. Please See Appendix B for further description of City Police services.

BUILDING INSPECTION

Existing Services: None

Services to be provided: The Building Inspection Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any construction and remodeling, and enforcing all other applicable codes which regulated building construction within the City of Kingsville.

PLANNING AND ZONING

Existing Services: None

Services to be Provided: The Planning and Zoning Department's responsibility for regulating development and land use through the administration of the City of Kingsville Zoning Ordinance will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Kingsville Subdivision Ordinance. These services can be provided within the department's current budget. Additionally, the zoning of the property to be annexed into the City will be established with a zoning designation of R-3 Multi-Family Residential District. This will take effect on the same day as the effective date of the annexation.

LIBRARY

Existing Services: None

Services to be Provided: Upon the effective date of annexation, free Library use privileges will be available to anyone residing in this area. These privileges can be provided within the current budget appropriation.

HEALTH DEPARTMENT-HEALTH AND COMMUNITY APPEARANCE CODE ENFORCEMENT SERVICE

Existing Services: Kleberg County/City of Kingsville Health Department

Services to be Provided: The Kleberg County/City of Kingsville Health Department jointly with the Community Appearance Division will implement the enforcement of the City of Kingsville's health & property maintenance ordinances and regulations on the effective date of the annexation. Such services can be provided with current Health Department and Community Appearance Personnel and within the current budget appropriation. In addition, animal control services will be provided to the area as needed.

STREET

Existing Services: Kleberg County Road Maintenance

Services to be Provided: Maintenance to the street facilities will be provided by the City upon effective date of the annexation. This service can be provided within the current budget appropriation. ****Note**** See Appendix C for further information regarding Public Works services to be provided.

STORM WATER MANAGEMENT

Existing Services: None

Services to be Provided: Developers will provide storm water drainage at their own expense and will be inspected by the City Engineers at time of completion. The City will then maintain the drainage upon approval. ****Note**** See Appendix C for further information regarding Public Works services to be provided.

STREET LIGHTING

Existing Services: None

Services to be Provided: The City of Kingsville will coordinate any request for improved street lighting with the local electric provider in accordance with standard policy. ****Note**** See Appendix C for further information regarding Public Works services to be provided.

TRAFFIC ENGINEERING:

Existing Services: None

Services to be Provided: The Engineering Department will be able to provide, after the effective date of annexation, any additional traffic control devices. ****Note**** See Appendix C for further information regarding Public Works services to be provided.

WATER SERVICE:

Existing Services: City Water Services are currently provided.

Services to be Provided: Water service to the area will continue to be provided in accordance with the applicable codes and departmental policy. When other property develops in the adjacent area, water service shall be provided in accordance with extension ordinances. Extension of service shall comply with City codes and ordinances. ****Note**** See Appendix C for further information regarding Public Works services to be provided.

SANITARY SEWER SERVICE

Existing Services: City Sanitary Sewer Services are currently being provided to the majority of the area.

Services to be provided: Sanitary sewer service to the area of proposed annexation will continue to be provided in accordance with applicable codes and departmental policy. When property develops in the undeveloped adjacent areas, sanitary sewer service shall be provided in accordance with the present extension ordinance. Extension of service shall comply with applicable codes and ordinances. ****Note**** See Appendix C for further information regarding Public Works services to be provided.

SOLID WASTE SERVICES

Existing Services: Solid Waste Collection, such as Trash & Brush services, is currently being provided by the City.

Services to be Provided: Solid Waste Collection shall continue to be provided to the area of annexation in accordance with the present ordinance. Service shall comply with existing City policies, beginning with occupancy of structures. ****Note**** See Appendix C for further information regarding Public Works services to be provided.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Kingsville's established policies governing extension of municipal services to newly annexed areas. Please refer to the appendices for further information and explanation of detailed services that are currently provided and/or will be provided.

EFFECTIVE DATE OF ANNEXATION

The effective date of the annexation is to be September 27, 2012.



KINGSVILLE FIRE DEPARTMENT

P.O. Box 1458
Kingsville, Texas 78364
(361) 592-6445
FAX (361) 595-4798

Appendix A

To: Director of Development Servs., Mike Kellam
From: Interim Fire Chief, Roel Carrion
Re: Municipal Annexation
Date: May 10, 2012

In response to your request for the information required in the Municipal Annexation Inventory of Services and Facilities Required line (f) numbers (1) through (4), I have compiled the following information.

- (1) Response time from Central Fire Station to that area is approximately five to six minutes.
- (2) The Kingsville Fire Department currently maintains the following equipment.
 - 2- Fire Engines – w/foam capabilities; 2 Thermal Imagers
 - 1-100' Ladder/Platform unit w/foam capabilities
 - 3-BLS Ambulance units w/MICU capabilities
 - 1-Brush unit
 - 1-Rescue unit with light/air and extrication capabilities
 - 1-SUV (Tahoe) Captain's Command unit
 - 1-SUV (Tahoe) Fire Chief's unit
 - 1-SUV (Expedition) Fire Marshal's unit
 - 1-23' Gooseneck Trailer with flatbed truck to be used at Hazmat and other large scale incidents as a command center. The trailer is equipped with an awning for shade and can be loaded with pre-stocked carts of Hazmat or rescue equipment.
 - 1-Zumroe Decontamination Shelter w/non-ambulatory capabilities and a compliment of Hazmat decontamination equipment. Other rescue equipment available, for high angle Rescue, water rescue and confined space rescue.
- (3) 33 Paid personnel (State certified in Fire and EMS) to include:
 - 1- Fire Chief 1- Fire Marshal 1- Executive Secretary
 - 30 – Firefighters (7- Paramedics 4-EMT-Intermediates 16- EMT-Basic)Four of the Firefighter EMT-Basic's are soon to be certified as Paramedics and two other Paramedics will be hired in the near future. Of those 27 Firefighters six are water rescue certified, six are high angle rescue certified, five are confined rescue certified and five are certified Fire Inspectors.
- (4) The annual operating budget for the Kingsville Department for FY 2011-2012 is \$2,833,170.

City of Kingsville Police Department
Kingsville, TX 78363

Appendix B

- Dispatch time for High Priority Calls is 0 to 30 seconds. High priority calls are dispatched immediately. In those instances where an officer is not available the dispatcher will dispatch the call over the radio so that officers handling lower priority calls can leave those calls to handle the high priority calls immediately.
- Dispatch time for Low Priority Calls will be dispatched in 0 seconds up to 20 minutes depending on officer availability. Officers may be busy on higher priority calls.
- Delivery time for police officers responding to high priority calls can range in time from 0 minutes to 5 minutes depending from where in the city the officer is responding. Officers can make it from the furthest point in the city to the other side of town and that furthest point normally within 5 minutes.
- Delivery time for police officer on low priority calls can be anywhere from 0 minutes to 20 minutes depending on the availability of officers.

Ricardo Torres
Chief of Police
Kingsville Police Department
Kingsville, Texas 78363
PH# (361) 592-4311 Option #5
Fax# (361) 593-1714
e-mail: chiefofpolice@kingsvillepd.us

Engineering Report

Hawks Landing apartment complex is located at south of Trant Road, west of Farm-to-market Road 3320, east of US 77 and north of Escondido Road. Total area of this property is 15.82 acres. This apartment complex has 23 buildings and 102 units. During the recent site observation, no structural damage in any building was noticed. All of the car ports were found in good condition. All of the roofs and windows looked good. Swimming pool was working fine.

Currently the City of Kingsville is providing Water, Sanitary Sewer, Trash & Brush Pick-up service to this property.

There are two- ingress and egress in this property, one from Trant Road and another is from FM 3320. The streets in this property are reinforced concrete pavement with 6" standard curb on both sides of the streets. Total length of the pavement is about a mile. Most of the pavement is 20 feet wide with invert in the center. The street connecting Trant Road to the property has 10 feet median with 20 feet wide pavement on each side of the median. At the end of this road there is a circular turn around. Streets with the invert at the center have grate inlet to collect the storm water. Overall condition of the pavement, curb and inlet is good. The property has 5 feet wide concrete sidewalk on both sides of the pavement. All of the sidewalks are in good condition. During the site observation, no damaged pavement or sidewalk was found. All of the open spaces are covered with grass and trees. Automatic irrigation system is installed for the grass and other land cover. The trees are mostly live oak, Palm, wild Pomegranate and Crape myrtle. There is no soil erosion from the site.

A 12" gravity sanitary sewer line is running along FM 3320. There is a lift station at the intersection of FM 3320 and Escondido Road. Sanitary sewer from Hawks Landing drains to this lift station through 12" sanitary sewer gravity line and eventually towards the City's South Wastewater Treatment Plant which is located on FM 1717. Existing pipe, manholes, lift station and the Wastewater Treatment Plant have enough capacity to handle the wastewater from this property.

The City of Kingsville provides potable water to this property through different pipe sizes. There are 4 Fire hydrants to provide fire protection to each unit. Currently there is one 12" water line running along west side of FM 3320 and one 12" waterline is located on the south side of Trant road. This property is served by two water connections located one at Trant Road and another one at FM 3320. Instead of one master meter, each building has its own water meter. Overall water distribution system including pipes and fire hydrants in this property are maintained by the City of Kingsville.

Since most of the streets have invert in the middle, storm water drains to the streets and are collected through grate inlets located in the center of the streets. This storm water flows through closed conduit and discharges to existing ditch located on the west and south side of the property. There are two outfall structures to this ditch -one on the west and another one on the south side of the property. Water from the ditches at the vicinity of this property eventually discharge to Santa Gertrudis Creek which is located at the south of this property.

The City provides the garbage collection service to this property. 4 - 4 cu. yd dumpsters with enclosures is located within the property. Garbage is scheduled to be picked up by the City of Kingsville Sanitation Division three times a week.