

# City of Kingsville, Texas

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## AGENDA CITY COMMISSION

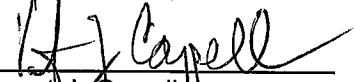
MONDAY, SEPTEMBER 17, 2012  
SPECIAL MEETING

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

### I. Preliminary Proceedings.

#### OPEN MEETING

APPROVED BY:

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

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

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

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

1. None.

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

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, 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 Items<sup>3</sup>**

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

#### **V.**

##### **Consent Agenda**

##### **Notice to the Public**

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage 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)
2. Motion to approve out-of-state travel for Task Force Special Agent Mike Tamez to attend the Commercial Motor Vehicle Criminal Interdiction course on September 26-28, 2012 in Denver, Colorado, with DIAP assuming travel expenses and per diem. (Task Force Commander).
3. Motion to approve expending funds from the City of Kingsville Employee Benefit Plan Trust for the City Health Fair (for employees and eligible dependents). (Human Resources Director).
4. Motion to approve out-of-state travel for City Commission and Staff to attend the National League of Cities Congress of Cities and Exposition on November 28-December 1, 2012, in Boston Massachusetts. (City Manager).

##### **REGULAR AGENDA**

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

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

5. Consider resolution authorizing the City Manager to enter into a Second Amendment to Article VII of the Interlocal Cooperation Agreement between the City of Kingsville and Kleberg County relating to Parks and Recreation Department. (City Manager).
6. Consider resolution authorizing the Mayor to enter into a new Interlocal Agreement between the City of Kingsville, Texas and Kleberg County for the L.E. Ramey Golf Course. (City Manager).
7. 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 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 final passage 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. Discuss and consider ratifying the property tax increase reflected in the 2012-2013 Annual Budget of the City of Kingsville. (Finance Director).

10. Consider final passage of an ordinance establishing and adopting the ad valorem tax rate for all taxable property within the City of Kingsville, Texas for the fiscal year beginning October 01, 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. (Finance Director).

11. Consider final passage 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).

12. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 Budget for the City of Kingsville for deficit accounts. (Finance Director).

## VII. Adjournment.

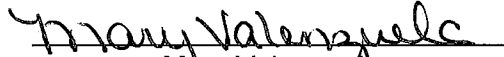
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative 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](mailto: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 12, 2012 at 10:30 A.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.

  
Mary Valenzuela  
City Secretary  
City of Kingsville, Texas

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

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

# **MINUTES OF PREVIOUS MEETING(S)**

SEPTEMBER 5, 2012

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON TUESDAY, SEPTEMBER 5, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Vincent J. Capell, City Manager  
Courtney Alvarez, City Attorney  
Mary Valenzuela, Legal Assistant/Paralegal  
Mark Rushing, Finance Director  
David Mason, Purchasing Director  
Diana Gonzalez, Personnel Director  
Yolanda Cadena, Health Director  
Roel Carrion, Interim Fire Chief  
Jennifer Bernal, Community Appearance Supervisor  
Ricardo Torres, Police Chief  
Willie Vera, Task Force Commander  
Mike Kellam, Director of Development Services  
Diana Medina, Collections Manager  
Rose Morrow, Municipal Court Supervisor  
Naim Kahn, Engineer/Public Works Director  
Bill Donnell, Asst. Public Works Director  
Bob Trescott, Tourism Services Director  
Terry Vasquez, Interim Accounting Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

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

Mayor Fugate asked if there was any objection from staff or public to waive the preliminary proceedings as he would like to go directly into the meeting. No objection was made by staff or the public.

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

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

Mayor Fugate called for consideration of the minutes for the regular meeting on Monday, August 27, 2012. **Commissioner Pecos made a motion to accept the**

minutes, as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".

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

1. Public Hearing on a proposed tax rate increase from \$.84220 to \$.88218 for Fiscal Year 2012-2013. (Finance Director).

Courtney Alvarez, City Attorney read the following required statement:

**The vote to adopt the City of Kingsville 2012-2013 Fiscal Year tax rate will take place on Monday, September 17, 2012 at a City Commission meeting at 6:00 P.M. in the Alcorn Commission Chambers located at City Hall, 200 E. Kleberg, Kingsville, TX.**

Mayor Fugate opened the public hearing at 6:02 P.M.

**Mayor Fugate read the tax rate public hearing statement. No comment was made from the public or staff regarding this public hearing.**

Mayor Fugate asked a question to Mrs. Courtney Alvarez, City Attorney. Is there any time required by law to keep this public hearing open. Mrs. Alvarez stated, the statute just requires us to post for the notice in the local newspaper and post for the meeting in which we have met statutory requirements for the posting. All that is left to do is conduct the hearing and there is no specific time that this public hearing should stay open.

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

2. Public Hearing on proposed Fiscal Year 2012-2013 budget. (Finance Director).

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

**No comment was made from the public or staff regarding this public hearing.**

Mayor Fugate asked a question to Mrs. Courtney Alvarez, City Attorney. Is there any time required by law to keep this public hearing open. Mrs. Alvarez stated, the statute just requires us to post for the notice in the local newspaper and post for the meeting in which we have met statutory requirements for the posting. All that is left to do is conduct the hearing and there is no specific time that this public hearing should stay open.

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

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

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, 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, PublicInformation, 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.”*

Vincent Capell, City Manager had nothing to report at this time being that this is a special meeting. There will be a staff report at the next regular scheduled meeting.

Courtney Alvarez, City Attorney stated that she would like to notify the Commission that in re-reviewing the Water Ordinance that is under consent agenda for tonight's meeting, it looks like there were a couple of things that were strikethrough that shouldn't have, that being on page 2 the strike out of gallons of water 35,000 and 60,000 which was done unintentional. The Commission has been given a corrected copy for their review. Mrs. Alvarez reminded staff of the next scheduled regular Commission meetings for Monday, September 10, 2012 and a special meeting on Monday, September 17, 2012 followed by a regular meeting on Monday, September 24, 2012.

Mayor Fugate proposed a question to Mrs. Alvarez, asking if procedurally does the water ordinance need to be taken out or can it be left in with the understanding that there is a correction to the ordinance.

Mrs. Alvarez stated that it was only a typographical error and could be left alone as is as but will be corrected.

Commissioner Garcia expressed some concern regarding the water usage compare to last year.

Mr. Capell stated that last fiscal year the water usage was one billion two hundred ninety thousand gallons. He is not aware as to how this compares to prior year. He stated that South Texas Water Authority had issued a letter encouraging the conservation of water. He further stated that he wasn't sure how that impacted the City of Kingsville and asked for Mr. Naim Khan, Public Works Director/Engineer to comment on how it has impacted the City of Kingsville.

Mr. Khan stated that all seven water wells are working fine. We are using our water from South Texas Water Authority up to \$350,000. Currently we are not



using any at this time but a couple of months when the City had some problems, it was being used.

Mr. Capell stated that in a memo dated July 2012 from the Executive Director of South Texas Water Authority, they indicated that the reservoirs had dropped to less than 50% combined capacity, therefore it becoming a serious matter for those relying on that water source. He further stated 1.3 billion gallons of water were billed in the last fiscal year.

Commissioner Garcia asked for the usage of water for this current fiscal year.

Mr. Kahn stated that the daily consumption during the summer months is 4 to 4.5 MGD (million gallons per day) and during the winter month's 3.2 to 3.3MGD. The City buys about 167,000 million gallons from South Texas Water Authority.

Commissioner Garcia asked if this fiscal year's consumption is around the same as last fiscal year.

Mayor Fugate stated that the City is selling more water this fiscal year and will be selling more once the base is hooked up. Mayor Fugate asked Mr. Kahn for a status on the drilling of the new well.

Mr. Kahn stated that at this time after discussing the issue with Mr. Capell and decided that before spending close to \$2,000,000.00 for the water well and the elevated storage tank, they would like to do a water model. Once the water model is done, they will know an exact location for drilling.

Commissioner Garcia stated that one of his other concerns was the Aquifer. With the lack of rain and recharge the aquifer, will this affect the city?

Mr. Kahn stated that he is unable to answer this question at this time, but will do some research and get back to Commission with more information at a later time.

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

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

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

**No comments were made.**

Commissioner Leubert asked for agenda items #1 and 2 be pulled from the consent agenda. **Commissioner Garcia made a motion to approve the consent agenda as amended with only voting for item #3, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate voting "FOR".**

#### **V.**

#### **Consent Agenda**

#### **Notice to the Public**

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

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

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

1. Motion to approve 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).

Commissioner Leubert asked how many water rate increases the city has had in the last six years.

Mark Rushing, Finance Director stated that in 2005, because it wasn't raised through time, it was like 20% increase. A study was done in 2006 which was the first year and did a five year plan, skipped a year and then went into a new model which we are on the third year of the new model.

Commissioner Leubert stated that the city has had more than three increases on the new model.

Mr. Rushing stated that the goal has been to increase 2% in the water and 3-4% in the wastewater to keep pace with infrastructure built into the model.

Commissioner Leubert asked for a total percentage that the city is going to increase the water rate.

Mr. Rushing stated that almost 10% in water and around 15% in wastewater, over a five year time period. He further stated that the goal is to avoid the sticker shock whenever you don't increase through time and have to play catch up.

Commissioner Leubert asked what is it that the city is trying to catch up on.

Mr. Rushing stated that fund 54 is the cash funded portion, there are items that were purchased with CO funds, in which we are paying that debt to maintain the capital projects that are required through the maintenance throughout five years.

Commissioner Leubert asked if these increases are helping to pay off the debt.

Mr. Rushing answered that this is part of the overall economic model.

Commissioner Leubert asked if this was in comparison to cities in our region, cities of our size, same economic background.

Mr. Rushing commented that yes all that is factored into the economic model.

Mayor Fugate commented that we are pretty much in the middle, with many cities our size, there rates are higher and there are probably many cities that are lower than our city.

Commissioner Leubert stated that she would like to review the model as she is concerned whenever the city has to increase rates/taxes because it adds up to our tax payers.

Mr. Rushing stated that he would review the model with both new commissioners at a later time. He further stated that Grady will be available at the next commission meeting if the commission would like a presentation during that time.

Commissioner Leubert stated that before she votes for an increase on anything, she would like to understand to the point that the public can understand it as well.

Mayor Fugate encouraged the Commission that if they have an issue like this in the future, notify staff in advance so they may be prepared to answer questions.

Mr. Capell stated that by paying these currently and not having to catch up, like the city did a few years ago of 20%, would keep this obligation from transferring to future generations. So one of the things the city is achieving by regular increases is that the city is not transferring that debt to future generations.

Mayor Fugate stated that the next item may incur the same concerns, and asked for items 1 & 2 to be placed on the next agenda.

No action was taken on agenda items 1 & 2.

2. Motion to approve 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).

3. Motion to approve final passage of an ordinance granting a subdivision variance from the minimum lot grading requirements for Jalisco Ranch subdivision on property located in the 1600 block of Carlos Truan Blvd. (Director of Development Services).

## **REGULAR AGENDA**

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

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

4. Review, discuss, and receive direction from the Commission as to City Manager's proposed fiscal year 2012-2013 budget for departments of the City of Kingsville. (City Manager).

Mr. Capell stated that the City Commission will be asked to adopt the final budget in the next few days. Tonight is an opportunity to review the changes and corrections that have been encountered and to discuss any other concerns the City Commission may have regarding the 2012-2013 budget. He asked the Commission if they had any questions in certain areas, to give staff the opportunity to do some research so that they may come back with more

information at the next meeting. He further stated that if Commission was ready to move forward on certain topics they may do that as well. This is one more opportunity in addition to budget meetings the Commission has already had to discuss any final budget issues.

Mr. Rushing stated that they used the same tool that was used last year and there wasn't any correction with exception to \$25,000 for water trade, there would be a reduction of water revenue under utility column. If that adjustment was posted it would bring the total with revised revenues overall to \$31,781,395. Under the column that says utility funds for 2012-2013 showing \$10,007,504, it would be reduced by \$25,000. In the expenditures there were a few corrections one being Community Appearance which there was an adjustment in fund 001 moving it from department 160.3 to 160.1 was a duplication so \$3,000 was removed from there. There were demolition expenditures that were moved to 001 Fund which is where it should reside for the \$10,000, general housekeeping. In the Engineering Department, the Tech position for \$21,000, if noted there are two line items one is for \$21,318 under the General Fund and the other half is \$21,318 for utility fund. Next would be the Pro-Patch that is being utilized which was originally budgeted in surplus for \$80,000 but came in at \$70,000 which came in a revised quote, even with the installation would be a sub-total of \$70,000. An adjustment was made in accordance to what was instructed previously as well as adjusting the parking lot. The Librarian Tech there was an error in the excel that was calculated which was initially set up as a half person with the County contributing half of those funds. The question is, if it a half person budgeted and the County contribute half the funds it would be a quarter net effect to the City, but there was an error in the spreadsheet which was corrected. There is \$30,000 on a supplemental vehicle for the Task Force. There are two line items that relate to the donations that were originally taken out of the budget but were reinstated, Kingsville Police Department for \$25,000 and Task force \$30,000 which was donated in the 2012 fiscal year for various organizations. Another item that was not included in the fiscal year 2013 in the budget for fund 54 was left off, also was \$200,000 in the Well House that was excluded. These are the items that were scheduled to be paid from cash funded not debt funded for fiscal year 2013.

Mr. Capell stated while these items were excluded from the budget, they were planned expenditures.

Mr. Rushing stated that the only other item that may have been left off from this recap is \$20,000 for BRAC.

Mr. Capell stated that he couldn't recall if Commission would like to put it in at this point or leave it off until later.

Commissioner Pecos stated that it was the consensus of the Commission to do it at a later time.

Mr. Capell stated that his understanding was that the additional water forgiveness is in lieu of the \$25,000 contribution for the lighting at Dick Kleberg Park. He asked the Commission if his understanding was to do the water forgiveness instead of a direct contribution of \$25,000.

Mayor Fugate directed staff to get something in writing regarding the water forgiveness of \$25,000.

Mr. Capell stated that if the water is being increased annually, it would be an annual ongoing expense opposed to a onetime expense.

Mayor Fugate stated that he would like to see infrastructure showing improvements by the Parks Department for the water contribution from the City.

Mr. Capell stated this wouldn't necessarily be an automatic \$25,000 per year unless comply it with some infrastructure.

Mayor Fugate asked City Attorney, Courtney Alvarez how difficult it would be to do this. Mrs. Alvarez responded that previously when it was increased it was for one fiscal year period and so we want to make sure that everyone is on the same page. She further asked if the Commission is contemplating to increase it for this fiscal year 2012-2013 or is the Commission attempting to do something else.

Mayor Fugate responded 2012-2013, one year and it's the Commission's understanding that this will be city's match for the soccer field lighting.

Mr. Capell stated that it will consider future request that they would have to apply to some infrastructure improvement.

Commissioner Garcia asked if there was any consideration for an increase to the City Attorney salary.

Mr. Capell asked for direction from the Commission regarding the City Attorney's salary.

Mr. Rushing stated that under the operating general fund, it leaves \$53,434 surplus.

Mayor Fugate stated that after a discussion with the City Manager and the City Attorney, he is asking the City Manager to put in \$7,000 into his budget for the City Attorney's salary increase which would place the position back to where it should be in the pay chart.

Commissioner Leubert stated that she agrees with Mayor Fugate with regards to the increase. She further stated that she does have some concerns with some of the other compensation increases that are being proposed.

Mr. Capell asked for any questions and/or direction from the Commission that they may have with regards to the compensation plan.

Commissioner Garcia stated that he would like to discuss the Chapter 59 contribution of donations that are distributed to various organizations. He stated that he was approached by the Kleberg Counseling Services which is a non-profit organization that counsels individual with drug problems. They have asked if they could be included in donation process.

Mayor Fugate stated that they would have to apply for the donation.

Commissioner Garcia stated that after speaking to Commander Vera and Chief Torres, there could be a dollar reduction so other organizations may be included.

Mr. Willie Vera, Task Force Commander stated that if it is for drug abuse prevention, it could be used for that purpose. He further stated that on his list for the last two years only four entities received donations. He did add two other organizations as they have approached him for donations this year. The Douglas Center approached him two months ago therefore they were added to the list. Palmer Drug Abuse Program (PDAP) has received donations from the Task Force in the past but they had not made a request last year but were placed on the list this year. He stated that Chief Torres and the Task Force have agreed to give lesser amounts to allow them to double the number of agencies they could assist with the same amount of money or they may choose one group one year and another group the following year instead of the same group receiving donations every year. He stated that there is options the Commission may consider as the governing board to help them break those monies up to allow them to assist as many entities as possible.

Commissioner Pecos asked if there is a deadline to apply for these funds.

Commander Vera stated that there is a deadline and most organizations submit their applications during the fiscal year but they are all different depending on their needs. Some come at the start of the fiscal year and some in the middle and at the end. Depending on their request submittal, it would go through the proper channel being through the City Manager than the Task Force or KPD, than the donation is made.

Commissioner Pecos stated that for this agency to come so late in the fiscal year while the city is in the middle of current fiscal year budget, would mean that they are not meeting the deadline.

Chief Torres stated that there isn't a deadline in place at this moment. Organizations ask for these donations over the course of the year. There is a 30 day limit that says, organizations must apply for a donation 30 days before hand. For the City to be fiscally responsible, it would need to set a limit. Limit it to a certain amount and allow entities to apply and have the City choose which entities will receive donations.

No other discussion took place regarding donations.

Mayor Fugate stated that he has had some discussion with the City Manager regarding the new budget. He feels it's awfully bold and not how he would have done it, but there has to be trust and believe that this budget is correct and will help move the City forward which he believes it will.

Mrs. Alvarez stated that the Commission will approve the new budget on September 17, 2012, but the Finance Director would need a solid budget number after tonight's meeting so that the information may be forwarded to the Tax Assessor Collector's office. This would allot them to plug in those numbers into their computer to give us a print out of all the stuff that is required.

Commissioner Leubert stated that she still has some concerns with the compensation plan.

Mr. Capell stated that the compensation system and the budget in general is designed to achieve the City Commissions goals and move the city forward in all

sorts of ways. He feels that the City has been too conservative in the way they've used their budget in prior years. The City had massive surpluses when it didn't appear that the City knew it had surpluses. He stated that the Commission was not being provided with information in the way that they are being provided with now. The City had a \$2.5 million dollar surplus before paying the TMRS Settlement. After this settlement was paid, it left the City with roughly \$1.4 million surplus which half of it came from additional taxes and revenues and the other half came from savings. The difference is that now we are estimating those and have asked the Directors what their expense and revenues will be, so that we know before the end of this fiscal year what are current savings will be. The reason this is important is to know what you're operating surplus is for the current year, it frees you up to use your budget that will allow you to achieve more things in the upcoming fiscal year. He stated that he is aware that his budget is an aggressive one but we are a city with needs and we should use our budget to solve and provide for those needs for our citizens of our city. He further stated that the compensation system in place now has not been adjusted compare to other cities. He feels that it needs to be adjusted and kept current to reduce the amounts of employee turnovers our city could have. We can move our city forward by having a compensation system that is progressive enough to help our employees and keep moving forward.

Commissioner Leubert stated that she agrees with everything just said but believes some of the compensations being proposed are passed equitable, and that is her concern. When the compensation is being raised for the hourly employees that are working outside during the hot and cold months and only raising it by \$.36 an hour and others who are working just as hard in a different manner are receiving a larger compensation. She stated that she understands some of those being proposed but some are very large.

Mayor Fugate stated that he agrees with Commissioner Leubert but you have to start somewhere. He further stated that you have to look at the position and not the person because the position is what raises the pay. If the employee is not performing their duties, the Commission will then look to the City Manager to remedy the problem.

5. Consider final passage of an ordinance amending the zoning ordinance by changing the zoning map in reference to 1.99 acres out of KT&I Co., Block 22, Part of Lot 6 known as in the 1600 Block of East Trant Road from AG Agricultural District to C4 Commercial District; Amending the comprehensive plan to account for any deviation from the existing comprehensive plan; and providing publication. (Director of Development Services).

Mayor Fugate stated that this item has gone before the Planning & Zoning Commission and was denied by a 5-0 vote.

Mr. Mike Kellam, Director of Development Services, stated that this rezone is not compatible with the land use plan. He further stated that staffs opinion in the Planning & Zoning Commission was that it would stop the residential growth of

the area which is the highest and best use of this area and the logical location for any future single family or two family residential developments.

Mayor Fugate asked City Attorney, Courtney Alvarez if the Commission didn't vote on this item, would it die for a lack of a motion or is there a vote required.

Mrs. Alvarez stated that it may be preferable to go ahead and do what the Planning & Zoning Commission did and take a vote for the denial. If the Commission would want to change its mind and want to approve the rezoning after the denial, then it would need a four-fifths vote of the Commission to overwrite the Planning & Zoning denial.

**Commissioner Garcia made a motion to uphold the Planning & Zoning Commission decision to deny the rezone, seconded by Commissioner Pecos. The motion was passed and approved by the following vote; Garcia, Leubert, Pecos, Pena, Fugate voting "FOR"**

## **VII. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:08 P.M.

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Sam R. Fugate, Mayor

ATTEST:

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Interim City Secretary



**SEPTEMBER 10, 2012**

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, SEPTEMBER 10, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS 200 EAST KLEBERG AVENUE AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

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

**CITY STAFF PRESENT:**

Vincent J. Capell, City Manager  
Courtney Alvarez, City Attorney  
Mary Valenzuela, City Secretary  
Mark Rushing, Finance Director  
Diana Gonzalez, Personnel Director  
Yolanda Cadena, Health Director  
Roel Carrion, Interim Fire Chief  
Ricardo Torres, Police Chief  
Willie Vera, Task Force Commander  
Mike Kellam, Director of Development Services  
Diana Medina, Collections Manager  
Rose Morrow, Municipal Court Supervisor  
Naim Kahn, Engineer/Public Works Director  
Bob Trescott, Tourism Services Director  
Tony Verdin, Computer Technician  
Melissa Perez, Risk Manager  
Julian Cavazos, Lieutenant  
Arturo Moreno, Accounting II  
James Creek, Fire Department  
James Bryson, Accounting Manager

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate called the meeting to order in the City Commission Chamber at 6:03 P.M. and announced quorum as present.

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

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

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

**None**

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

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

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

**No comment was made from the public or staff regarding this public hearing.**

Mayor Fugate asked a question to Mrs. Courtney Alvarez, City Attorney. Is there any time required by law to keep this public hearing open. Mrs. Alvarez stated, the statute just requires us to post for the notice in the local newspaper and post for the meeting in which we have met statutory requirements for the posting. All that is left to do is conduct the hearing and there is no specific time that this public hearing should stay open.

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

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

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, 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."*

Mr. Vince Capell, City Manager announced the appointment of the new City Secretary, Mary Valenzuela. He further stated that Mrs. Valenzuela has been employed with the City of Kingsville for sixteen years. Mr. Capell stated that Mr. Grady of HDR was available to make a presentation regarding water, sewer and wastewater items that are up for Commission approval.

Commission would like to hold off on the presentation until the items come up for discussion.

Mr. Mark Rushing introduced Mr. James Bryson the new Accounting Manager for the Finance Department. He stated that Mr. Bryson was recently the Senior Accountant for the City of Corpus Christi.

Mrs. Courtney Alvarez reminded staff that Friday, September 14, 2012 is the deadline for agenda items for a regular meeting on Monday, September 24, 2012, however we do have a special meeting on September 17, 2012 at 6:00 P.M.

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

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

**No comments were made.**

#### **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.<sup>4</sup>**

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).

Mr. Mike Kellam, Director of Development Services stated that the application was received and pertinent notices were mailed out as per state statute to properties within 300 feet of the establishment. No comments or concerns were received from these properties. Only one call was received with a concern unrelated to the application. No negative comments towards the application for the alcohol variance at this point. Staff is in favor for this variance and cannot see any reason for denial.

**Commissioner Leubert made a motion to approve the alcohol variance at 716 W. Santa Gertrudis, seconded by Commissioner Pena. The motion was**

**passed and approved by the following vote: Garcia, Leubert, Pecos, Pena, Fugate, voting "FOR".**

2. Consider accepting a \$500 donation from Apache Corporation for the Kingsville Police Department. (Chief of Police).

Julian Cavazos, Lieutenant stated that Apache Corporation has business between here and Agua Dulce and were giving money to police departments. All they ask is to purchase equipment that can be used by the police department. The Kingsville Police Department is looking to purchase one Deluxe Command Board with large map pouch, rain black all-weather pen, three pocket guides, one accessory kit and one law enforcement system command package refill for all the equipment that comes inside of it.

Commissioner Pena asked is this was the total amount and will it require a match. Lieutenant Cavazos stated that the total amount is \$501.75 and \$1.75 will be paid from the Kingsville Police Department budget.

**Commissioner Garcia made a motion to accept the \$500 donation from Apache Corporation, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Leubert, Pecos, Pena, Garcia, Fugate voting "FOR".**

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).

**Introduction item only.**

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).

Mr. Gardy Reed, representative for HDR made a brief presentation to Commission regarding water and sewer rates. He stated that HDR has had the privilege of working with the City of Kingsville for several years in performing updates to a Microsoft Excel water and wastewater rate model that was created for the City in 2005. Some major assumptions were used in updating the rate model for this pending fiscal year 2013. The major assumptions that were assumed is that the City will continue to make a payment of \$350,000 per year to South Texas Water Authority. The way the rate model is setup is by inputting the City's water and wastewater budget on a line item basis within the model, so that they can control inflation on a line item basis. They assumed 3% rate of inflation on all budgetary items except for fuel and utilities which they have assumed, the 7% rate inflation on those forecasting forward. They have also assumed that there will be a contribution of capital fund of \$760,000 in fiscal year 2013 and in the following years. This is a transfer out of utility fund into capital fund that the City is using to pay cash for most capital projects instead of issuing debts for those projects. It is one of the things that this City does that not a lot of cities do, and it's to the city's benefit that they do this. What it allows the City to do, is to keep rates a little more constant whenever we are cash funding projects. Instead of having the utility rates bounce up and down as the City cash funds a large

project, and then in the following year the City may not fund any projects. What HDR does, is look at a five year period and looks at all the items the City would like to cash fund over the five year period. Another word, in order to make that happen we would have to transfer some amount of money which they will try to add up everything and divide by five to see if that would work. What it allows us to do is send the same amount of money over every a year, or pretty close to the same amount of money over a year so that we don't see those spikes in the spending coming out of water and wastewater fund.

Mayor Fugate stated that used to be \$300,000.

Mr. Reed stated that it use to be \$300,000 when they first started and ramped it up over time, but the City is paying cash, not for all CIP projects but for the vast majority of them. This is good in a way that the City is avoiding taking on more utility debt. The other major assumption that they always assume in the rate model is that they want to maintain at least a three months cash reserve in the utility fund. This just means that the City has three months of cash on hand should something happen. If the City has a wet summer, water sales will decline and the revenue is going to be lower than forecasted. Unfortunately, most of the City expenses are still going to be present as they don't go away just because it rains. This just helps us to assure that the City has adequate funding to get through wet weather periods, primarily during the summer. At the end of the rate model, which goes out to fiscal year 2017, the City will still have about a four and a half month reserve. The assumption of an approximate rate of growth of .2% per year in the number of new connections, just working with staff historically it's what has been seen. Kingsville is growing but it's not growing by leaps and bounds. Slower growth rate does put a little more pressure on the rates, just because, if expenses are going up at a higher percent than .2% and growing our connections as fast as cost are going up which could put a little upper pressure on the rates as well. The total utility fund expenditures increase about \$170,000 for fiscal year 2013 over fiscal year 2012. He stated that the City does not want this to fall below 3%. What they are trying to do is trying to draw the utility fund balance down over time. He stated that a lot of people will ask the question, because they recommended a 1% increase on water rates and a 3% on sewer rates, the logical question is, why if the City has an excess fund balance, why are we raising rates at all, why not keep them the same, raise and pull the fund balance quicker. They want to draw the reserves down but don't want to draw it all down in one year. What they want to do is pull the fund balances gradually so that it's very easy to transition from something that's going down to something that's stable at three to four months reserves. The way to do this is by still having rate increases but just smaller than what they would be if trying to have a balanced budget or increase the reserve target. CIP does not include any projects for fiscal year 2016 and 2017, but still assume that there would be the same amount of transfer over \$760,000 for those two years. There are a couple of large wastewater projects, there one being a force main in 2014 and centrifuge in 2015. The City has been pro-active and established capital fund and transferring money to that. Most cities would go out and probably issue debt or try to wrap other projects in with those and try to issue debt for those projects. Because the City has been pro-active they will pay cash for those, but will put a

little short term pressure on the wastewater rates. If the City was to issue debt in lieu of cash funding those projects would still be pressure on the wastewater rates as increased debt funding. Our recommendation for this upcoming fiscal year is a 1% increase on the water rate and 3% increase on the wastewater rate. With that, the City will continue to meet a reserve requirement of three months and will continue to meet any coverage requirements that the City may have in an outstanding debt or any future debt should the City decide to issue in the future. A 1% increase in water rates creates additional revenue by \$42,000. A 3% increase in the sewer rates creates additional revenue by about \$94,000. Also included is the historical water and wastewater, going back to fiscal year 2006, this year was a pretty hefty catch up on the wastewater increase by 20%. Before that time when HDR was not involved in the City's rates, which the City had gone a while without increasing wastewater rates and fell behind on projects. The general rate of inflation is about 2-3% which varies from year to year. Any year the City does not increase their rates by 2-3%, if the cost goes up by 2-3% then the City falls behind, which will require the City to play catch up sooner or later.

Commissioner Leubert asked if the cost has gone up 3%. Mr. Reed stated that this year between the fiscal year 2012 and 2013 utility budget, the increase and expenses was \$170,000. This is for water and wastewater combined.

Commissioner Leubert asked if this is a 3% total for both. She asked if the Commission was voting for a total of 4% or 5%. Mr. Reed stated that 1% increase on water and 3% increase on wastewater.

Mr. Reed stated that a survey of other cities in Texas was done for comparison to the City rates against other rates. With residential bills, if any residents were using 10,000 gallons of water and 10,000 of sewer their current combined bill would be about \$72.00 and with the 1% increase it would go up to \$73.00. In compare to other cities, we are lower to right in the middle which is really not a bad place to be. This is one of the things that the Commission always wants to see, is how we compare to other cities. It's also a dangerous thing to show because our situation different than everyone else around us. There is different infrastructure growth, their infrastructure condition may be poor and may be trying to play catch up. This is why other cities have lower rates because they aren't keeping up with operation maintenance. The different supply characteristics for example, Uvalde is incredibly cheap. All of Uvalde supply comes from Edwards Aquifer Water so it's really cheap. They don't have to send that water anywhere which is an easy solution for them. A commercial bill will pay about \$342 per month combined water and wastewater bill and that would increase with a 3% increase to about \$349 per month for water and wastewater. He further stated that rates should be adjusted every year based upon any change conditions. The City has done a good job with this but you have some cities that get a long range rate projection for 5 years and follow that every year without looking at things that change from year to year.

Commissioner Leubert asked to explain what CIP stands for so those citizens watching can understand what it means.

Mr. Reed stated that CIP stands for Capital Improvements Plan. These are capital projects that the City is planning on purchasing or building for example pipelines, storage tanks also included are equipment such as trucks, backhoes and those types of items.

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

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).

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

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).

Commissioner Pecos asked if the residents would be charge \$1.25 per month.

Mrs. Alvarez stated that this particular ordinance will be decided during a meeting on Monday, September 17, 2012.

Mayor Fugate stated that his understanding is that for residents the charge would be \$15.00 a year. He further stated that the City Manager has done a great job in explaining this and after living in Kingsville all his life, we get storm water but it doesn't stick around very long. He stated that houses don't flood here but our streets do. It didn't make any sense at first, but when you think about using your streets to drain storm water, you also deteriorate those streets. This is why it's important to develop storm water programs and in the long run it will help us with our street conditions. He stated that when he first saw this he wasn't in favor but after speaking with Mr. Capell, he thought it would be a good idea.

Commissioner Leubert asked if this is going to affect some of the alleys. She stated the alleys were part of the drainage. Water would drain into the alley then into the street and out of yards so they wouldn't get flooded. Over the years, we have fixed our alleys to the point where they are pretty high now, and so the water in the alley's are now going into garages and backyards causing them to flood.

Mr. Naim Kahn, Public Works Director stated that if this happens, the alley can be lowered. Residents would need to call the Engineering Department and they will survey the problem.

Commissioner Pena stated that he would like to thank Mr. Reed for a great job on his presentation, showing how the process works.

Commissioner Pecos stated that he had the opportunity to speak with some citizens, and they stated that if it never rains here, why do we need storm water. He stated that in defense to the decision the Commission makes tonight, the charge would only be \$1.25 per month and that the charge will not be forever. He stated that once the City has met the amount of money needed, the charges are to be removed.

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

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).

Mr. Reed stated that this ordinance would create the rates for the stormwater utility Those rates will be \$1.25 per ERU or equivalent residential unit. This means that each house is one ERU and will pay \$1.25 per month. A commercial business is based upon impervious cover that they have on their parcel. The average commercial parcel contains ten ERU's so their average bill will be ten times \$1.25 per month. Keep in mind, that the City has some larger commercial customers such as Wal-Mart, which is basically just a paved over or has a gigantic building on it, so their stormwater bill will considerably higher.

**Introduction item only.**

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).

Mr. Capell stated that there is nothing more to say than what already has been said regarding the budget. He would like for Commission to state any comments or ask any questions they may have regarding this ordinance. He stated that this item will go up for adoption on the next Commission meeting on Monday, September 17, 2012.

Mayor Fugate stated that if Commission has any questions or comments, to contact Mr. Capell.

**Introduction item only.**

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).



Mayor Fugate stated that if Commission has any questions or comments, to contact Mr. Capell.

**Introduction item only.**

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).

Diana Gonzalez, Human Resources Director, stated that this item corresponds to the proposed budgetary changes with the salaries and wages that have been brought before them.

Commissioner Pecos asked if the rate for the employees is 1 ½ increase.

Ms. Gonzalez stated that straight across the board is 1 ½ increase.

Commissioner Pecos stated that in the last three years there has been no increase for the employees.

Ms. Gonzalez stated that last year there wasn't an increase but year before was a 2% increase.

Mayor Fugate stated that one year there was a dollar amount that was given to employees.

**Introduction item only.**

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).

Mayor Fugate thanked Mr. Kellam for all the hard work he has put into this annexation.

Mr. Kellam stated that staff has assisted him with this process and thanked Mrs. Alvarez for her assistance in helping him get this done. He stated that we are at the end of the road and with Commission approval we can move on to the next step which is distributing the new map, ETJ and a copy of the ordinance for annexation to all the appropriate state offices.

Mayor Fugate stated that he has not heard anything negative regarding this annexation.

Mr. Kellam stated that he has spoken to Hawks Landing which is the same people who have expressed interest in street lighting, but have not expressed any opposition at all. He stated that they consider themselves fortunate that for so long they didn't have to pay. They knew this day was coming and they have accepted and we are happy to have them within the city.

Mrs. Alvarez stated that just to note, the only revision to the ordinance before the Commission is including the GEO numbers to further clarify.

Mr. Kellam stated that it is for clarification for the County for taxing purposes as to what properties will be included in the next year.

Commissioner Garcia asked if there was any need for additional traffic control within that area due to the annexation.

Mr. Kellam stated that no traffic conditions will change at this time, but as that area develops, that will be one thing they will be looking at as far as impacts from development, whether the road needs to be widened, what type of improvements need to be made such as turn lanes, street lighting, curb and gutter and things of that nature.

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

## **VII. Adjournment.**

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

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Sam R. Fugate, Mayor

ATTEST:

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Mary Valenzuela, City Secretary

# **PUBLIC HEARING(S)**

**PETITIONS,  
GRIEVANCES &  
PRESENTATIONS**

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

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
<hr/>					
<b>Fund 001</b>	<b>General Fund</b>				
<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

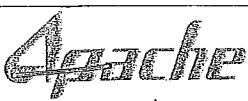
ATTEST:

\_\_\_\_\_  
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

Wells Fargo Bank, N.A.  
 115 Hospital Drive  
 Van Wert, OH 45881

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

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

TO  
 THE  
 ORDER  
 OF

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

*[Handwritten Signature]*  
 Authorized Signature

⑈4275572⑈ ⑆04⑆203824⑆ 9600⑆106744⑈

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,

*[Handwritten Signature: Faron Griffin]*

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.

<b>ITEMS TO BE PURCHASED:</b>	<b>COST PER ITEM:</b>
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
<b>TOTAL COST</b>	<b>\$501.75</b>

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.



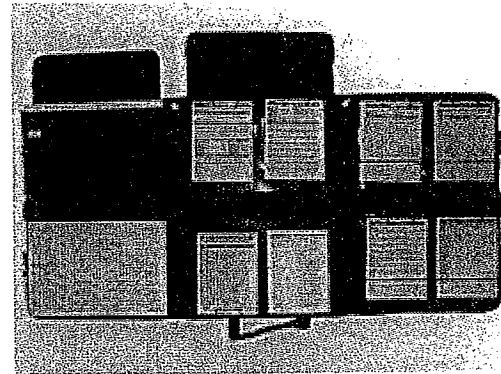
Published on *Command Concepts* (<http://www.commandboard.com/cc>)

[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]

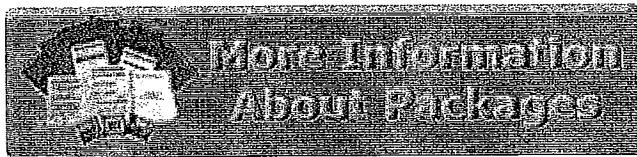
### Features

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**

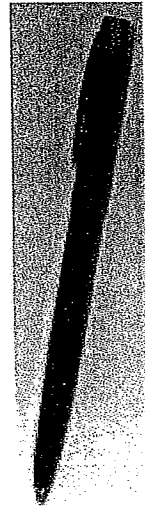
Writes on wet paper and even upside down, in temperatures ranging from -50 degrees Ferenheit to 250 degrees Farenheit.

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



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[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

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:

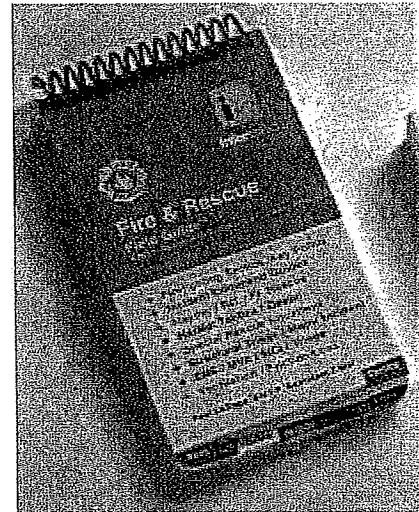
[1] [http://www.commandboard.com/cc/files/imagecache/product\\_full/sites/default/files/nb\\_fireresc.jpg](http://www.commandboard.com/cc/files/imagecache/product_full/sites/default/files/nb_fireresc.jpg)

[2]

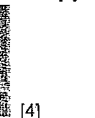
[http://www.commandboard.com/cc/files/imagecache/product\\_full/sites/default/files/nb\\_homesec\\_0.jpg](http://www.commandboard.com/cc/files/imagecache/product_full/sites/default/files/nb_homesec_0.jpg)

[3] [http://www.commandboard.com/cc/files/imagecache/product\\_full/sites/default/files/nb\\_lawenf.jpg](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\\_nimsics.jpg](http://www.commandboard.com/cc/files/imagecache/product_full/sites/default/files/nb_nimsics.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](#)

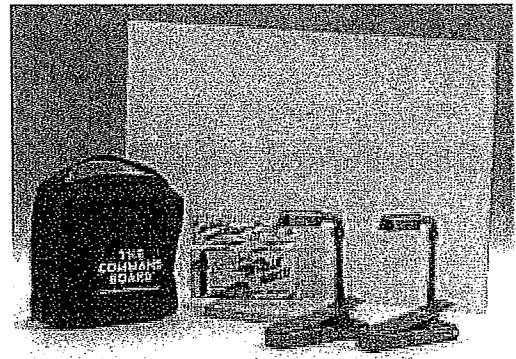
The Command Board® is a registered trademark of Command Concepts and is covered by U.S. Patent #US 6,578,706B2. International Patents Pending

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



[1]



[2]



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[Home](#) > Incident Command Packages

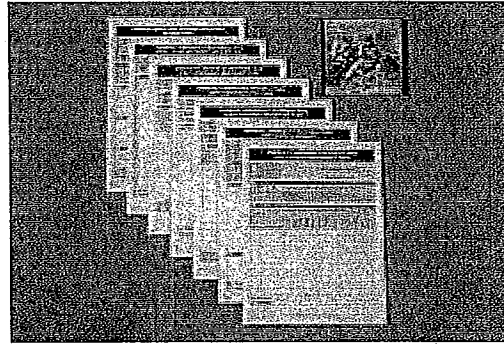
## Incident Command Packages

### 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](#)

[Home](#)

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

[View cart](#) [Checkout](#)

### Navigation

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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 #2**



**KINGSVILLE SPECIALIZED CRIMES  
AND NARCOTICS TASK FORCE**

**P. O. BOX 213**

**KINGSVILLE, TEXAS 78364**

**tfadmin@kingsvilletaskforce.com**

**(361) 595-5778**

**Fax (361) 595-5781**



To: Vincent J. Capell, City Manager, City of Kingsville

*GV*  
From: Guillermo Vera, Commander, Kingsville Task Force

Date: September 10, 2012

Subject: Out of State Travel Request

An out of state travel request for your consideration is being submitted. The travel request is for Special Agent Mike Tamez to serve as an Associate Trainer and assist with conducting a 24-hour Commercial Motor Vehicle Criminal Interdiction course in Denver, Colorado. The course is being conducted at the request of ICE/Bulk Cash and will be attended by approximately 100 Federal, State, and Local law enforcement officials.

The training conference is scheduled for Wednesday, September 26<sup>th</sup> to Friday, September 28<sup>th</sup>, 2012. The Drug Interdiction Assistance Program (DIAP) will assume all of Agent Tamez's authorized travel expenses and per diems. Agent Tamez will instruct classes to enhance a patrol officer's ability to conduct criminal highway interdiction.

If this request is approved, can it be placed on the Special City's Commissioners Court Agenda for Monday, September 17, 2012? Your kind consideration to this request is greatly appreciated.

Cc: Ken Starrs, Assistant Commander  
Mike Tamez, Special Agent  
File

Attachment



United States Department of Transportation  
Federal Motor Carrier Safety Administration

National Training Center – NTC

Curtis Allen, Director

**Drug Interdiction Assistance Program ~ DIAP**  
1310 North Courthouse, Suite 600  
Arlington, Virginia 22201

E-Mail [diap@dot.gov](mailto:diap@dot.gov)

---

Re: Training Assistance

Commander Willie Vera  
Kingsville Specialized Drug and Narcotics Task Force  
Kingsville, TX 78363

Special Agent Mike Tamez

September 26-28, 2012

Denver, Colorado

Dear Commander Vera,

The US Department of Transportation / FMCSA / NTC Drug Interdiction Assistance Program (DIAP) will be conducting a 24-hour Commercial Motor Vehicle Criminal Interdiction course in Denver, Colorado September 26-28, 2012. The course is being conducted at the request of DEA and will be attended by approximately 100 Federal, State, and Local law enforcement officials.

We are writing to request that an Agent of your Command, Mike Tamez, be authorized to travel for this training to serve as an Associate Trainer. A Certified DIAP/EPIC Instructor, Agent Tamez brings a wealth of experience and knowledge in our core areas of interest. It is requested that you permit us to draw on the success of the Kingsville Specialized Drug and Narcotics Task Force by authorizing him to assist us.

At the same time, our hope is that Agent Tamez would resume his duties after the training having himself benefited from the experience. It is our belief that communicating knowledge across affected agencies in the United States is essential to building on the strengths of enforcement operations nationwide.

Upon your approval of our request for his assistance, a representative from our DIAP office would contact Agent Tamez directly to arrange his travel. DIAP would, of course, assume all of his authorized travel expenses and per diems.

We are truly grateful for your consideration of this request. By partnering with great organizations like the Kingsville Specialized Drug and Narcotics Task Force, we believe we are that much closer to our goal of making the Nation's highways safer.

Yours very respectfully,

---

**James "Cody" Smid**  
Training Specialist  
Drug Interdiction Assistance Program

---

**Curtis Allen**  
Director  
National Training Center

# **AGENDA ITEM #3**



MEMORANDUM

From  
The Human Resource Department

Date: September 11, 2012  
To: Vincent J. Capell  
City Manager  
From: Diana Gonzales, SPHR  
Human Resources Director

Subject: 2012 Health Fair and Flu Vaccines

A health fair proposal is submitted for your consideration to expend an estimated \$13,000 from the City of Kingsville Benefit Plan Trust account for a 2012 Health Fair for employees and their eligible dependents. The proposed expense is included in expected health claims for Fiscal Year 2012-2013. Eligible employees signing up for exams or flu shots will not experience any out of pocket expense.

All employees are welcome to visit and pick up information from vendor tables without signing up for exams. The proposed date is October 3, 2012 from 6:00 a.m. to 1:00 p.m. at the HEB Education Building at Christus Spohn Kleberg.

History of past health fair participation and expenditures:

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

Note: The City of Kingsville received an overall discount of \$ 1,175.00 on exams performed in 2011. 2012 Estimated \$13,000

Estimated Costs of Services proposed to be offered:

- \*\*\* Heart Study \$ 55 per person  
Consists of Lipid Panel with Glucose, A1C, Blood Pressure, Body Composition Analysis, Weight, BMI and Counseling.
  - A Fasting Lipid Panel is a cardiovascular risk screening that includes a Total Cholesterol, HDL (good cholesterol), LDL (bad cholesterol), Triglycerides count and Ratio.
  - The Fasting Glucose test is a screening for diabetes.
  - The A1C reflects your average blood sugar level for the past two to three months.
  - A finger stick sample of blood will be drawn for these test and the results will be explained by a Wellness Counselor in an individual session.
  - Biometrics are given to check for hypertension (high blood pressure).
- A 10-12 hour fast is recommended prior to or the results may not be accurate.

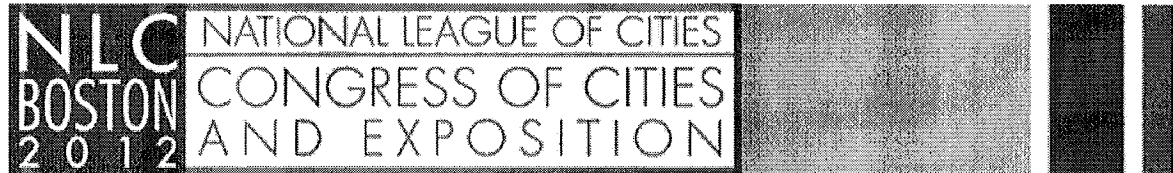
- \*\*\* PSA (Prostate Specific Antigen) \$ 40 per person  
This is a screening test for men 50 and over, who have a family history of prostate cancer or African-American men at least 45 years of age

- \*\*\* Seasonal Flu Vaccinations \$ 25 per person  
The flu is a contagious respiratory illness caused by influenza viruses. The best way to prevent the flu is by getting a flu vaccination each year. On average, every year in the United States, 5% to 20% of the population gets the flu; 200,000 people are hospitalized from flu complications and 36,000 people die from flu.

Massage Therapy Sessions  
Wellness Education

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

# **AGENDA ITEM #4**



**DATE:** November 28, 2012 - December 1, 2012  
**LOCATION:** Boston Convention & Exposition Center - Boston, MA  
**CATEGORY:** Annual Conference

### Overview

The conference will offer a range of learning and networking opportunities to city officials including mobile tours highlighting successful programs from the City of Boston, along with the traditional keynote speakers, workshops and peer networking sessions.

### Conference Topics

#### Promoting Strong Local Economies

Attendees of the "Promoting Strong Local Economies" conference will learn strategies to help individuals build 21st century workforce skills and to spur, support, attract and retain businesses, as a vibrant business community and a skilled workforce are the essential elements of strong local economies

#### Building Sustainable Communities

Decisions affecting land-use, infrastructure development and the use of technology to maximize efficiencies across energy, water and transportation systems will be among the topics at the forefront of the "Building Sustainable Communities" conference. Participants will learn how to develop the partnerships and strategies to go beyond standalone investments in a city's built environment and move toward integrated approaches that facilitate connected, intelligent and sustainable communities.

#### Strengthening Neighborhoods and Families

Families, homes and neighborhoods define the unique character of a community. When these environments are safe and supportive, they provide critical opportunities for individuals to grow, learn and prosper. Focusing on a set of interrelated issues essential for building healthy families and strong and engaged communities, the "Strengthening Neighborhoods and Families" conference will offer practical skills, tools and resources geared toward city elected leaders and professional staff in cities of all sizes.

### REGISTRATION

**REGISTER**

### SPOTLIGHT

# **REGULAR AGENDA**



# **AGENDA ITEM #5**

**RESOLUTION #2012-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SECOND AMENDMENT TO ARTICLE VII OF THE INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND KLEBERG COUNTY RELATING TO PARKS AND RECREATIONS DEPARTMENT; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the County of Kleberg and the City of Kingsville have previously entered into an interlocal agreement in 1998 to provide for a “water trade” where the City provides \$30,000 in credit for water utilities, sewer utilities, trash service and landfill fees for the Parks Department and the County is to provide \$30,000 worth of capital improvements in the City’s Parks (as provided for in the agreement); and

**WHEREAS**, the City and the County amended the 1998 agreement in 2007 to increase the credit provided by the City from \$30,000 to \$46,000, yet kept the capital improvements to be provided by the County at \$30,000; and

**WHEREAS**, a Parks Department has requested \$25,000 from the City to go towards a grant to light a soccer field at Dick Kleberg Park and the City desires to provide a one-time increase for FY12-13 in the amount of \$25,000 in lieu of making a cash contribution for the grant to light the soccer field and as extreme drought and record high temperatures have necessitated additional water demands by the Parks Department;

**WHEREAS**, the County and the City desire to increase the water trade credit provided by the City for the Parks Department to an amount of at least \$71,000, for the benefit of their citizens who use the park facilities, through September 30, 2013 so long as the County uses the additional one-time \$25,000 increase for the FY12-13 to go towards the soccer field lighting grant.

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

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into a Second Amendment to Article VII of the Interlocal Agreement Between the City of Kingsville and Kleberg County Relating to Parks and Recreation Department in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 17th day of September, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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

**SECOND AMENDMENT TO  
ARTICLE VII OF THE  
INTERLOCAL AGREEMENT  
BETWEEN THE CITY OF KINGSVILLE  
AND KLEBERG COUNTY  
RELATING TO PARKS AND RECREATION DEPARTMENT**

STATE OF TEXAS                   §  
  §  
COUNTY OF KLEBERG           §

I. PARTIES. The parties to this Interlocal Agreement ("Agreement") are Kleberg County, Texas ("County"), a political subdivision of the State of Texas, and the City of Kingsville ("City"), a Texas home rule municipality.

II. PURPOSE.

A. In a continuing effort to consolidate activities within the appropriate jurisdictions in order to promote efficiency in local government, the City and the County mutually agree to amend an Interlocal Agreement entered by the City and County on September 28, 1998 relating to the Parks and Recreation Department.

B. The parties enter into this Interlocal Agreement under the Texas Government Code Chapter 791 (Interlocal Cooperation Act) and under the terms of Texas Local Government Code §242.001(c).

III. TERM. Unless terminated under Section V herein, this Agreement shall automatically renew annually on the anniversary date of the original Interlocal Agreement of September 28, 1998 as stated in Article IV of that Agreement.

IV. AMENDMENT TO ARTICLE VII, SECTION 1 OF THE SEPTEMBER 28, 1998 INTERLOCAL AGREEMENT.

Article VII, Section 1 of the Interlocal Agreement between the City of Kingsville and County of Kleberg entered into on September 28, 1998 shall be amended as follows:

For FY2012-2013 only, City shall, in addition to any obligations or sums provided for hereunder, give County an additional \$25,000 in water credit (in lieu of cash for the requested soccer grant match) for a total FY12-13 water credit of \$71,000. After FY2012-2013, the water credit will revert back to \$46,000 unless later amended by the parties. In exchange for such increased credit, County shall place \$25,000 worth of funds toward the cash match for the soccer lighting project at Dick Kleberg Park during FY12-13, PROVIDED THAT, should County fail to provide the additional \$25,000 for the soccer lighting project during FY12-13 such sum of \$25,000, or portion thereof, not expended on such project shall become a debt owned by County to City.

City shall in addition to any obligations or sums provided for hereunder, give County credit in the amount of \$ 66,000 for FY 2008-2009 and in an amount of \$46,000 for the following fiscal years so long as the Parks Department budget is not cut in FY 2009-2010 below FY 2008-2009 levels; otherwise, the credit will return to \$30,000 per year and the City will bill the County for the amount of services used in excess of the credited amount. County may use such credit to secure those goods and services referred to as Water Utilities, Sewer Utilities, Trash Service and Landfill Fees. In exchange for such credit, County shall place \$30,000 worth of capital improvements on City's Parks during the term of this agreement, PROVIDED THAT, should County fail to provide \$30,000 in capital improvement or a portion thereof during the term of this agreement such sum of \$30,000, or portion thereof, not expended on such capital improvements during the term of this agreement shall become a debt owned by County to City.

V. TERMINATION.

As per Article IV of the original Interlocal Agreement entered into September 28, 1998, this Agreement shall be for an initial term of one year. This Agreement shall be automatically renewed without further action unless terminated by either party. This Agreement may be terminated at any time by any party with or without cause upon (90) days advance written notice. Any notice of termination shall be sent to the other party to this Agreement at the address listed in Section VIII of this Agreement.

VIII. MISCELLANEOUS PROVISIONS.

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

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

Kleberg County  
Attention: Kleberg County Judge  
P.O. Box 752  
Kingsville, Texas 78364  
Telephone: (361) 595-8585  
Facsimile: (361) 592-0838

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

C. Amendment of Interlocal Agreement. This Agreement may be amended at any time. Any amendment to this Agreement must be in writing and agreed to by the governing bodies of the parties. No officer or employee of any of the parties has authority to waive or otherwise modify the limitations in this Agreement, without the express action of the governing body of the party.

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

E. Exercise of Police Powers. This Agreement and all activities under this Agreement are undertaken solely as an exercise of the police power of the parties, exercised for the health, safety, and welfare of the public generally, and not for the benefit of any particular person or persons. The parties do not have and may not be deemed to have any duty to any particular person or persons.

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

G. No Civil Liability to Other Party. One party may not be responsible to and may not be civilly liable to another party for any act or omission under this Agreement. Each party waives all claims against the other party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Agreement.

H. Captions. Captions to provisions of this Interlocal Agreement are for convenience and shall not be considered in the interpretation of the provisions.

I. Fiscal Obligations. Each party which performs services or furnishes aid under this Agreement must do so with funds available from current revenues of the party.

J. Interlocal Cooperation Act Applies. The parties agree that activities under this Agreement are "governmental functions and services" and that the parties are "local governments" as that term is defined in this Agreement and in the Interlocal Cooperation Act.

K. Approval by Governing Bodies. Each party represents that this Agreement has been duly passed and approved by the governing body of the party as

required by the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code.

L. Entirety of Agreement. This Agreement contains all the amendments to date of the original Interlocal Agreement entered between the parties on September 28, 1998 relating to the Parks and Recreation Department. No other oral or written commitments of the parties with respect to the Parks and Recreation Department may have any force or effect if not contained in this Interlocal Agreement or the original Interlocal Agreement.

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

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

O. Warranty. The Agreement has been officially authorized by the governing body of each party, and each signatory guarantees and warrants that the signatory has full authority to execute this Agreement and to legally bind the respective party to this Agreement.

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

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

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

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

T. Certifications. The City and the County each separately certify that payments made under this Agreement will be made from current revenues, and any future payments are subject to future appropriations. County appropriations are subject to verification and authorization by the County Auditor, pursuant to the attached form. Furthermore, all expenditures will be subject to standard City and County purchasing procedures.

**EXECUTED** by the County of Kleberg on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Juan Escobar  
County Judge

**ATTEST:**

\_\_\_\_\_  
Leo Alarcon  
County Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Delma Rios Salazar  
County Attorney

**AUDITOR'S CERTIFICATE**

I hereby certify that funds are available to the City to accomplish and pay the obligations of Kleberg County herein.

\_\_\_\_\_  
Melissa Munoz, County Auditor

**EXECUTED** by the City of Kingsville on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



# **AGENDA ITEM #6**

RESOLUTION # 2012-\_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A NEW INTERLOCAL AGREEMENT BETWEEN THE CITY OF KINGSVILLE, TEXAS AND KLEBERG COUNTY FOR THE L.E. RAMEY GOLF COURSE; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

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

I.

**THAT** the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into an Interlocal Agreement between the City of Kingsville, Texas and Kleberg County for the L.E. Ramey Golf Course in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the \_\_\_\_\_ 17th day of \_\_\_\_\_ September \_\_\_\_\_, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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

**INTERLOCAL COOPERATION AGREEMENT  
BETWEEN  
THE CITY OF KINGSVILLE  
AND  
KLEBERG COUNTY  
FOR L. E. RAMEY GOLF COURSE**

This Interlocal Cooperation Agreement made, entered into and executed by and between the County of Kleberg, a body and corporate and politic under the laws of the State of Texas hereinafter referred to as "County" and the City of Kingsville, Texas, a municipal corporation under the laws of the State of Texas, hereinafter referred to as "City"; pursuant to the Interlocal Cooperation Act, Texas Government Code Annotated Chapter 791.

**WITNESSETH:**

**WHEREAS**, the County of Kleberg and the City of Kingsville have previously entered into interlocal agreements to share expenses for various departments for the residents of their respective entities; and

**WHEREAS**, these interlocal agreements were enacted to reduce duplicitous services and expenses from having each entity provide the same services; and

**WHEREAS**, the County and the City desire to see the continued operation of the L.E. Ramey Golf Course within Kleberg County; and

**WHEREAS**, the County is responsible for the operation and maintenance of the golf course and both the County and the City believe the continued operation of the course will improve the health and quality of life of the residents of their jurisdictions, and

**NOW, THEREFORE**, the County and City, in consideration of these mutual covenants and agreements, agree as follows:

1. **PARTICIPANT FUNDING.** The City and the County together agree to equally share one half (1/2) of the expenses for the L.E. Ramey Golf Course from October 01, 2012 to September 30, 2013, with the City's contribution of ½ of such expenses being capped at \$35,000.00. The County will submit monthly invoices to the City for their half of the expenses to show the drawdown of the City's half. Once half of the City's contribution for such expenses reaches \$35,000.00, the City will no longer be obligated to contribute any more funding. Furthermore, should the County decide not to budget funds for their ½ of the shared golf course expenses, the City's ½ of such funds shall be returned to the City.

**2. AUTHORIZATION FOR FUNDING.**

- a. The City and the County each separately certify that payments made under this Agreement will be made from current revenues, and any future payments are subject to future appropriations. County appropriations are subject to verification and authorization by the County Auditor, pursuant to the attached form.
- b. All expenditures will be subject to standard City and County purchasing procedures.

**3. RESPONSIBILITIES.**

- a. The City and County will equally split the monthly expenses for the L.E. Ramey Golf Course from October 01, 2012 to September 30, 2013, with the City's contribution of ½ of such expenses being capped at \$35,000.00.
- b. The City will provide a worker to perform a maximum of four 8-hour work days per month to assist with work for the golf course to include but not be limited to grounds maintenance such as mowing routes, tree trimming, ditch work, and weed-eating.

**4. AMENDMENT OF INTERLOCAL AGREEMENT.** This Agreement may be amended at any time. Any amendment to this Agreement must be in writing, agreed to by the governing bodies of the parties, and signed by an authorized representative of the City and the County. No officer or employee of any of the parties has authority to waive or otherwise modify the limitations in this Agreement, without the express action of the governing body of the party.

**5. APPROVAL BY GOVERNING BODIES.** Each party represents that this Agreement has been duly passed and approved by the governing body of the party as required by the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code.

**6. TERM AND RENEWAL.**

- a. This Agreement shall be in force from the time the last party approves until September 30, 2013.
- b. This Agreement may be terminated at any time by any party with or without cause upon (90) days advance written notice.
- c. Any notice of termination shall be sent to the other party to this interlocal agreement at the address listed in paragraph 8 of this agreement.

7. **SEVERABILITY.** If any portion of this agreement, or its application to any person or circumstance, is held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this agreement shall not be affected and shall continue to be enforceable under the terms of this agreement.
8. **NOTICES.** Notices under this Agreement shall be addressed to the parties as indicated below, unless changed by written notice to such effect, and shall be effected when delivered or when deposited in the U.S. mail, postage prepaid, certified, return receipt requested.

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

Kleberg County  
Attn: County Judge  
P.O. Box 752  
Kingsville, Texas 78364  
Telephone: (361) 595-8585  
Facsimile: (361) 592-0838

9. **PERFORMANCE/GOVERNING LAWS.** This agreement shall be performed in Kleberg County, Texas, and shall be governed by the laws of the State of Texas.
10. **VENUE.** Venue for an action arising under this Agreement is in Kleberg County, Texas.
11. **ASSIGNMENT.** This Agreement is binding upon and inures to the benefit of the parties to this Agreement and their respective successors and permitted assigns. This Agreement may not be assigned by any party without the written consent of all of the parties.
12. **NOT FOR THE BENEFIT OF THIRD PARTIES.** This Agreement and all activities under this Agreement are solely for the benefit of the parties and not the benefit of any third party.
13. **EFFECT OF WAIVERS.** No waiver by either party of any default, violation, or breach of the terms, provisions, and covenants contained in this Agreement may be deemed or construed to constitute a waiver of any other violation or breach of any of the terms, provisions, and covenants of this Agreement.

14. **EXERCISE OF POLICE POWER.** This Agreement and all activities under this Agreement are undertaken solely as an exercise of the police power of the parties, exercised for the health, safety, and welfare of the public generally, and not for the benefit of any particular person or persons. The parties do not have and may not be deemed to have any duty to any particular person or persons.
15. **VALIDITY AND ENFORCEABILITY.** If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made a part of this Agreement and operate to amend this Agreement to the minimum extent necessary to bring this Agreement into conformity with the requirements of the limitations, and so modified, this Agreement continues in full force and effect.
16. **WARRANTY.** The individuals executing this agreement on behalf of each party represent and warrant that they are each the duly authorized representatives of such party on whose behalf the individuals are signing, each with full power and authority to bind said party to each term and condition set forth in this agreement.
17. **IMMUNITIES NOT WAIVED.** Nothing in this Agreement waives any governmental, official, or other immunity or defense of any of the parties or their officers, employees, representatives, and agents as a result of the execution of this Agreement and the performance of the covenants contained in this Agreement.
18. **MUTUAL INDEMNIFICATION.** To the extent allowed by the Constitution and Laws of the State of Texas, County and City agree that each party assumes any and all risks of liability, loss, damages, claims, or causes of action and related expenses, including attorney fees, caused or asserted to have been caused directly or indirectly by or as the result of the negligent acts or omissions of that party and the officers, employees, and agents thereof.
19. **CAPTIONS.** Captions to provision of this Agreement are for convenience and shall not be considered in the interpretation of the provisions.
20. **INTERLOCAL COOPERATION ACT APPLIES.** The parties enter into this Interlocal Agreement under the Texas Government Code Chapter 791 (Interlocal Cooperation Act). The parties agree that activities under this Agreement are "governmental functions and services" and that the parties are a "local government" as that term is defined in this Agreement and in the Interlocal Cooperation Act.
21. **ENTIRE AGREEMENT.** This Agreement represents the entire agreement between the parties and may not be modified by any oral agreements or

understandings. Any amendments must be made in writing and signed by all parties, as provided in paragraph 5 of this agreement.

- 22. **EFFECTIVE DATE.** This Agreement is effective on the date when the last party executes this agreement.
- 23. **MULTIPLE ORIGINALS.** Two (2) copies of this Agreement are executed; each shall be deemed an original.

**EXECUTED** on behalf of the County of Kleberg pursuant to an Order of the Kleberg County Commissioners Court authorizing such execution this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Juan Escobar  
County Judge

**ATTEST:**

\_\_\_\_\_  
Leo Alarcon  
County Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Delma Rios Salazar  
County Attorney

**AUDITOR'S CERTIFICATE**

I hereby certify that funds are available to the City to accomplish and pay the obligations of Kleberg County herein.

\_\_\_\_\_  
Melissa Munoz, County Auditor

**EXECUTED** by the City of Kingsville on the \_\_\_\_\_ day of \_\_\_\_\_,  
2012.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



# **AGENDA ITEM #7**

ORDINANCE NO.2012-\_\_\_\_\_

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. 2012-48, 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:

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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.

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SAM FUGATE, MAYOR

ATTEST:

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MARY VALENZUELA, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

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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 17<sup>th</sup> day of September, 2012.

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Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

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

EFFECTIVE DATE: \_\_\_\_\_







# **AGENDA ITEM #9**

# **AGENDA ITEM #10**

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 17<sup>th</sup> 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 #11**



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 3<sup>rd</sup>, 6<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup>, 20<sup>th</sup> and 25<sup>th</sup> year or until the employee reaches the last step of the compensation schedule.

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

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

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

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

**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>MIN</u>	<u>BEGINNING</u> <u>MAX</u>
<b>EXECUTIVE OFFICER – 1</b> City Manager	\$ 90,000 ————— \$120,000	\$ 91,350	\$121,800
<b>EXECUTIVE OFFICER - 2</b> City Attorney Municipal Court Judge	\$ 75,000 ————— \$ 97,000	\$ 76,125	\$ 98,455
<b>MANAGEMENT LEVEL - 1</b> Fire Chief Finance Director Police Chief Public Works Director/City Engineer	\$ 60,000 ————— \$ 90,000	\$ 60,900	\$ 91,350
<b>MANAGEMENT LEVEL - 2</b> Assistant City Attorney <del>Director of Development Services</del> <u>Planning &amp; Development Services Director</u> Human Resources Director Purchasing and Technology Director Tourism Services Director	\$ 45,500 ————— \$ 77,000	\$ 46,183	\$ 78,155
<b>MANAGEMENT LEVEL - 3</b> <u>Accounting Manager</u> Assistant Public Works Director City Marshal (Commander) <del>Downtown/Special Projects Manager</del> Health Director Library Director Risk Manager	\$ 40,000 ————— \$ 67,000	\$ 40,600	\$ 68,005
<b>MANAGEMENT LEVEL - 4</b> <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	A	B	C	D	E	F	G	H	I
Year	TEMP	New Hire	1	3	6	10	15	20	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: +/1 cent(s) due to rounding

**HOURLY CHART**

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

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

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

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

Class/Grade/Unit	Monthly		Per Pay Period Basis *	
I or D	<del>\$ 15.00</del>	<u>\$ 30.00</u>	<del>\$ 6.92</del>	<u>\$ 13.85</u>
C	<del>\$ 25.00</del>	<u>\$ 40.00</u>	<del>\$ 11.54</del>	<u>\$ 18.47</u>
II or B	<del>\$ 35.00</del>	<u>\$ 55.00</u>	<del>\$ 16.45</del>	<u>\$ 25.39</u>
III or A	<del>\$ 50.00</del>	<u>\$ 85.00</u>	<del>\$ 23.08</del>	<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<sup>ST</sup> YEAR 3%
- 3<sup>RD</sup> YEAR 3%
- 6<sup>TH</sup> YEAR 3%
- 10<sup>TH</sup> YEAR 2%
- 15<sup>TH</sup> YEAR 2%
- 20<sup>TH</sup> YEAR 2%
- 25<sup>TH</sup> YEAR 2%

# **AGENDA ITEM #12**



**ORDINANCE NO. 2012-**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 BUDGET FOR THE CITY OF KINGSVILLE FOR DEFICIT ACCOUNTS.**

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

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 REVENUES AND EXPENSES  
BUDGET AMENDMENT**

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

Revenues

180	Finance	Sales Tax	211.10	\$17,455	
TOTAL General Fund Revenues				<b>\$17,455</b>	

Expenses

100.0	Commission	Car Allowance	20.00	\$5,570	
101.0	City Manager	Group Health Insurance	311.00	7,397	
225.0	Volunteer Fire	Volunteer Fire Exp.	329.00	4,488	
TOTAL General Fund Expenses				<b>\$17,455</b>	

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
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**Fund 051 Utility Fund**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
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**Fund 008 Task Force Fund**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
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**Fund 002 Tourism Fund**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
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**Fund 054 Utility Fund Capital Projects Fund**

II.

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

III.

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

IV.

THAT this Ordinance shall not be codified but shall become effective on and after adoption and publication as required by law.

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

PASSED AND APPROVED on this the 24th day of September, 2012.

EFFECTIVE DATE: \_\_\_\_\_

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

ATTEST:

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

APPROVED AS TO FORM:

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