

City of Kingsville, Texas

AGENDA CITY COMMISSION

**MONDAY, FEBRUARY 27, 2012
REGULAR MEETING**

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


I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) – Required by Law

APPROVED BY:



Vincent J. Capell
City Manager

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

III. Reports from Commission & Staff²

"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 presentation. No formal action can be taken on these items at this time."

IV. Public Comment on Agenda Items³

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

V.

Consent Agenda

Notice to the Public

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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

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

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

1. Motion to approve final passage of an ordinance amending Section 15-1-93, providing for screening of storage areas. (Director of Development Services).
2. Motion to approve final passage of an ordinance amending Sections 15-6-115, 15-6-117, providing for monument signs & adding Section 15-6-131, providing for regulations on unsafe and obsolete signs. (Director of Development Services).
3. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies, Section 1 Classification and Compensation Plan to add the position of Information and Technology Librarian to Range 12 of the City of Kingsville Classification and Compensation Plan for Fiscal Year 2011-2012. (City Manager).
4. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules; Providing for a revised school zone for the Methodist Day Care Center and the relocation of a school zone sign. (City Engineer/Director of Public Works).
5. Motion to approve final passage of an ordinance amending the Fiscal Year 2011-2012 budget for the General Fund Capital Projects Fund for various departments to utilize Fiscal Year 2010-2011 Surplus Funds and the Utility Fund Capital Projects for the engineering department.(Finance Director).
6. Motion to approve out-of-state travel for Officer Mike Tamez to attend the National Interdiction Conference in Tulsa, Oklahoma from March 10th – 17th, 2012. (Police Chief).
7. Motion to approve out-of-state travel for Landfill Supervisor Gary Fuselier to attend a two-day seminar in Phoenix, Arizona on March 26th – 27th, 2012. (City Engineer/Public Works Director).
8. Motion to approve waiving all City fees and any fees for services for participants of the Kingsville Auto Club Event to be held on March 3rd, 2012. (Downtown Manager).

9. Motion to approve Kingsville Convention & Visitors Bureau Budget Amendment for matching funds contribution of \$6,250 for the CLG Historic Commission grant. (Tourism Director).

10. Motion to approve awarding bid as recommended by staff for a nine month contract to two different companies to supply water and wastewater utility supplies. (Purchasing Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

11. Consider resolution approving the application for home funds to finance new development and a resolution of support for the proposed development known as South Brahma Village. (Director of Development Services).

12. Consider resolution amending a previous resolution which established a Community Revitalization Plan for the City of Kingsville and a resolution establish Economic Development initiatives for areas within the Community Revitalization Plan. (Director of Development Services).

13. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 5, Historical Districts and Landmarks, Sections 15-5-16, 15-5-16 & 15-5-19, Providing for clarification of duties of the Board and a method of appeal of Board decisions. (Downtown Manager).

14. Consider authorizing the Javelina Innovation Lab to start design work for Kleberg Avenue for \$29,825.00 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (City Engineer/Public Works Director).

15. Consider authorizing the purchase of twenty sets of bunker gear for the Fire Department through purchasing cooperative agreement for up to \$45,970.69 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (Purchasing Director).

16. Consider authorizing the purchase of a Scag mower for the City-County Health Department from AC Lawn & Garden of Kingsville for \$10,710.00 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (Purchasing Director).

17. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 budget for the General Fund Capital Projects Fund for various departments to utilize Fiscal Year 2010-2011 Surplus Funds. (Finance Director).

18. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Section 15-1-56, Adopting the 2005 Edition of the National Electric Code. (Director of Development Services).

19. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 1, Building Regulations, Adopting the 2009 Version of the International Energy Conservation Code. (Director of Development Services).

20. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 1, Building Regulations, Adopting the 2009 Version of the International Existing Building Code. (Director of Development Services).

21. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 1, Building Regulations, Adopting the 2009 Version of the International Gas Code. (Director of Development Services).

22. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 1, Building Regulations, Adopting the 2009 Version of the International Mechanical Code. (Director of Development Services).

23. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 1, Building Regulations, Adopting the 2009 Version of the International Plumbing Code. (Director of Development Services).

24. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter XV, Article 1, Building Regulations, Adopting the 2009 Version of the International Residential Code for One-and-Two Family Dwellings, Mechanical Code, Gas Code, and Plumbing Code and Increasing the Contractor's License Fee. (Director of Development Services).

25. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Sections 9-1-10 through 9-1-18, Providing for additional definitions and ensuring compliance with State Laws with the regulation of Junked Motor Vehicles. (Director of Development Services).

VII. Adjournment.

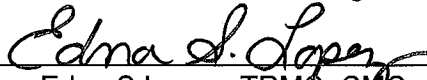
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

NOTICE

This facility is 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 citysec@cityofkingsville.com for further information. Braille Is Not Available. The City of Kingsville reserves the right to convene into Closed Session under Government Code 551.071-551.074 and 551-086 regarding any item on this agenda.

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:

February 23, 2012 at 3:55 P.M. and remained so posted continuously for at least 72 hours preceding the schedule time of said meeting.


Edna S Lopez, TRMC, CMC
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)

FEBRUARY 13, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 13, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERS CITY HALL/200 EAST KLEBERG AVENUE AT 6:00 P.M.

CITY COMMISSION PRESENT:

Sam R Fugate, Mayor
Al Garcia, Commissioner
Charles Wilson, Commissioner
Stanley Laskowski, Commissioner
Arturo Pecos, Commissioner

CITY STAFF PRESENT:

Vincent Capell, City Manager
Edna S Lopez, City Secretary
Courtney Alvarez, City Attorney
Dave Mason, Purchasing Director
Robert Rodriguez, Library Director
Ricardo Torres, Police Chief
Naim Khan, City Engineer/Public Works Director
Yolanda Cadena, Health Director
Bob Trescott, Downtown Manager
Mark Rushing, Finance Director
Mike Kellam, Director of Development Services
Willie Vera, Task Force Commander
Roel Carrion, Interim Fire Chief
Al Lopez, Fire Chief
Diana Medina, Collections Supervisor
Lisa McLaughlin, GIS Technician
J. R. Cavazos, GIS Technician
John Garcia, Risk Manager
Diana Gonzales, Human Resource Director
Caron Vela, Accounting Manager

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the City Commission Chambers and announced quorum as present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

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

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Fugate called for consideration of the minutes of the special meeting of Monday, January 30, 2012. **Commissioner Laskowski made a motion to accept the minutes, as presented seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting “FOR”.**

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

III. Reports from Commission & Staff²

"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 presentation. No formal action can be taken on these items at this time."

City Manager Capell announced he had no comments.

City Attorney Courtney Alvarez reported on the date of the next Commission meeting of February 27th, agenda item deadline is Friday, February 17th, and the next Staff meeting is on Wednesday, February 17th. She announced City Hall/City Services will be opened and functioning on Monday, Presidents Day.

IV. Public Comment on Agenda Items³

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

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

There were no comments.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-3.

Commissioner Wilson made a motion to approve the Consent Agenda, as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR"

V.

Consent Agenda

1. Motion to approve out of state travel for Commissioner Laskowski to Washington, DC to meet with congressional and administration officials to discuss the development of U.S. I-69. (Commissioner Laskowski).
2. RESOLUTION NO. 2012-04 Motion to approve resolution authorizing the City to submit an application to the Texas Department of Transportation for the purpose of requesting grant funding on behalf of the City for the 2012 Impaired Driving Mobilization (IDM) Grant for DWI Enforcement for the Kingsville Police Department with an anticipated cash match of \$2,000.00. (Police Chief).

3. Motion to approve authorizing the purchase of an emergency generator for the EOC at City Hall through a BuyBoard contract. (Purchasing Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

4. RESOLUTION NO. 2012-05 Consider resolution ordering the City of Kingsville General Election, designating voting precincts, polling places establishing election procedures and appointing Early Voting Clerk. (City Secretary).

(CONSIDERE UNA RESOLUCIÓN QUE ORDENA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, DESIGNA LOS DISTRITOS ELECTORALES Y LOS SITIOS DE VOTACIÓN, ESTABLECE LOS PROCEDIMIENTOS DE LAS ELECCIONES Y NOMBRA A LA SECRETARIA ENCARGADA DE LA VOTACIÓN ANTICIPADA) (SECRETARIA MUNICIPAL).

City Secretary Edna S Lopez read the resolution in Spanish.

Commissioner Wilson made a motion to approve the resolution, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

5. Consider introduction of an ordinance amending Section 15-1-93, providing for screening of storage areas. (Director of Development Services).

Director of Development Services Mike Kellam stated this is tied to the dumpster enclosure proposal that is part of the FY 2010-2011 Surplus Funds projects. This requires it in the City Code for any new developments. The Planning & Zoning Commission was approved by a vote of 4/0.

INTRODUCTION ONLY

6. Consider introduction of an ordinance amending Sections 15-6-115, 15-6-117, providing for monument signs & adding Section 15-6-131, providing for regulations on unsafe and obsolete signs. (Director of Development Services).

Mr. Kellam stated this is tied to the community appearance regarding elimination or regulations of sign clutter which reducing clutter along major thoroughfares. This language supports that limiting it solely to monument type signage. It addresses obsolete and unsafe signage. The Planning & Zoning Commission recommended approval.

Commissioner Garcia asked if this ordinance addresses anchored signage. Mr. Kellam replied this addresses free-standing signs and does not address those signs on a building, only those out next to the highway. Existing businesses would have to comply if they remove the existing sign, any replacement would have to meet the code.

INTRODUCTION ONLY

7. RESOLUTION NO. 2012-06 Consider resolution establishing a Comprehensive Housing Plan for the City of Kingsville. (Director of Development Services).

Mr. Kellam stated this ties to Master Plan it specifically addresses the housing needs in Kingsville. Some design criteria, general goals and specific goals are included. It lines out what the City expects from the developers. This also ties in to diversified housing choices.

Commissioner Laskowski stated he noticed that redevelopment in the areas where there's existing infrastructure, it is stated that the City would be offering tax abatements up to ten (1) years, which is contrary to what the City currently has on the books at this time. The City and County's plan for economic incentives adopted are limited to two (2) years and based on the dollar amount of the improvement. Mr. Kellam stated it might be a typo and would correct.

Ms Alvarez stated that Mr. Kellam's document might be going by the State Statue if it's a free-eighty agreement. The State Statue says it is generally up to seven (7) year and no more than ten (10). Commissioner Wilson suggested this be clarified. Mr. Kellam stated that he would look in to this and with Commission permission he would make that amendment, administratively. Commissioner Laskowski stated the City already has an economic incentive package that was also adopted by the County, and is limited to two (2) years.

Commissioner Laskowski made a motion to approve this resolution, with the understanding that the City look at its current economic incentives for redevelopment and change it accordingly to comply with what the City now has on the books, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".

8. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances by amending Chapter III, Article 7, Personnel Policies, Section 1 Classification and Compensation Plan to add the position of Information and Technology Librarian to Range 12 of the City of Kingsville Classification and Compensation Plan for Fiscal Year 2011-2012. (City Manager).

City Manager Capell stated this item is a one-time opportunity because of the passing of an employee. This is a no cost change for the first three (3) years. Changing the position would if the employee, depending on the employee's longevity ultimately cost the city more money, but this is a worthwhile thing to do. This needs to be done now that the position is vacant and would like the Commission to approve it. Human Resource Director Diana Gonzales stated the job description was included with the Library Director's assistance. This would reflect what the employees are doing at the Library and would help their operation run smoothly. Library Director Robert Rodriguez addressed the Commission. Mr. Rodriguez stated consideration of this position is necessary due to electronic services at the Library being upgraded.

City Manager Capell explained the position was held by a person with longevity, who was at the top of the pay scale, and hiring into this position would initially save money, but it does have a higher upward potential. Over time, if the person stays they can reach that higher pay potential and will ultimately cost more. This doesn't affect any cost this budget year.

INTRODUCTION ONLY

9. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 5, Traffic Schedules; Providing for a revised school zone for the Methodist Day Care Center and the relocation of a school zone sign. (City Engineer/Director of Public Works).

City Engineer/Director of Public Works Naim Khan stated there are currently four (4) school zone signs, two (2) on Yoakum Street and two (2) on 4th Street. The City had a request for one (1) school zone sign to be relocated 80 ft further south on 4th Street. The reason for this is that currently the school zone sign is too close to the day care center and people do not have enough time to see this sign. Also, being requested is a change on the time, from the current time of 2:00 PM to 4:00 PM to 2:00 PM to 6:00 PM.

INTRODUCTION ONLY

10. Consider authorizing expenditure of \$6,250 of Fiscal Year 2010-2011 Surplus Funds for Historical Commission Grant cash match. (Downtown Manager).

Commissioner Laskowski made a motion to authorize the expenditure of \$6,250, seconded by Commissioner Wilson. Mayor Fugate explained this is something that has already been discussed at a previous workshop; in fact the next several items were discussed at the previous workshop. Downtown Manager Bob Trescott addressed the Commission and explained the grant was Commission approved in October 2010 which was intended to be a one-to-one match. Due to a partnership with the Convention and Visitor's Bureau and the University, the City is only being asked to match .25 cents to a \$1 match. This is a win-win situation.

The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

11. Consider authorizing expenditure of \$22,206.78 for two (2) power stretchers and two (2) lap-top computers for the Fire Department from Fiscal Year 2010-2011 Surplus Funds. (Fire Chief).

Commissioner Wilson made a motion to authorize the expenditures, seconded by Commissioner Garcia. Purchasing Director David Mason explained these laptops are the semi-tough books by Dell.

The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Garcia, Wilson voting "FOR".

12. Consider authorizing expenditure of \$17,000 for Police Department and building repairs from Fiscal Year 2010-2011 Surplus Funds. (Police Chief).

Commissioner Wilson made a motion to authorize the expenditure, seconded by Commissioner Laskowski. Police Chief Ricardo Torres stated the building was

completed in 1998 and is in need of repairs. The building is located in one of the City's busiest thoroughfares.

The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

13. Consider authorizing expenditure of \$80,453 for body armor for Police Department Officers from Fiscal Year 2010-2011 Surplus Funds. (Police Chief).

Commissioner Wilson made a motion to authorize the purchase, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

14. Consider authorizing expenditure of \$36,445 for beautification project at Police Department from Fiscal Year 2010-2011 Surplus Funds. (Police Chief).

Commissioner Pecos asked if these monies would be to purchase the fence for the Police Department. Police Chief Torres stated the fence would be purchased with Chapter 59 funds. He further explained the project in detail. The Police Department is on the main thoroughfare and in the gateway of the City. He stated the sign will be a sandblasted sign like the one at the Fire Department. There is a landscaping plan that will be provided by La King Nursery. This plan is for the front of the building.

Commission requested a copy of the proposed landscaping plan.

Commissioner Wilson made a motion to authorize the expenditure, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

15. Consider authorizing expenditure of \$16,750 for Community Appearance Building improvements from Fiscal Year 2010-2011 Surplus Funds. (Director of Development Services).

Mr. Mason stated the Community Appearance building will be painted, the low bid is for \$9,750, but would like to set aside \$2,000 for unforeseen issues because this is an older building. Included is \$3,500 for landscaping and \$1,500 for fence screening. Total cost is \$16,750.

Commissioner Laskowski voiced his concern about building being painted only on three (3) sides which did not make good sense to him because he is assuming the west side of the building is not going to be painted. He added the pipes on the west side really need some care and the canopy and its supports are rotten. He stated if the building is going to be fixed it should be fixed all around and not only on three (3) sides. Mr. Kellam replied this was a phase; the canopy is in horrible shape and wouldn't want to waste paint, so that side was left alone. To have everything cleaned is very time consuming, the main focus of the building is to make it presentable for people coming to visit with Community Appearance Staff. He stated this is the initial phase to get initial appearance of the building up to par and that area is not street view.

Commissioner Wilson stated in his opinion, if the money will be spent and there's money now, a comprehensive plan should be developed to make it 100% now. If the City's objective is to make community appearance a priority which it is then there's no reason not to do it. This project was not explained as a phased project but the entire project. This came to the Commission as a complete project. He stated that to him is not what is being presented. Commissioner Wilson suggested taking a comprehensive approach and bring it back to the Commission a comprehensive plan.

City Manager Capell stated this can be done. Mayor Fugate stated the money is going to the sides that face the street and there's no reason this can't be approved at tonight's meeting. City Manager Capell stated there are other projects to come before the Commission and the proposal on working on the west side will be included. Mayor Fugate stated this is a historical building.

Commissioner Garcia made a motion to authorize the expenditure, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Wilson, Laskowski, Pecos, Garcia voting "FOR".

16. Consider authorizing expenditure of \$507,147. 58 for paving project on Ailsie Avenue and Armstrong Avenue from Fiscal Year 2010-2011 Surplus Funds. (City Engineer/Public Works Director).

Commissioner Wilson made a motion to authorize this expenditure, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Garcia, Wilson voting "FOR".

17. Consider authorizing expenditure of up to \$39,050 for GIS Equipment, Service & related fees using Fiscal Year 2010-2011 Surplus Funds. (City Engineer/Public Works Director).

Mr. Mason stated currently the City is using the University GPS unit; this would allow the City to have their own and would allow the City to install the GIS program and the associated server.

GIS Technician J R Cavazos explained the GPS is used for all field work, water lines, sewer lines and other projects. It is essential to record all daily operations. This is the database of all information. The server enables them to apply web base applications.

Commissioner Wilson made a motion to approve the expenditure, seconded by Commissioner Pecos and Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

18. Consider introduction of an ordinance amending the Fiscal Year 2011-2012 budget for the General Fund Capital Projects Fund for various departments to utilize Fiscal Year 2010-2011 Surplus Funds and the Utility Fund Capital Projects for the engineering department.(Finance Director).

Finance Director Mark Rushing stated this is an introduction for agenda items 10-18. Mayor Fugate stated the only question they need to know, is if the city has the money. Mr. Rushing replied there are monies. Commissioner Laskowski noted an error on the

2nd page, stating the amount for the exterior painting of the Recycling Center is on there twice, once on the expenditure part already approved and once on the part to be determined.

INTRODUCTION ONLY

19. Consider waiver of interest on liens for properties owned by Jose Silguero in the amount of \$764.09 and Julia Hees in the amount of \$513.58. (Finance Director).

Mr. Rushing stated there were two letters of request to waive interest on liens that were placed on three different pieces of property with two different people involved. He explained \$764.09 would be waived for Mr. Silguero; and for Ms Hees the amount to be waived is \$513.58.

Commissioner Wilson commented in future it would be helpful if the requests were split because if they don't like one but like the other, then the potential for both to fail is there. Typically each problem has their own set of different issues and even though they may be cumbersome for the Commission and Staff, it better serves the people who have asked for that.

Commissioner Laskowski requested information with regard Linebarger and Goggans responsibility to notify property owners about liens on property to be sold. He voiced concern about time and money spent on filing liens. Ms Alvarez replied it's the property owner's obligation to do the research on the property prior to the purchase. They are only responsible for representing the taxing entities and making sure they collect the maximum amount on past due taxes. Mr. Rushing stated it is his understanding that they do mention to them that there may be other liens against the property, but the due diligence is on the person.

Commissioner Wilson stated so when they don't do their due diligence and then become aware, the City is on the hook for their lack of due diligence, then they come to the Commission and ask to forgive it. Commissioner Wilson stated that when a citizen purchases property at the courthouse steps you are taking it however it comes.

City Manager Capell stated a lot of times the assumption is made that somehow the City has done something wrong, but the City did what it was suppose to do, they filed the lien. Commissioner Wilson stated that the person making that type of purchase is assuming all responsibility, regardless of what it is even if there's a surprise at the end. He added this needs to be part of the discussion.

City Manager Capell stated that Commissioner Wilson's point of putting these as separate items is important.

Commissioner Pecos made a motion to waive interest on these properties, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos voting "FOR". Laskowski "AGAINST".

VI. Adjournment.

There being no further business to come before the City Commission the meeting was adjourned at 7:00 P.M.

Sam R Fugate, Mayor

ATTEST:

Edna S Lopez, TRMC, CMC
City Secretary

PUBLIC HEARING(S)

**PETITIONS,
GRIEVANCES, &
PRESENTATIONS**

CONSENT AGENDA

AGENDA ITEM #1

ORDINANCE NO. 2012-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING SECTION 15-1-93, PROVIDING FOR SCREENING OF STORAGE AREAS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City Commission desires to improve the appearance of the community;

WHEREAS, the commercial dumpsters in town are visible to the public as they are not currently screened from public view;

WHEREAS, the City of Kingsville Planning and Zoning Commission has reviewed this ordinance and recommends its approval;

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 15-1-93 of Article 1: Building Regulations of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 15-1-93 STORAGE AREAS TO BE SURROUNDED BY SOLID SCREEN.

(A) All open salvage yards and open storage shall be completely obscured from surrounding property by a solid screen which adds to the amenity of the area and not being less than six feet nor more than 10 feet in height.

(B) All commercial dumpsters within the street yard and/or side yard area shall be screened, when visible from the public right-of-way, with a minimum of a three-sided sight obscuring dumpster enclosure. The screen shall be constructed of materials consisting of wood privacy fencing, masonry, stone & stucco or other similar materials and shall be a minimum of six feet in height or of a sufficient height to screen the dumpster. Additionally, the screen shall be kept free of advertising.

II.

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

III.

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

IV.

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

INTRODUCED on this the _____ day of January, 2012.

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

Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Staff Report to the PLANNING & ZONING COMMISSION and CITY COMMISSION

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

Request: APPROVAL OF AN AMENDMENT TO CHAPTER 15, "LAND USAGE", ARTICLE I
"BUILDING REGULATIONS" SECTION 15-1-93, "STORAGE AREAS TO BE
SURROUNDED BY A SOLID SCREEN"

Petitioner and Agent: City of Kingsville

Date of P&Z Hearing: January 18, 2012

EXHIBITS PRESENTED

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)

FIELD INSPECTION AND PERTINENT DATA

The intent of this action is to amend Section 15-1-93 "Storage areas to be surrounded by a solid screen" of the Code of Ordinances to require dumpster enclosures around commercial dumpsters to assist in preventing trash that may be lying on the ground next to the dumpster from blowing onto an adjacent property as well as enhancing the community appearance.

Commercial sites often require large commercial dumpsters as a necessity to the performance of the business. In a lot of cases, the dumpsters are placed in highly visible areas along major thoroughfares due to the necessary accessibility for collection by the sanitation vehicles. The intent of this ordinance is to enhance the aesthetics of the city by working to reduce the visibility of the dumpsters so they're not prominently displayed as the focal point along our thoroughfares. This ordinance will only be required as part of a new development or redevelopment of a site.

Additionally, this amendment is consistent with the recommendation made within the City of Kingsville Master Plan, which was adopted in May of 2008, in that it will assist in creating attractive corridors and entrances and enhance the community character.

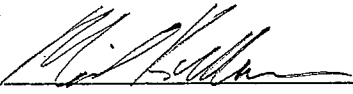
STAFF REVIEW

Staff is proposing an amendment for consideration which would revise Section 15-1-93 "Storage areas to be surrounded by a solid screen," specifically subsection (B), in which that portion of the language would be as follows (proposed changes are in bold type):

- (A) All commercial dumpsters within the street yard and/or side yard area shall be screened, when visible from the public right-of way, with a minimum of a three sided sight obscuring dumpster enclosure. The screen shall be constructed of materials consisting of wood privacy fencing, masonry, stone & stucco or other similar materials and shall be a minimum of six feet in height or of a sufficient height to screen the dumpster. Additionally, the screen shall be kept free of advertising.

Please refer to the attached Section 15-1-93 "Storage areas to be surrounded by a solid screen" in its entirety, with the proposed changes in bold.

Staff recommends **Approval** of the amendment request.

Prepared by: 
Michael Kellam, Director of Development Services

**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
JANUARY 18, 2012**

Planning and Zoning Members Present

Lupe Alvarez
Steve Zamora
Robert McCreight
John Howe

Citizens Present

Staff Present

Michael Kellam, Director of Development Services
Jessica Storck, Planning Secretary

1. **The meeting was called to order at 7:00 p.m.**
2. **Public comment on items on and not on the agenda.**
None.
3. **Discuss and take action on the meeting minutes of August 11, 2011:**

Mr. Zamora asked the board for any corrections or additions.

Mr. Alvarez makes a motion to accept the minutes. Mr. McCreight seconds. Motion Passed 4/0.

4. **Discuss and take action on – Requesting approval of an amendment to change Article VI “Sign Regulations” of Chapter 15 “Zoning”, specifically Section 15-6-115 “Signs Restricted”, Section 15-6-117 “Owner Identification Signs Permitted” and adding a new section, Section 15-6-131 “Unsafe & Obsolete Signs” dealing with needed updates pertaining to recommended amendments per the adopted Master Plan & needed language pertaining to unsafe and obsolete signage. Staff recommendation: Approval.**

Mr. Kellam provided a staff report to the Planning and Zoning Commission to get a better understanding of the research and reasoning behind the proposed amendments.

The language was changed so that the code could limit signs to monument style signs. Language was also drafted to work with business owners who left signs up but went out of business. Mr. Kellam stated any monument signs that exist now would be allowed to remain intact.

Mr. McCreight asked how the new code would affect a business if the sign was destroyed during a hurricane, for example.

Mr. Kellam stated it depends on a different level of things. If the sign is completely destroyed then yes the new code would be enforced. If the sign is just damaged then repairs can be made.

Mr. McCreight noted that several signs were not following the sign restrictions that were on state property.

Mr. Kellam stated that our city regulations do not apply to state entities.

Mr. Zamora asked what the sign height is permitted on 14th street.

Mr. Kellam stated the height of the building should be the max allowance for height.

Also, if a business closes a pole sign is allowed to stay up with the old sign facing inward. Depending also on the condition of the sign it may have to be removed on a case by case basis. Notices will be given to businesses and will be given time to comply before violations are issued.

Mr. Alvarez asked what department would be ensuring businesses are complying. Mr. Kellam stated with the unsafe and obsolete signage it would be the community appearance department. With the monument signs the permit department will ensure the business are complying with the codes.

Mr. Zamora noted that there is not a height restriction in the new code language.

Mr. Kellam stated it will be resting on the ground and 200ft maximum square footage. There shall not be any obstruction in the sight visibility triangle either.

Mr. Zamora made a motion to approve an amendment change. Mr. Howe seconds. Motion passed 4/0.

5. Discuss and take action on – Requesting approval of an amendment to Chapter 15, “Land Usage”, Article I “Building Regulations” Section 15-1-93, “Storage areas to be surrounded by a solid screen,” pertaining to dumpster screening. Staff recommendation: Approval.

Mr. Kellam stated that community appearance initiatives are important to the City Commission. Many of the commercial dumpsters are the first thing people see on a property. Developers are now being asked initially that the dumpsters be screened in the developing process. He also stated specific code language would be added to the code of ordinances.

The dumpster would be required to have a 3 sided screening to alleviate the view of the dumpster while still allowing sanitation vehicles to pick up the dumpster. The dumpster screening can consist of wood, privacy fence, masonry, stone or stucco with a minimum of 6 feet and free of advertisement.

Mr. Alvarez asked how the businesses will be informed of this new ordinance.

Mr. Kellam stated the new dumpster screening will only apply to newly constructed businesses.

The beautification board drafted a dumpster enclosure initiative to the city commissioners for some businesses along the major thoroughfares that will receive an enclosed dumpster screen as part of the city initiative.

Lupe Alvarez made a motion to approve the amendment change. Mr. Robert McCreight seconds. Motion passed 4/0.

6. Discuss and take action on – Requesting support and adoption of the Comprehensive Housing Plan. Staff recommendation: Approval

Mr. Kellam stated the Comprehensive Housing Plan was developed through research so that developers could have an idea what kind of programs are available in our city. Design and Development is important to our plan so that developers develop long standing homes and neighborhoods.

The plan implementation would need to be followed and reviewed year to year.

Mr. Howe asked is it possible to amend the Housing Plan in the future.

Mr. Kellam said yes. We need to ensure we are doing what the plan is being asked annually. The plan will also change as our environment changes.

Mr. Zamora asked in the study that was taken was it polled as to why people work here in Kingsville but do not live here.

Mr. Kellam stated that the results ranged. There were several different reasons but not one specific reason.

Robert McCreight made a motion to accept the Comprehensive Housing Plan. Mr. Lupe Alvarez seconds. Motion passed 4/0.

Reports from Board and Staff;

None.

6. Adjourn.

Meeting adjourned at 8:00 p.m.

AGENDA ITEM #2

ORDINANCE NO. 2012-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING SECTIONS 15-6-115, 15-6-117, PROVIDING FOR MONUMENT SIGNS & ADDING SECTION 15-6-131, PROVIDING FOR REGULATIONS ON UNSAFE AND OBSOLETE SIGNS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

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

WHEREAS, the City has determined that freestanding signs should be limited to monument type signage and that regulations regarding unsafe and obsolete signs are necessary for the reasons stated above as create a danger and nuisance.

WHEREAS, the City of Kingsville Planning and Zoning Commission has reviewed this ordinance and recommends its approval.

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

I.

THAT Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, Sections 15-1-115 & 15-1-117 shall be amended to read as follows and Section 15-6-131 shall be adopted to read as follows:

...
§ 15-6-115 SIGNS RESTRICTED.

- (A) The size, number, characteristics, and location of signs are restricted by this Article. Signs owned by or required by governmental entities are not regulated by this Article. Advertising signs (signs not on the lot occupied by the business identified or signs aimed at products sold on site) are limited to business, industrial, and agricultural districts with property having frontage on numbered U.S. and State Highways.
- (B) Owner identification signs are permitted in all retail, commercial, industrial and agricultural districts (C-1, C-2, C-3, C-4, I-1, I-2, Ag), but in the case of freestanding signs, all signage shall be limited to a monument type signage.
- (C) Monument sign means a sign resting on the ground immediately below it or with the bottom of the sign within eighteen (18) inches of the ground immediately below it.

...
§ 15-6-117 OWNER IDENTIFICATION SIGNS PERMITTED.

- (A) Owner identification signs in permitted districts shall comply with the standards of this section. Freestanding signs are limited to one sign per street frontage. The maximum size of any freestanding owner identification sign shall be 200 square feet. Freestanding signs shall have at least eight feet minimum clearance or be of such a design to preclude pedestrians from walking beneath the sign be only of a monument type sign. No sign shall be placed within an arc formed by a 20 foot radius from the point of intersection of two street right-of-way lines unless it complies with § 15-6-120. Each business may possess one sign intended for temporary or portable use, not including banners. Temporary or portable signs if electrically connected are limited to a three foot cord. Projecting wall signs shall have a maximum size of 80 square feet.
- (B) Flat wall signs shall have no maximum size. Roof signs shall not exceed 200 square feet and be limited to one sign per building. Roof and wall signs shall not project more than one foot from the building and it shall be anchored to withstand wind conditions as specified by the Building Code.
- (C) Temporary sandwich board signs may only be located in front of commercial properties within the Historic District where sidewalks are a minimum of eight feet wide. These temporary signs shall be located on the sidewalk during business hours. Under no exception shall the signs be placed over any commemorative pavers. The total size of the sign is not to exceed 42 inches by 24 inches (height x width). The signs must be internally weighted to withstand strong winds. The temporary sandwich board signs shall be placed on the sidewalk one foot from the curb. Only one sandwich board sign shall be permitted per business, and the sign shall be located in front of that specific business, not at another location. If the business is a corner property, the sign may only be placed in one location. Historical Development Board design approval is required prior to a permit being issued by the city.

...

§ 15-6-131 UNSAFE AND OBSOLETE SIGNS.

- (A) Unsafe Signs. If, in the opinion of the director of development services, building official, or other designated representative any sign is or has become dangerous or unsafe in any manner whatsoever, the director, building official, or designated representative shall issue an order to the real property owner directing that the sign shall be immediately repaired and made safe, or taken down and removed.
- (B) Obsolete or abandoned signs and sign structures. Any sign or sign support structure, whether existing on or installed after the effective date of this sign code:
- Which, for at least ninety (90) consecutive days, has not identified or advertised a bona fide business, lessor, service, owner, product, or activity, or advertised a time which has passed or an event which has occurred; or
 - Which has been dilapidated for thirty (30) days or more; or
 - For which the city cannot determine the identity of a legal owner.

(C) Dilapidated sign. A sign which is decayed, deteriorated, or which has fallen into partial ruin that:

- a. Has any portion of the finished material or surface of the message portion of the sign that is visibly faded, flaked, broken off, missing, cracked, splintered, or defective or that is otherwise visibly deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally constructed; or
- b. Has an element, structural support, or frame member that is visibly bent, broken, dented, torn, twisted, leaning, or at angles other than those at which it was originally erected.

(D) Removal. The owner, agent, or person in control of any premises on which there is displayed or maintained an unsafe, abandoned, obsolete or dilapidated sign or supporting structure or the owner or person in control of an unsafe, abandoned or dilapidated sign or supporting structure shall comply with the following requirements:

- a. Any sign that is unsafe, abandoned, obsolete or dilapidated shall be removed.
- b. If a supporting structure used or designed to be used with a sign is unsafe, abandoned, obsolete or dilapidated, the supporting structure shall be removed.
- c. If an unsafe, abandoned, obsolete or dilapidated supporting structure does not have a can, frame, or similar part of the supporting structure that would hold the sign or to which the sign would be attached, the supporting structure shall be removed.

Failure to remove shall be a violation of this ordinance. It shall be a rebuttable presumption that a sign is abandoned if it meets the definition of an abandoned or obsolete sign.

(E) Process. Should the director of development services, building official, or other designated representative, determine that any sign is not properly maintained, is unsafe or insecure or has otherwise been constructed, erected or maintained in violation of the provisions of this code, he shall declare it to be a public nuisance and give written notice of same via hand delivery or certified mail return receipt requested to the real property owner of record.

- a. Such notice and order shall contain substantially the following: (1) location, type, and business name of the sign that is sufficient for identification of such sign; (2) a statement that the designated city employee has found such sign to be in violation of this code or other laws, together with a general description of such violation; (3) the amount of time required to bring the sign into compliance with this code or any other law, said time not to exceed ten (10) days, which may be extended by the designated city employee when it is shown that such corrections cannot be accomplished within the original ten-day time period.

- b. Should the owner of the premises where the sign in question is located fail to remove or repair the sign within the time period specified in this section, the city may remove or repair the sign and assess the cost for same against the owner of record of the real property from which it was removed or repaired. If said costs are not paid, then said costs shall constitute as a valid lien. The City shall assess the costs as a valid lien against such property with the lien accruing interest at eight (8) percent per annum, simple interest until such time as paid in full.
- c. In addition to the above, the building official may issue citations or pursue any other administrative or legal remedy in order to abate any sign which is in violation of this code or any other law.
- d. Notwithstanding anything to the contrary, the building official may cause any sign which is dangerous as an immediate hazard to persons or property to be removed summarily and without notice.

....

II.

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

III.

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

IV.

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

INTRODUCED on this the ___th day of January, 2012.

PASSED AND APPROVED on this the ___th day of January, 2012.

Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Staff Report to the PLANNING & ZONING COMMISSION and CITY COMMISSION

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

Request: APPROVAL OF AN AMENDMENT TO CHANGE ARTICLE VI "SIGN REGULATIONS" OF CHAPTER 15 "ZONING", SPECIFICALLY SECTION 15-6-115 "SIGNS RESTRICTED", SECTION 15-6-117 "OWNER IDENTIFICATION SIGNS PERMITTED" AND ADDING A NEW SECTION, SECTION 15-6-131 "UNSAFE & OBSOLETE SIGNS" DEALING WITH NEEDED UPDATES PERTAINING TO RECOMMENDED AMENDMENTS PER THE ADOPTED MASTER PLAN & NEEDED LANGUAGE PERTAINING TO UNSAFE AND OBSOLETE SIGNAGE.

Petitioner and Agent: City of Kingsville
Date of P&Z Hearing: January 18, 2012

EXHIBITS PRESENTED

- Chapter 15 of the Kingsville Code of Ordinances (present at the meeting)

FIELD INSPECTION AND PERTINENT DATA

With an ever-changing environment of sign regulation, staff consistently reviews the sign code to ensure the interests of the city and public are properly regulated. In performing this review several areas of Article VI "Zoning", specifically in the "Sign Regulations" section were identified as needing revisions and/or additional language to address community appearance and safety regarding unsafe sign structures that have been abandoned. As you are aware, community appearance is one of the City Commission top priorities and this is in line with that priority.

Specifically, staff identified needed revisions within Section 15-6-115 "Signs Restricted" and Section 15-6-117 "Owner Identification Signs Permitted" regarding the type of signage allowed in commercially and industrially zoned areas. Currently, the code allowed for pole signs as of right. However, given the importance being placed on community appearance by commission and staff as well as the nationwide attempts to reduce "sign clutter" along our major commercial corridors, planning staff has drafted a proposal to amend the sign code to only allow for a monument type sign. This will reduce the "sign clutter" and ensure that new signage will promote a more attractive community appearance.

The proposed new language is also consistent with the recommendations of the City of Kingsville Master Plan adopted in May of 2008. This new language will only effect newly installed signage, as all existing signage will be allowed to remain as a "legal non-conforming use" or "grandfathered" use, unless the signage is unused for a period longer than six months. If this language is adopted and a business wanted to install a pole sign, they could apply for relief from the code to attempt to obtain approval for a variance by the Zoning Board of Adjustment. These items have been revised and are reflected in **bold** on the attached document.

Additionally, staff is proposing additional code language via a new section; Section 15-6-131 entitled "Unsafe & Obsolete Signs". The purpose of this code language is to address unsafe and obsolete signage

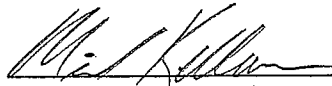
that has been abandoned as businesses have closed. This will prevent old signage from creating an unattractive presence and also ensure safety as the sign structures go unused for an extended period of time and become structurally unsound with a potential for collapse in high winds or severe deterioration. Currently, no language exists that would address this potential issue, and staff has identified it as a vital part to ensuring a safe environment that also promotes a high quality community appearance. This language has been drafted and is reflected in **bold** on the attached document.

STAFF REVIEW & RECOMMENDATION

The purpose of this proposed amendment is to revise Section 15-6-115 "Signs Restricted", Section 15-6-117 "Owner Identification Signs Permitted" and create a new section, Section 15-6-131 "Unsafe & Obsolete Signs" dealing with needed updates pertaining to signage type limiting new signage to monument type signage to enhance the community appearance and addressing abandoned signage that is unsafe, structurally compromised, and/or obsolete.

Staff recommends **Approval** of the amendment requests.

Prepared by:



Michael Kellam, Director of Development Services

PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
JANUARY 18, 2012

Planning and Zoning Members Present

Lupe Alvarez
Steve Zamora
Robert McCreight
John Howe

Citizens Present

Staff Present

Michael Kellam, Director of Development Services
Jessica Storck, Planning Secretary

1. The meeting was called to order at 7:00 p.m.
2. Public comment on items on and not on the agenda.
None.
3. Discuss and take action on the meeting minutes of August 11, 2011:

Mr. Zamora asked the board for any corrections or additions.

Mr. Alvarez makes a motion to accept the minutes. Mr. McCreight seconds. Motion Passed 4/0.

4. Discuss and take action on – Requesting approval of an amendment to change Article VI “Sign Regulations” of Chapter 15 “Zoning”, specifically Section 15-6-115 “Signs Restricted”, Section 15-6-117 “Owner Identification Signs Permitted” and adding a new section, Section 15-6-131 “Unsafe & Obsolete Signs” dealing with needed updates pertaining to recommended amendments per the adopted Master Plan & needed language pertaining to unsafe and obsolete signage. Staff recommendation: Approval.

Mr. Kellam provided a staff report to the Planning and Zoning Commission to get a better understanding of the research and reasoning behind the proposed amendments. The language was changed so that the code could limit signs to monument style signs. Language was also drafted to work with business owners who left signs up but went out of business. Mr. Kellam stated any monument signs that exist now would be allowed to remain intact.

Mr. McCreight asked how the new code would affect a business if the sign was destroyed during a hurricane, for example.

Mr. Kellam stated it depends on a different level of things. If the sign is completely destroyed then yes the new code would be enforced. If the sign is just damaged then repairs can be made.

Mr. McCreight noted that several signs were not following the sign restrictions that were on state property.

Mr. Kellam stated that our city regulations do not apply to state entities.

Mr. Zamora asked what the sign height is permitted on 14th street.

Mr. Kellam stated the height of the building should be the max allowance for height.

Also, if a business closes a pole sign is allowed to stay up with the old sign facing inward. Depending also on the condition of the sign it may have to be removed on a case by case basis. Notices will be given to businesses and will be given time to comply before violations are issued.

Mr. Alvarez asked what department would be ensuring businesses are complying. Mr. Kellam stated with the unsafe and obsolete signage it would be the community appearance department. With the monument signs the permit department will ensure the business are complying with the codes.

Mr. Zamora noted that there is not a height restriction in the new code language.

Mr. Kellam stated it will be resting on the ground and 200ft maximum square footage. There shall not be any obstruction in the sight visibility triangle either.

Mr. Zamora made a motion to approve an amendment change. Mr. Howe seconds. Motion passed 4/0.

5. Discuss and take action on – Requesting approval of an amendment to Chapter 15, “Land Usage”, Article I “Building Regulations” Section 15-1-93, “Storage areas to be surrounded by a solid screen,” pertaining to dumpster screening. Staff recommendation: Approval.

Mr. Kellam stated that community appearance initiatives are important to the City Commission. Many of the commercial dumpsters are the first thing people see on a property. Developers are now being asked initially that the dumpsters be screened in the developing process. He also stated specific code language would be added to the code of ordinances.

The dumpster would be required to have a 3 sided screening to alleviate the view of the dumpster while still allowing sanitation vehicles to pick up the dumpster. The dumpster screening can consist of wood, privacy fence, masonry, stone or stucco with a minimum of 6 feet and free of advertisement.

Mr. Alvarez asked how the businesses will be informed of this new ordinance.

Mr. Kellam stated the new dumpster screening will only apply to newly constructed businesses.

The beautification board drafted a dumpster enclosure initiative to the city commissioners for some businesses along the major thoroughfares that will receive an enclosed dumpster screen as part of the city initiative.

Lupe Alvarez made a motion to approve the amendment change. Mr. Robert McCreight seconds. Motion passed 4/0.

6. Discuss and take action on – Requesting support and adoption of the Comprehensive Housing Plan. Staff recommendation: Approval

Mr. Kellam stated the Comprehensive Housing Plan was developed through research so that developers could have an idea what kind of programs are available in our city. Design and Development is important to our plan so that developers develop long standing homes and neighborhoods.

The plan implementation would need to be followed and reviewed year to year.

Mr. Howe asked is it possible to amend the Housing Plan in the future.

Mr. Kellam said yes. We need to ensure we are doing what the plan is being asked annually. The plan will also change as our environment changes.

Mr. Zamora asked in the study that was taken was it polled as to why people work here in Kingsville but do not live here.

Mr. Kellam stated that the results ranged. There were several different reasons but not one specific reason.

Robert McCreight made a motion to accept the Comprehensive Housing Plan. Mr. Lupe Alvarez seconds. Motion passed 4/0.

Reports from Board and Staff:

None.

6. Adjourn.

Meeting adjourned at 8:00 p.m.

AGENDA ITEM #3

ORDINANCE NO. 2012-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER III, ARTICLE 7, PERSONNEL POLICIES, SECTION 1 CLASSIFICATION AND COMPENSATION PLAN TO ADD THE POSITION OF INFORMATION AND TECHNOLOGY LIBRARIAN TO RANGE 12 OF THE CITY OF KINGSVILLE CLASSIFICATION AND COMPENSATION PLAN FOR FISCAL YEAR 2011-2012; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FORM AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, certain changes are proposed to the City of Kingsville Classification and Compensation Plan's Non-Exempt/Non-Civil Service Salary Plan for FY 2011-2012 so that the plan more accurately reflects the type of position necessary for the efficient operation of the Library Department;

WHEREAS, the requested change is to add the position of Information and Technology Librarian to Range 12 of the City of Kingsville Classification and Compensation Plan for Fiscal Year 2011-2012.

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

I.

THAT Section 3-7-1 Adoption of the Job Classification and Compensation Plan, of Article 7: Personnel Policies, of Chapter III: Administration of the Code of Ordinances of the City of Kingsville, Texas, which adopts by reference the City of Kingsville Classification and Compensation Plan dated effective as of October 1, 2011 shall be amended to adopt by reference the revised Classification and Compensation Plan for FY 2011-2012, as per the document attached hereto, to incorporate the change stated above.

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

INTRODUCED on this the ____ day of ____, A. D., 2012.

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

Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary

Approved As to Form:

Courtney Alvarez, City Attorney



MEMORANDUM

From
The Human Resources Department

Date: February 1, 2012

To: Mr. Vincent Capell
City Manager

From: Diana Gonzales, SPHR
Human Resources Director

A handwritten signature in black ink, appearing to read "Diana Gonzales", written over the printed name.

Subject: Library – New Position Request

SUMMARY

Request to amend Fiscal Year 2011-2012 Classification and Compensation Plan to add the position of Information and Technology Librarian to the Library Department. Attached is the proposed job description for this new position.

BACKGROUND INFORMATION

The Library currently has two full-time and one part-time Library Assistant positions budgeted. With the unexpected passing of a twenty-eight year employee, a full-time position has become vacant.

A new position titled Information and Technology Librarian is requested to be added. See attached justification provided by Library Director Robert Rodriguez.

FINANCIAL IMPACT

There will be no increase in staffing. There will continue to be a total of 10 employees (full-time and part-time) in the department.

The starting rate for the proposed Information and Technology Librarian is Range 12 with a starting hourly rate of \$10.43. The position of Library Assistant is a Range 7 position and the person who vacated the position was earning \$ 10.83 per hour. This will create a forty cent per hour savings on base wages during the first year of employment.

Based on the current wage schedule, step increases are as follows for Range 12 positions:

New Hire Rate	\$ 10.43	Year 10	\$ 11.97
Year 1	\$ 10.83	Year 15	\$ 12.35
Year 3	\$ 11.21	Year 20	\$ 12.74
Year 6	\$ 11.60	Year 25	\$ 13.12

As the previous Library Assistant had reached the maximum pay for the position, there would have been no additional step increases and wages would have been capped at \$10.83 per hour (based on current wage schedule).

With the proposed change the number of full-time Library Assistants will be reduced from 2 to 1 to fund the new Information and Technology Librarian.

RECOMMENDATION

Staff is recommending the Library Director's proposal of an Information and Technology Librarian for further consideration with modification. The modification is to create and add a new position and not reclassify a current title since the department has active employees in the job title of Library Assistant.



CITY OF KINGSVILLE

Job Description

Job Title Information and Technology Librarian	Department Library	Effective Date 02/01/2012
Reports to: Assistant Library Administrator	Job Code Salary Range	FLSA Status Non-Exempt
Approved by Department Director	Signature:	
Approved by Human Resource Director	Signature:	

ESSENTIAL JOB FUNCTIONS:

Definition: Under general supervision of the Assistant Library Administrator, this position is responsible for the development and delivery of library technology plans and the operations and maintenance of the on-line automated system, computers and Internet services; performs information and technology outreach programming throughout the community and to special populations.

Essential Job Functions:

- Serves as the authorized contact person with the library's automation system vendor.
- Performs all routine repairs, daily troubleshooting, and preventive maintenance; conducts internal compliance checks to ensure adherence to staff computer policies; performs annual system hardware and software inventory to insure coverage under the maintenance agreement contracts.
- Identifies and analyzes emerging community issues and needs to determine directions for related library services and collections.
- Collaborates with school districts, libraries, Friends of the Library, Literacy Council, Library Board, higher education institutions, city and county departments, and variety others service groups and organizations as needs and opportunities arise.
- Selects, purchases, and maintains all electronic systems, including telephones, security systems, printers, copiers, faxes, and other peripherals.
- Implements time-sensitive updates to web site information; writes and develops information as needed for placement on the web site; performs layout work and all the other tasks required to create, develop, link, and expand Web page and services.
- Trains staff and the public in the effective use of the library's computers and electronic services.
- Ensures security of software in accordance with established procedure; maintains operational and maintenance logs and statistics.
- Keeps library administration informed on current technology trends, needs and concerns.

ADDITIONAL DUTIES:

- Performs other duties as assigned.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES:

- Computer experience including the Internet; knowledge of library automation systems
- Ability to maintain records in a standard, orderly, systematic fashion
- Exceptional ability to deal with people effectively and courteously
- Ability to type 30 words per minute
- Occasionally may be required to lift, carry, and push up to 35 pounds

PREFERENCE:

- N/A

MINIMUM QUALIFICATIONS:

- Two (2) years of clerical, technical or supervisory computer related experience involving extensive public contact in a library, bookstore or office.

Acceptable Equivalency:

- None

CONDITIONS OF EMPLOYMENT:

- High School Diploma or Equivalent
- Possession of Valid Driver's License
- Satisfactory Driving Record
- Proof of Citizenship and /or eligibility to work in the U.S. legally
- Physical Examination
- Drug Screen
- Background investigation
- All City employees are required in the course and scope of their employment to provide services for the benefit of the general public during emergency situations that threaten the safety of Kingsville citizens. City employees must be able to work immediately before, during, and/or immediately after an emergency in accordance with the City of Kingsville Emergency Services Policy No. 881.00 effective August 28, 2006.

PHYSICAL REQUIREMENTS:

Overall Strength Demands: The following describes the overall strength demand of the functions performed by the incumbent during a typical workday.

Use of communication equipment – computers, phones, radios, fax machines

☐ Sedentary ☐ Light ☒ Medium ☐ Heavy ☐ Very Heavy

Physical Demand Codes: The following describes if the incumbent is expected to exert the following physical demands during a typical workday and the overall frequency.

Codes for "how often":

N = No

E = extensive
(100-70%)

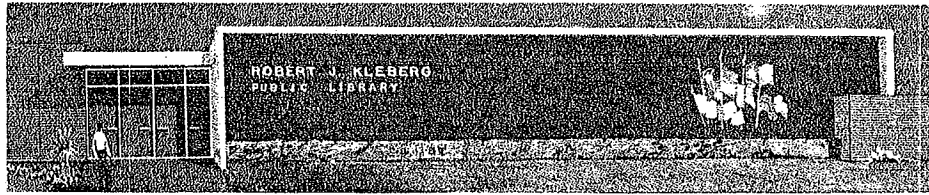
M = moderate
(60-30%)

I = infrequent
(20-10%)

A = almost never
(<10%)

Task	Code	Task	Code	Task	Code	Task	Code
1. Standing	M	6. Pushing/Pulling	M	11. Crawling	A	16. Vision	E
2. Sitting	M	7. Overhead Work	M	12. Bending	M	17. Hearing	E
3. Walking	M	8. Fine Dexterity	E	13. Twisting	M	18. Talking	E
4. Lifting	M	9. Kneeling	M	14. Climbing	I	19. Video Display	E
5. Carrying	M	10. Crouching	M	15. Balancing	M	20. Other	

This job description is not an employment agreement, contract agreement, or contract. Management has exclusive right to alter this job description at any time without notice.



220 N. 4TH STREET • KINGSVILLE, TEXAS 78363 • (361) 592-6381

December 14, 2011

Mr. Vincent Capell
City Manager
200 East Kleberg Avenue
Kingsville, TX 78363

Dear Mr. Capell:

I would like to re-title the full-time Library Assistant position that is currently vacant from Library Assistant to Information and Technology Librarian, and also have the position reclassified from Range 7 to Range 12 as a non-management/non-civil service classification.

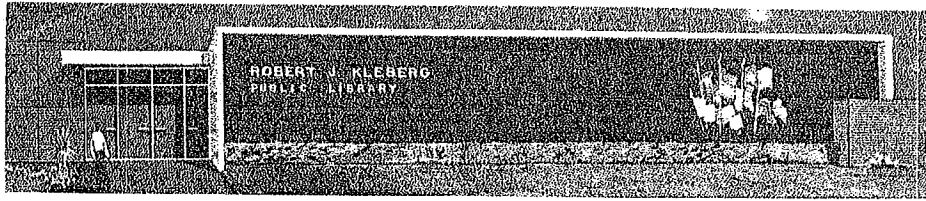
I feel this reclassification will accurately reflect the duties and responsibilities of an IT Librarian and will ensure that highly qualified and tech savvy individuals are attracted and retained by the library.

If you have any questions regarding this request, please call me at 592-6381.

Sincerely,

A handwritten signature in cursive script that reads "Robert Rodriguez".

Robert Rodriguez
Library Director



220 N. 4TH STREET • KINGSVILLE, TEXAS 78363 • (361) 592-6381

December 29, 2011

Mr. Vincent Capell
City Manager
200 East Kleberg Avenue
Kingsville, TX 78363

Dear Mr. Capell:

Enclosed is the "Justification for Position Reclassification" that you requested regarding the Information & Technology Librarian position.

I hope the City Commission sincerely considers my request. I feel this change is essential for the betterment of the library's technical operations.

If you have any questions regarding this justification proposal, please call me at 592-6381.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert Rodriguez". The signature is stylized with a large, looping "R" and a cursive "Rodriguez".

Robert Rodriguez
Library Director

JUSTIFICATION FOR POSITION RECLASSIFICATION

Information & Technology Librarian

When initially formed, our public library basically served as a large depository to hold a collection of valuable and informative books, as well as precious literature for the community patrons to enjoy. No one could have foreseen that our library would be radically transformed into being the provider of much of the latest technology that has exploded within the library world these past years.

In the last three decades our library has taken on a totally new role as to how it disseminates information and serves the community at large. With the current economic situation, libraries are now becoming a means of free resources for individuals - from job assistance, to computer training, to online assistance. If not for the library, these essential resources might otherwise cost patrons precious dollars that many cannot afford.

The library's current technical infrastructure includes a circulation and cataloging module, an active website, online databases and resources, an online card catalog system, a network system server and backup that stores critical recovery data, a Wi-Fi server, several network routers that connect the library's terminals and other electronic peripherals.

Electronic services continue to be a major part of the library's patron services. Since the introduction of the Internet and the increased popularity of Wi-Fi services, our need for an *Information & Technology Librarian* has become vital. As the library introduces additional electronic hardware and software programs, it is evident that more technical knowledge and computer skills are required to maintain these products. With this new responsibility, it is imperative that we maintain someone on staff who is knowledgeable of the library's technical infrastructure, including the various electronic services and programs.

While our technology progress is commendable, the library is not immune to technical problems that inevitably arise with new sophisticated hardware systems and software programs. While some problems can be resolved within a matter of hours, others require more in depth technical knowledge to ensure that down-time is kept to a minimum. Having an *Information & Technology Librarian* on staff will allow the library to better serve the needs of the employees as well as the public.

Specific duties include:

- serving as the authorized contact person for library technology
- performing periodic technology audits on all public and staff equipment
- collaborating with schools, colleges and other various organizations
- maintaining the library's online presence and professional character
- acting as a Public Relations liaison during community and school outreach programs
- identifying and analyzing community needs based on customer feedback to determine the advantages current technology can bring to users

Due to the rapid growth and expansion of technology, additional duties will be added continually to this position. The amount of time that is required to manage the library's computer infrastructure even now is extraordinary. With the limited financial and personnel resources that we have currently, this task is daunting. The complexity of what the public library is attempting to do in serving the residents of Kingsville and Kleberg County is at times overwhelming.

It is for this reason that I am asking for a reclassification for an *Information & Technology Librarian*. This re-class will more accurately reflect the duties and responsibilities of the position and should maintain its validity long into the future.

I've attached an interesting article relating to small libraries. I hope you will take a moment to read it. This article from Mississippi Business Journal discusses libraries that the author visited in Mississippi, but his observations hold true for all rural libraries, and I too believe his points are relevant to our community and library.

Rural libraries: The lifeblood of small towns in Mississippi

by Phil Hardwick

Published: August 7, 2011

Tags: [MBJ column](#), [Phil Hardwick](#), [rural libraries](#), [small towns](#)

Recently I had the opportunity to visit eight libraries in rural towns in Mississippi during the course of one week. These libraries ranged from a two-room facility smaller than some master bedrooms to a full-service, modern library that offered a full range of activities for the community. Below are 10 things that I learned about rural libraries during that week.

1. Each small town library is unique. Whether it is architecture, hours of operation, types of patrons or personality of the staff, no two libraries are the same. Sometimes this uniqueness is driven by its diversity of patrons. For example, more libraries in rural areas are seeing an increase in the number of limited English-speaking patrons. This is primarily a result of an imported labor force of workers, especially agricultural workers. These new patrons are interested in learning to speak English, and view the library as the best place to do that. In other libraries patrons were more interested in arts and cultural events held at the library. It all depended on the community.
2. Patrons are flocking to their local libraries to use the Internet. Whether for homework or genealogy research, social media or even job hunting, the use of library computers has exploded. People who have not visited a library in a while will be surprised to see numerous computers in use by patrons. Some libraries even have rooms dedicated solely to computer use. Many of the patrons of small town libraries lack computer skills and rely on the librarian to assist them in their searches for jobs, social services or research.
3. Job seekers are using the library to find employment, build resumes and even learn job skills. In areas of high unemployment some libraries are even bringing in outside programs to their community rooms. Many state library associations have formed partnerships with their state workforce development agencies to assist job hunters.
4. There are after-school issues and opportunities. In some libraries, after-school time is inspiring. Students come in ready to do homework and research. Libraries have programs available geared specially at those students when they arrive. These programs include lectures, games, educational activities, etc. But in some communities libraries are used as day care centers. Parents are known to drop off children of almost all ages at the local library, and may or may not pick them up by closing time. The librarian is forced to become a social worker in such cases.
5. Libraries are becoming more involved in their communities. This involvement goes beyond mere providing a community room. Library volunteers are going out to nursing homes, day care centers and even jails to offer all types of reading and learning programs.
6. Community rooms are being used by the community. In rural communities the two "community" places are churches and libraries. Churches and libraries offer their fellowship and parish halls for civic club meetings and other gatherings of a community nature. The library community room, in particular, gets a lot of use. One library community room in a small town is even the scene for local wedding receptions.
7. The personality of the librarian is important. For example, the Friends of the Library group in one library that I visited increased its membership from less than 10 to over 60. When I inquired as to why, I was told that it was all about the personality of the librarian. I found this to be true in most libraries that I visited. Some librarians were children-centered, others seemed to like providing community data and others were involved in adult-oriented activities. The library reflected these interests.
8. Elected officials and other funders do not have library cards. Libraries rely on funding from many sources, not the least of which is often the small town or county in which they are located. I inquired about how many elected officials had library cards and learned that there were not many. Librarians will need to learn to better engage their funders in the local library. In towns where the mayor was involved in the local library, the mayors were really involved. One mayor told me that if the local library in his small town went away that he would also have to go away.
9. Technology will have dramatic change on libraries. In 1996, only 28 percent of libraries offered Internet access. Today almost every library offers this service. Indeed, every single library I visited offered Internet access. Some had only just a few computers available, but every librarian told me that at some periods during the day there is a waiting line to use computers. The technology issue for small town libraries is huge. Consider the implications of e-books, e-readers and online services in general.
10. Libraries are safe places. By that I mean that libraries are places where nobody asks why a patron checks out a certain book or needs a certain service. Many patrons told me that there was a feeling of acceptance and comfort that they did not find in other places.

Gone are the days when a person went to the local library to do nothing more than check out a book and return it or renew it later. Small town libraries have become a provider of numerous services to their communities. Their future will be one of expanding those services even more. The communities that support those services will be more vibrant, educated and engaged.

Phil Hardwick is coordinator of capacity development at the John C. Stennis Institute of Government. Contact Hardwick at phil@philhardwick.com.

**CITY OF KINGSVILLE
CLASSIFICATION AND COMPENSATION PLAN
FISCAL YEAR 2011-2012**

Ordinance Introduced: August 22, 2011
Ordinance Approved: September 26, 2011
Ordinance Effective Date: October 1, 2011

Ordinance Amendment Introduced: February 13, 2012

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	\$10.83
RANGE 8	Animal Control Officer/ Kennel Attendant Children's Services Librarian Equipment Operator I	Pump Operator Recycling Technician	\$ 8.39	\$11.18
RANGE 9	Crime Intelligence Analyst Customer Service Representative Municipal Court Deputy Clerk	Reference/Information Librarian	\$ 8.78	\$11.86
RANGE 10	Circulation Librarian Plant Mechanic	Technical Services Assistant	\$ 9.18	\$11.96
RANGE 11	Meter Reader Technician Secretary Water Production Operator		\$ 9.62	\$12.68
RANGE 12	Equipment Operator II Inventory Clerk <u>Information and Technology Librarian</u>	Lab Technician Plant Operator	\$10.06	\$13.12
RANGE 13	Assistant Accountant I		\$10.51	\$13.57
RANGE 14	Crime Scene Specialist Customer Billing Specialist Engineering Technician Executive Secretary	GIS Technician Human Resources Coordinator Telecommunications Operator	\$11.00	\$14.07
RANGE 15	Administrative Assistant I Assistant Accountant II	Equipment Operator III Meter Reader Foreman	\$11.49	\$14.56
RANGE 16	Lead Telecommunications Operator		\$12.03	\$15.64
RANGE 17	Administrative Assistant II Assistant Library Administrator	Maintenance Technician Welder/Fabricator	\$12.60	\$15.66
RANGE 18	Legal Assistant/Paralegal Litter Abatement Technician		\$13.16	\$16.22
RANGE 19	Code Enforcement Officer		\$13.79	\$16.86
RANGE 20	Water Foreman Wastewater Construction Foreman Wastewater Plant Foreman Garage Foreman	Street Foreman	\$14.42	\$17.87
RANGE 21	City Marshal Health Inspector I		\$16.92	\$20.47
RANGE 22	Building Inspector City Marshal - Senior	Health Inspector II	\$17.57	\$21.57
OTHER POSITIONS				
	Probationary Firefighters (0-12 months)		\$ 8.37	\$13.19
	Probationary Police Officers (0-12 months)		\$ 11.43	\$17.53

**CLASSIFICATION PLAN
EXEMPT LEVEL SALARY PLAN
FY 2011-2012**

	MIN ANNUAL	MAX ANNUAL
EXECUTIVE OFFICER – 1 City Manager	\$ 90,000	\$120,000
EXECUTIVE OFFICER - 2 City Attorney Municipal Court Judge	\$ 75,000	\$ 97,000
MANAGEMENT LEVEL - 1 Fire Chief Finance Director Police Chief Public Works Director/City Engineer	\$ 60,000	\$ 90,000
MANAGEMENT LEVEL - 2 Assistant City Attorney Director of Development Services Human Resources Director Purchasing and Technology Director	\$ 45,500	\$ 77,000
MANAGEMENT LEVEL - 3 Assistant Public Works Director City Marshal (Commander) Downtown/Special Projects Manager Health Director Library Director Risk Manager	\$ 40,000	\$ 67,000
MANAGEMENT LEVEL - 4 Accounting Manager Building Official City Marshal -(Assistant Commander) City Secretary Collection's Manager Community Appearance Supervisor 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

PAY RANGE	Year	A	B	C	D	E	F	G	H	I
		TEMP	New Hire	1	3	6	10	15	20	25
7		\$8.04	\$8.38	\$8.74	\$9.08	\$9.44	\$9.78	\$10.13	\$10.48	\$10.83
8		\$8.39	\$8.74	\$9.09	\$9.45	\$9.79	\$10.14	\$10.49	\$10.83	\$11.18
9		\$8.78	\$9.19	\$9.61	\$10.03	\$10.43	\$10.86	\$11.27	\$11.70	\$11.86
10		\$9.18	\$9.53	\$9.87	\$10.22	\$10.57	\$10.91	\$11.29	\$11.73	\$11.96
11		\$9.61	\$10.00	\$10.37	\$10.75	\$11.14	\$11.53	\$11.91	\$12.29	\$12.68
12		\$10.06	\$10.43	\$10.83	\$11.21	\$11.60	\$11.97	\$12.35	\$12.74	\$13.12
13		\$10.51	\$10.89	\$11.27	\$11.66	\$12.04	\$12.42	\$12.80	\$13.19	\$13.57
14		\$11.00	\$11.38	\$11.76	\$12.15	\$12.53	\$12.91	\$13.30	\$13.70	\$14.07
15		\$11.49	\$11.88	\$12.26	\$12.65	\$13.03	\$13.41	\$13.79	\$14.18	\$14.56
16		\$12.03	\$12.47	\$12.93	\$13.38	\$13.83	\$14.28	\$14.74	\$15.19	\$15.64
17		\$12.60	\$12.98	\$13.36	\$13.75	\$14.13	\$14.51	\$14.89	\$15.27	\$15.66
18		\$13.16	\$13.54	\$13.92	\$14.30	\$14.70	\$15.08	\$15.46	\$15.84	\$16.22
19		\$13.79	\$14.17	\$14.56	\$14.93	\$15.32	\$15.70	\$16.10	\$16.47	\$16.86
20		\$14.42	\$15.19	\$15.58	\$15.95	\$16.34	\$16.72	\$17.10	\$17.49	\$17.87
21		\$16.92	\$17.17	\$17.76	\$18.35	\$18.94	\$19.33	\$19.71	\$20.09	\$20.47
22		\$17.57	\$18.27	\$18.85	\$19.45	\$20.04	\$20.43	\$20.81	\$21.20	\$21.57

****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	\$ 15.00	\$ 6.92
C	\$ 25.00	\$ 11.54
II or B	\$ 35.00	\$ 16.15
III or A	\$ 50.00	\$ 23.08

MANAGEMENT LEVEL STEP PROGRAM

INCREASE DUE ON ANNIVERSARY DATE OF MANAGEMENT LEVEL POSITION.

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

AGENDA ITEM #4

ORDINANCE NO.2012-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES CHAPTER VII, ARTICLE 5, TRAFFIC SCHEDULES; PROVIDING FOR A REVISED SCHOOL ZONE FOR THE METHODIST DAY CARE CENTER AND THE RELOCATION OF A SCHOOL ZONE SIGN; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City of Kingsville received a request from the Methodist Child Development Center to modify their school zone time on south 4th St. from 2pm-4pm to 2pm to 6pm and to relocate a school zone sign;

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 Schedule II: Speed Limits in School Zones of Article 5: Traffic Schedules of Chapter VII, Traffic Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

Sec. 7-5-2 Schedule II, Speed Limits in School Zones.

SCHEDULE II: SPEED LIMITS IN SCHOOL ZONES.

The school zones defined herein, when properly marked, shall have speed limits as follows:

<i>School</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Epiphany Episcopal School; First United Methodist Day-Care Center	Beginning at a point 150 feet west of Third St. on West Henrietta Ave. and proceeding in an easterly direction along West Henrietta Ave. to a point 520 feet from the point of origin	15 mph	88023	9-12-88
Epiphany Episcopal School; First United Methodist Day-Care Center	Beginning at a point 150 feet south of West Yoakum Ave. on Third St. and proceeding in a northerly direction along Third St. to a point 150 feet north of its intersection with West Henrietta Ave.	15 mph	88023	9-12-88

Epiphany Episcopal School; First United Methodist Day-Care Center	Beginning at a point 290 150 feet south of West Yoakum Ave. on Fourth St. and proceeding in a northerly direction along Fourth St. to a point 150 feet north of the intersection of West Yoakum Ave. and Fourth St.	15 mph	88023	9-12-88
Epiphany Episcopal School; First United Methodist Day-Care Center	Beginning at the intersection of Third St. and West Yoakum Ave. and proceeding in an easterly direction along West Yoakum Ave. a distance of 840 feet from the point of origin	15 mph	88023	9-12-88

II.

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

III.

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

IV.

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

INTRODUCED on this the 13th day of February, 2012.

PASSED AND APPROVED on this the 27th day of February, 2012.

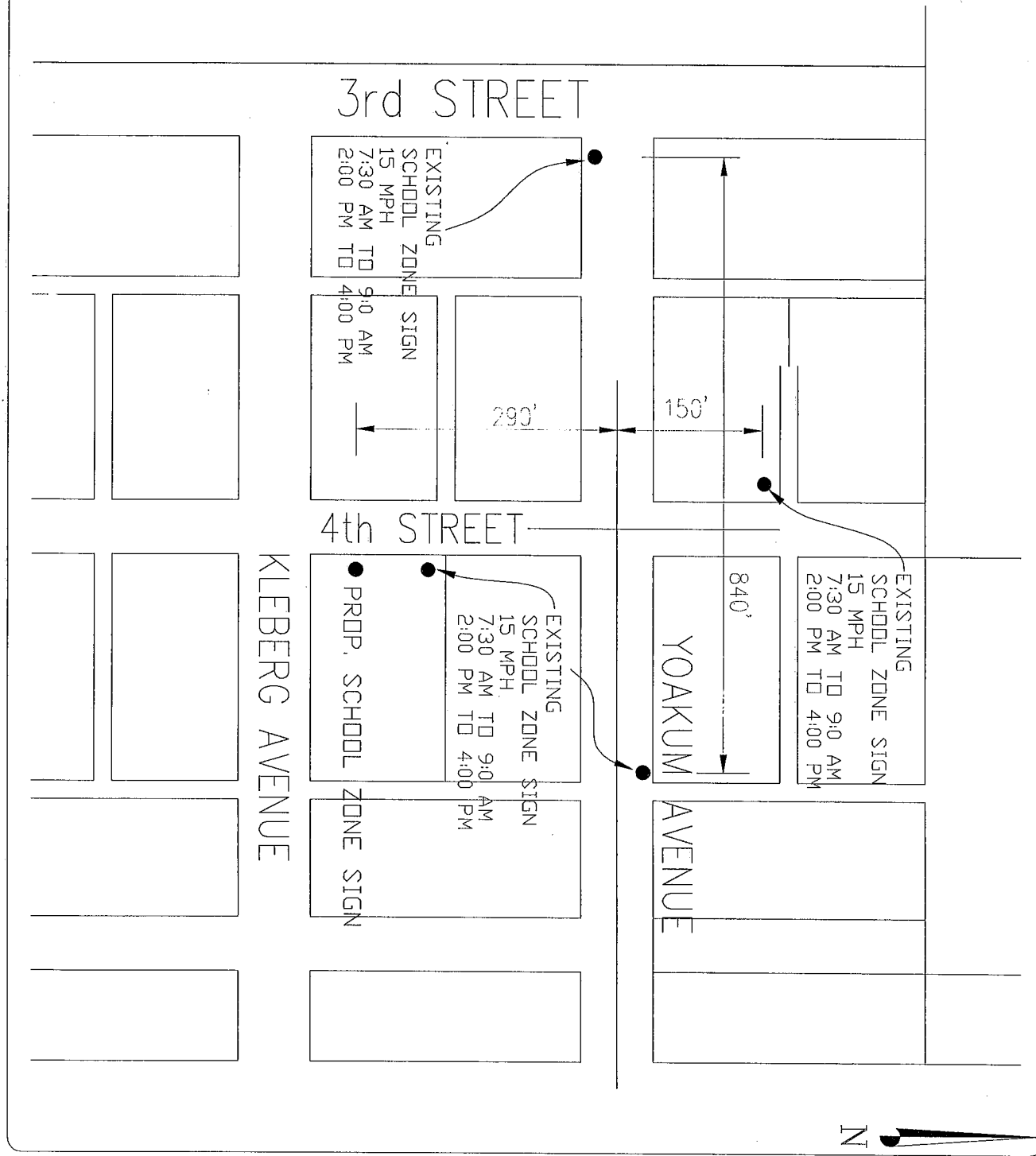
Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary

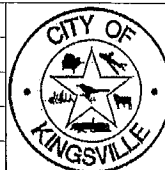
APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



PROPOSED SCHOOL ZONES

Drawn by: NK
 Date: 02/02/2012
 Note:
 Job:
 Scale: N.T.S



CITY OF KINGSVILLE
ENGINEERING DEPARTMENT
 200 East Kleberg
 Kingsville, Texas 78363
 Office 361.595.8005
 Fax 361.595.8035



Engineering Department

361-595-8007

361-595-8035 Fax

DATE: February 3, 2012
TO: City Commission through City Manager
FROM: Naim Khan, Director of Public Works/City Engineer
SUBJECT: School Zone for Methodist Child Development Center

SUMMARY

This item authorizes the City staff to change the location of one 15 mph school zone sign and also the timing of the same sign for Methodist Child Development Center at 4th Street between Kleberg and Yoakum Avenue.

BACKGROUND

There is one 15 mph school zone sign on 4th Street about 160 feet north and another one at the same street about 210 feet south of Yoakum and 4th intersection. There are two existing school zone signs on Yoakum Avenue about 270' East and 410' West of 4th and Yoakum intersection as shown in the attached drawing. Currently the timing for the reduced speed is from 7:30 am to 9:00 am and from 2:00 pm to 4:00 pm. Mr. Javier Canales from Methodist Child Development Center has requested to extend the current afternoon timing of 2:00 pm to 4:00pm so the new afternoon timing would be from 2:00 pm to 6:00 pm for the sign which is currently located 210 feet South of 4th and Yoakum Intersection. He informed that the Day Care Center remains open until 6:00 pm and the parents pick up their children until closing time. He also requested to relocate the same sign 80 feet south so that the driver can get enough time to slow down before they come close to the Child Development Center.

RECOMMENDATION

Staff visited the site and believes Mr. Canales's requested timing change and the relocation of the sign will better serve the City and the Day Care Center.

FINANCIAL IMPACT

No financial impact to the City.

Approved

Vincent Capell, City Manager

AGENDA ITEM #5

ORDINANCE NO. 2012-

AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 BUDGET FOR THE GENERAL FUND CAPITAL PROJECTS FUND FOR VARIOUS DEPARTMENTS TO UTILIZE FISCAL YEAR 2010-2011 SURPLUS FUNDS AND THE UTILITY FUND CAPITAL PROJECTS FUND FOR THE ENGINEERING DEPARTMENT.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2011-2012 budget be amended as follows:

CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
-----------	------------------	---------------	-----------------	-----------------	-----------------

Fund 001 General Fund

Capital

2	Fund Balance (FY 2011)	610.00			<u>705,778</u>
					<u>705,778</u>

Expenses

690.0	Fund Exp/Trsfrs Transfer to Fund 091	394.00		<u>705,778</u>	
				<u>705,778</u>	

[To draw down and transfer FY 2011 General Fund balance reserves created from FY 2011 fiscal surplus.]

Fund 091 General Fund Capital Projects Fund

Revenues

4-000	Transfer from Fund 001	750.15		<u>705,778</u>	
				<u>705,778</u>	

Expenses

101.0	City Manager	Professional Services	314.00	6,250	
170.1	Recycling	Grounds & Perm Fixtures	591.00	16,750	
210.0	Police	Uniforms & Personal Wear	212.00	80,453	
210.0	Police	Building Maintenance	591.00	17,000	
210.0	Police	Grounds & Perm Fixtures	591.00	36,445	
220.0	Fire	Computers & Assoc. Equip.	226.00	4,616	
220.0	Fire	Equipment	712.00	17,591	
301.0	Engineering	Minor Equipment	217.00	2,200	
301.0	Engineering	Professional Services	314.00	2,500	
301.0	Engineering	Computers	726.00	14,825	
305.0	Street	Street – Ailsie	521.01	269,378	
305.0	Street	Street – Armstrong	521.02	<u>237,770</u>	
				<u>705,778</u>	

[To pay for City match of funds for a Certified Local Government grant; Recycling Center fence repairs and landscaping; Police Department body armor, building repairs and beautification project; Fire Department 2 laptops and 2 power stretchers; the General Fund half of the Engineering Department GIS equipment, software, installation fees and a dedicated server; and Street Department repaving of Ailsie and Armstrong using FY 2011 fiscal surplus.]

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
-----------	------------------	---------------	-----------------	-----------------	-----------------

Fund 051 Utility Fund

Capital

2		Fund Balance (FY 2011)	610.00		<u>19,525</u>
					<u>19,525</u>

Expenses

690.0	Fund Exp/Trsfrs	Transfer to Fund 054	394.10	<u>19,525</u>	
				<u>19,525</u>	

Fund 054 Utility Fund Capital Projects Fund

Revenues

4-000		Transfer from Fund 051	750.15	<u>19,525</u>	
				<u>19,525</u>	

Expenses

301.0	Engineering	Minor Equipment	217.00	2,200	
301.0	Engineering	Professional Services	314.00	2,500	
301.0	Engineering	Computers	726.00	<u>14,825</u>	
				<u>19,525</u>	

[To pay for the Utility Fund half of the Engineering Department GIS equipment, software installation fees and a dedicated server.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 13th day of February, 2012.

PASSED AND APPROVED on this the 27 day of February, 2012.

EFFECTIVE DATE: _____

Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

**CITY OF KINGSVILLE
CAPITAL PROJECTS SCHEDULE
FY11 SURPLUS FUNDS - FUND BALANCE**

Agenda Item #	Date of Commission Meeting	GL Account #	Department	Project	FUND 091 General Fund Amount	FUND 054 Utility Fund Amount	Amount Available for Total Projects
Total of FY11 Surplus					1,530,216.00		\$ 1,530,216.00
Deduct: Adjustment FY11 Surplus-FY11 Ambulance Billing correction					(137,726.00)		(137,726.00)
Add: Adjustment FY11 Surplus-FY11 Property Taxes correction					43,260.00		43,260.00
Adjusted Total of FY11 Surplus					1,435,750.00		1,435,750.00
10	02/13/2012	091-5-101.0-314.00	City Manager	City Match for Certified Local Government (CLG) app	6,250.00		
15	02/13/2012	091-5-170.1-591.00	PW - Solid Waste	Recycling Center/Community Appearance - fence slats	1,500.00		
15	02/13/2012	091-5-170.1-591.00	PW - Solid Waste	Recycling Center/Community Appearance - exterior repairs	11,750.00		
15	02/13/2012	091-5-170.1-591.00	PW - Solid Waste	Recycling Center/Community Appearance - landscaping	3,500.00		
13	02/13/2012	091-5-210.0-212.00	Police	Body armor replacement	80,453.00		
12	02/13/2012	091-5-210.0-511.00	Police	Building repairs	17,000.00		
14	02/13/2012	091-5-210.0-591.00	Police	Beautification project	36,445.00		
11	02/13/2012	091-5-220.0-226.00	Fire	2 laptops	4,616.00		
11	02/13/2012	091-5-220.0-712.00	Fire	2 power stretchers	17,591.00		
17	02/13/2012	091-5-301.0-217.00	Engineering	GIS equipment and server - GPS units	2,200.00	2,200.00	
17	02/13/2012	091-5-301.0-314.00	Engineering	GIS equipment and server - GIS software installation	2,500.00	2,500.00	
17	02/13/2012	091-5-301.0-726.00	Engineering	GIS equipment and server - GIS software	3,825.00	3,825.00	
17	02/13/2012	091-5-301.0-726.00	Engineering	GIS equipment and server - GIS server	11,000.00	11,000.00	
16	02/13/2012	091-5-305.0-521.01	PW - Street	Street repaving - Ailsie	269,378.00		
16	02/13/2012	091-5-305.0-521.02	PW - Street	Street repaving - Armstrong	237,770.00		
Total of Projects Presented at 2/13/12					(705,778.00)	(19,525.00)	(725,303.00)
9	02/27/2012	091-4-000-720.30	Revenue	Donations - KCVB	6,250.00		6,250.00
9	02/27/2012	091-5-101.0-314.00	City Manager	KCVB Match for Certified Local Government (CLG) app	6,250.00		
14	02/27/2012	091-5-301.0-314.00	Engineering	Kieberg Ave engineering design-\$30K for TAMUK assistance	29,825.00		
15	02/27/2012	001-5-220.0-212.00	Fire	Bunker gear (Note B)	45,971.00		
16	02/27/2012	001-5-440.0-712.00	Health	Scag mower (Note B)	10,710.00		
Total of Projects Presented at 2/27/12					(92,756.00)		(92,756.00)
Total Remaining Net Surplus					643,466.00	(19,525.00)	623,941.00

**CITY OF KINGSVILLE
CAPITAL PROJECTS SCHEDULE
FY11 SURPLUS FUNDS - FUND BALANCE**

Agenda Item #	Commission Meeting	Date of	GL Account #	Department	Project	FUND 091 General Fund Amount	FUND 054 Utility Fund Amount	Amount Available for Total Projects
					Total Remaining Net Surplus	643,466.00	(19,525.00)	623,941.00
					Other Projects to be Considered			
N/A	N/A		TBD	City Manager	Other Possible Projects			
N/A	N/A		TBD	City Manager	City Match for Post Office Lot Upgrade	30,000.00		
N/A	N/A		TBD	City Manager	HEB Canopy Relocation, Installation & Site Development	23,500.00		
N/A	N/A		TBD	City Manager	Way finding	30,000.00		
N/A	N/A		TBD	Fire - Volunteer	City Match for new garage bay adjacent to existing fire station	20,000.00		
N/A	N/A		TBD	Library	Fix longstanding plumbing and A/C problems	56,040.00		
N/A	N/A		TBD	Development Services	Dumpster enclosure pilot program (Note D)	50,000.00		
N/A	N/A		TBD	Development Services	Corridor landscaping pilot program (Note D)	50,000.00		
N/A	N/A		TBD	PW - Street	Parking lot 7th & Yoakum	60,000.00		
N/A	N/A		TBD	PW - Service Center	Public Works yard - welding shed	31,000.00		
N/A	N/A		TBD	PW - Service Center	Public Works yard - auto gate opener	8,000.00		
N/A	N/A		TBD	PW - Service Center	Public Works yard - pressure washer and catwalk	20,000.00		
N/A	N/A		TBD	PW - Service Center	Public Works yard - gas pump canopy	25,000.00		
N/A	N/A		TBD	PW - Service Center	Public Works yard - fence slats	10,300.00		
N/A	N/A		TBD	PW - Recycling	Recycling center - recycling bailer (Note E)	90,000.00		
N/A	N/A		TBD	Purchasing/Finance	Upgrade time "clock" and attendance management system	80,000.00		
N/A	N/A		TBD	PW-Water Production	Water Well #19 pump house rehab (Note A)		200,000.00	
					Total of Other Possible Projects	(583,840.00)	(200,000.00)	(783,840.00)
					Net Total FY2011 Surplus (Deficit)	59,626.00	(219,525.00)	(159,899.00)

Note A: Research Pending - (1) rolling stock/equipment replacement reserve, (2) technology equipment replacement reserve, and (3) the cost to rehab the existing and/or build a new pump house for Water Well #19.

Note B: Projects Added - (1) Fire bunker gear (\$45,971) and (2) Health Dept. Scag lawnmower (\$10,710). These are supplemental projects requested after the 1/23/12 workshop communicated to the City Commission in an e-mail dated 2/1/12.

Note C: Projects Removed - (1) Honorary alternative naming of 6th Street (\$10,000), (2) Human Resources Information System (HRIS) personnel management (\$34,354), and (3) Exterior repairs to Recycling Center which was double counted (\$19,780).

Note D: Project Cost Changes - (1) lower dumpster enclosure pilot program from \$60,000 to \$50,000 (\$10,000) and (2) lower corridor landscaping pilot program from \$60,000 to \$50,000 (\$10,000).

Note E: Project Substitutions - Detail to be provided.

AGENDA ITEM #6

**KINGSVILLE POLICE DEPARTMENT
INTER-OFFICE MEMORANDUM**

February 15, 2012



TO : Vincent J. Capell, City Manager
FROM : Chief R. Torres
SUBJECT : Out of State Travel

We would ask for your assistance in having Criminal Interdiction Officer Mike Tamez attend the upcoming National Interdiction Conference in Tulsa, Oklahoma from March 10th until March 17th, 2012. During this conference the officers will have the opportunity to attend courses as detailed below:

- Passenger Vehicle Interdiction
- Interdiction Case Studies
- Hidden Compartment Demonstrations
- Meth Lab Demonstration
- Commercial Vehicle Interdiction
- Criminal Interdiction for the Protection of Children
- Use of K'9's in Criminal Interdiction
- Parcel Interdiction
- ICE Bulk Case Smuggling Center Overview
- CBP Air and Marine Operations Center Overview
- Courtroom Testimony
- Stories from those that Survived Deadly Encounters
- 2012 NIC Banquet

The total cost for attendance of the conference by the CI Tamez including conference cost, travel, hotel, and per diem will be approximately \$1191.81. The total cost of this training will be covered by TCLEOSE training funds allocated by the State of Texas to our department.

We would ask that this item be placed on the agenda on February 27th, 2012, for the City of Kingsville regularly scheduled meeting for this out of state travel request. Thank you for your assistance regarding this matter.

 SITEMAPKeep in touch: [HOME](#)[THE CONFERENCE](#)[LODGING](#)[BECOME A VENDOR](#)[RAFFLES & DONATIONS](#)[ABOUT](#)[CONTACT](#)

AGENDA

PRIOR EVENTS


WHAT CAN BE EXPECTED

THE CONFERENCE

The 2012 National Interdiction Conference is a joining of forces of NCEA's Annual Winter Conference and Desert Snow's First Annual Conference. This enormous event is being held at the Hard Rock Hotel and Casino in Tulsa, Oklahoma, March 12-16, 2012. The official training will begin on the morning of Monday, March 12th, but there will be an optional 'Ethics in Criminal Interdiction' class on the afternoon of Sunday, March 11th. (This serves as the necessary ethics training for the NCEA Interdiction Certifications for both new application and renewal application) The training will continue through Thursday evening and will conclude on Friday morning March 16th with a joint awards breakfast.

This week-long training is being provided for the low cost of \$295 for early registration and \$325 for late registration, (After Jan. 20, 2012). This cost includes the officer's training, morning and afternoon breaks and the full sit down breakfast on Friday morning. We will also have 'Networking Socials' each night for all attendees provided at no cost as well.

Groups of five or more registering at the same time on-line and paying prior to February 13, 2012 will receive a \$50 per attendee discount. Furthermore, any NCEA or Desert Snow / Black Asphalt Member who registers before January 20, 2012 and is a paying attendee to the conference will receive a complementary 2012 membership.

[SITEMAP](#)Keep in touch: [HOME](#)[THE CONFERENCE](#)[LODGING](#)[BECOME A VENDOR](#)[RAFFLES & DONATIONS](#)[ABOUT](#)[CONTACT](#)

AGENDA

PRIOR EVENTS

WHAT CAN BE EXPECTED

WHAT CAN BE EXPECTED

What can you expect during your week at this historic event? Sunday begins with early registration and an optional training block in Law Enforcement Ethics. It never hurts for officers to be reminded about why they took the oath.

Monday morning will begin with our late registration period and the official opening ceremonies. The rest of the week will be filled with intense training sessions from 0800-1700 daily. Optional Training blocks will also be offered from 1700 to 1830 Monday through Thursday nights. These sessions include the opportunity for officers to receive hands-on training with several vehicles containing compartments. There will also be nightly "networking" sessions from approximately 1900 to 2200. Throughout the course of the week, attendees will also witness numerous officers being acknowledged for instances of professional excellence.


The official training seminar concludes on Thursday afternoon with presentations from law enforcement officers who were seriously injured in the line of duty. Hearing their stories makes for an extremely humbling experience for everyone in attendance.

We highly recommend for all attendees to stick around for Friday mornings first annual National Interdiction Conference Joint Awards Breakfast. Some of the best interdiction officers the U.S. and Canada will be recognized for their successes in helping to ruin the plans of some of the most dangerous criminals in North America.

You will also see officers recognized for their contribution in preserving a free and open society by paying the ultimate sacrifice for fellowman. We will acknowledge their lives and thank their families and co-workers so that they will never be forgotten.

"Our fallen officers died in service to justice, and in defense of the innocent. They will never be forgotten by their comrades, they will never be forgotten by their country." - President George W. Bush - May 15, 2004.

 SITEMAP

 Keep in touch: 

[HOME](#) | [THE CONFERENCE](#) | [LODGING](#) | [BECOME A VENDOR](#) | [RAFFLES & DONATIONS](#) | [ABOUT](#) | [CONTACT](#)

AGENDA

PRIOR EVENTS

WHAT CAN BE EXPECTED

AGENDA

[Click here to download the Agenda](#)

Sunday - March 11, 2012	
1200 to 1700	Registration
1500 to 1700	Ethics in Criminal Patrol <i>Lt. Gene Hise - Oklahoma Highway Patrol</i> <i>Branton Perry - Oklahoma Highway Patrol</i> <i>William Diaz - Oklahoma Bureau of Narcotics</i>
1800 to 2000	Networking / Hospitality
Monday - March 12, 2012	
0700 to 0800	Late Registration
0800 to 0830	Opening Ceremony & Announcements <i>Oklahoma Highway Patrol Honor Guard / Oklahoma Highway Patrol Conline Unit</i> <i>TBA - Oklahoma Highway Patrol (National Anthem)</i> <i>Pastor Kenny Stacey - First Baptist Church of Salina, Oklahoma</i> <i>Doug Wright - National Criminal Enforcement Association</i> <i>Joa David - Desert Snow</i> <i>Commissioner Mike Thompson - Oklahoma Highway Patrol</i> <i>Colonel Kerry Pettingill - Oklahoma Highway Patrol</i> <i>Sheriff Stanley Glanz - Tulsa County Sheriff's Office</i>
0830 to 0915	Passenger Vehicle Interdiction <i>Jason Henderson - Texas Department of Public Safety</i> <i>Ben Dollar - Texas Department of Public Safety</i>
0915 to 0930	Morning Break "Refreshments in Vendor Area"
0930 to 1200	Passenger Vehicle Interdiction - Continued <i>Jason Henderson - Texas Department of Public Safety</i>

	<i>Ben Dollar – Texas Department of Public Safety</i>
1200 to 1300	Lunch
1300 to 1315	Raffles & Announcements
1300 to 1500	Passenger Vehicle Interdiction – Continued <i>Jason Henderson – Texas Department of Public Safety</i> <i>Ben Dollar – Texas Department of Public Safety</i>
1500 to 1515	Afternoon Break "Refreshments in Vendor Area"
1515 to 1700	Interdiction Case Studies <i>Stacey Arnold – Ohio Highway Patrol</i> <i>Chris Murphy – Virginia State Police</i> <i>More TBA</i>
1700 to 1715	Raffles & Announcements
1715 to 1830	Hidden Compartment Demonstrations
1715 to 1830	Meth Lab Demonstration
1830 to 2130	Networking / Hospitality

Tuesday – March 13, 2012	
0800 to 0915	Commercial Vehicle Interdiction <i>Jay Thompson – Georgia State Patrol</i> <i>Blake Swicord – Georgia State Patrol</i> <i>Ken Hoos – Iowa State Patrol</i>
0915 to 0930	Morning Break "Refreshments in Vendor Area"
0930 to 1200	Commercial Vehicle Interdiction – Continued <i>Jay Thompson – Georgia State Patrol</i> <i>Blake Swicord – Georgia State Patrol</i> <i>Ken Hoos – Iowa State Patrol</i>
1200 to 1300	Lunch
1300 to 1315	Raffles & Announcements
1300 to 1500	Criminal Interdiction for the Protection of Children <i>Derek Prestridge – Texas Department of Public Safety</i>

1500 to 1515	Afternoon Break **Refreshments in Vendor Area**
1515 to 1700	Use of K-9's in Criminal Interdiction <i>Ricky Farley - Alabama Constable Law Enforcement Officers Training Center, Inc</i>
1700 to 1715	Raffles & Announcements
1715 to 1830	Hidden Compartment Demonstrations
1715 to 1830	Meth Lab Demonstration
1830 to 2130	Networking / Hospitality

Wednesday - March 14, 2012	
0800 to 0915	Parcel Interdiction TBA
0915 to 0930	Morning Break **Refreshments in Vendor Area**
0930 to 1000	El Paso Intelligence Center (EPIC) Overview
1000 to 1030	TBA
1030 to 1100	Terrorist Screening Center Operations & Overview
1100 to 1130	ICE Bulk Cash Smuggling Center Overview
1130 to 1200	CBP Air & Marine Operations Center Overview
1200 to 1300	Lunch
1300 to 1315	Raffles & Announcements
1300 to 1500	Hotel/Motel/Train/Bus Interdiction TBA
1500 to 1515	Afternoon Break **Refreshments in Vendor Area**
1515 to 1700	Street Level Interdiction <i>Ben Catalano - Phoenix Police Department</i> <i>Frank Buenos - Phoenix Police Department</i> <i>Michael Vargas - Philadelphia Police Department</i>
1700 to 1715	Raffles & Announcements

1715 to 1830	Hidden Compartment Demonstrations
1715 to 1830	Meth Lab Demonstration
1830 to 2130	Networking / Hospitality

Thursday - March 15, 2012	
0800 to 0915	Interdiction From The Sky <i>Stacy Holland - Texas Department of Public Safety (Aircraft Section)</i> <i>Rudy Escobar - Texas Department of Public Safety (Aircraft Section)</i>
0915 to 0930	Morning Break **Refreshments in Vendor Area**
0930 to 1200	Courtroom Testimony <i>Joe David - California Highway Patrol (retired)</i>
1200 to 1300	Lunch
1300 to 1315	Raffles & Announcements
1300 to 1500	Stories From Those Who Survived Deadly Encounters TBA
1500 to 1515	Afternoon Break **Refreshments in Vendor Area**
1515 to 1700	Tragedy in West Memphis, Arkansas <i>Michael E. Neal - Arkansas Game & Fish Commission Wildlife Officer</i>
1700 to 1715	Raffles & Announcements
1715 to 1830	Hidden Compartment Demonstrations
1715 to 1830	Meth Lab Demonstration
1830 to 2130	Networking / Hospitality

Friday - March 16, 2012	
0730 to 0800	Admission to Banquet
0800 to 1100	2012 NIC Banquet <i>Breakfast</i> <i>Sheriff Charlie Hanger - Noble County Sheriff's Office (Guest Speaker)</i> <i>NCEA Award Presentations</i> <i>Desert Snow Award Presentations</i>

AGENDA ITEM #7



Engineering Department

361-595-8007
361-595-8035 Fax

DATE: February 17, 2012
TO: City Commission through City Manager
FROM: Naim Khan, Director of Public Works/City Engineer

SUBJECT: Landfill Supervisor Gary Fuselier's Out of State Tour

SUMMARY

This item will authorize Landfill Supervisor Mr. Gary Fuselier to attend a two-day seminar in Phoenix, Arizona.

BACKGROUND

Bomag Engineering Company has invited a selected number of experienced landfill operators to attend a seminar in Phoenix on March 26 and 27th of this year. As an experienced Landfill operator Gary has been invited to attend this seminar/class. The main purpose of this trip is to meet with Bomag engineers to discuss what landfill operators are looking for in compactors and how they can improve the product. I believe it is an honor for Gary to be invited. He will meet with other experienced landfill operators and exchange in beneficial informational sessions with them.

RECOMMENDATION

I recommend Gary's trip to Phoenix

FINANCIAL IMPACT

Since all expenses will be paid by Bomag, there will be no financial impact to the City.

Approved

Vincent Capell, City Manager

**QFD Landfill Machine Workshop
March 26 + 27, 2012 Phoenix AZ**



Monday, March 26, 2012

By 11:30 am MST	Arrival to Phoenix AZ
12:00 noon	Introduction of QFD Process & Lunch
12:30 pm	QFD Workshop Begins
3:15 pm	Break
5:30 pm	End of QFD Workshop - part I
6:30 pm	Group Dinner

Tuesday, March 27, 2012

7:00 am	Coffee/Juice
7:30 am	Continuing QFD Workshop - part II
9:00 am	QFD Results / Final Conclusions
10:00 am	Break
10:15 am	Presentation of BOMAG Landfill Product Line
11:45 am	Group Lunch, end of meeting, and departure

AGENDA ITEM #8



February 17, 2012

To: City Commission via City Manager

From: Robert R Trescott, Downtown & Special Projects Manager

Re: Kingsville Auto Club Event – March 3, 2012

The Kingsville Auto Club has requested City support and permits to host a Classic Car Show on Saturday, March 3, 2012 as a benefit for the Brush Country CASA.

This event has been planned for the parking lots between the railroad and 5th Street between King and Yoakum Avenues, with setup beginning Saturday morning at 8:00 Am breakdown by 4:30PM.

They request that the two lots entrances off King Avenue be closed and that Kleberg Avenue be closed from the railroad to 5th Street.

They are requesting a waiver of the street closing fee of \$100 and are requesting four sets of barricades and four roll-out trash cans to be delivered and retrieved during normal working hours. Costs requested.

The Auto Club, the KHDDA and the City are cooperating to balance downtown interests and working to reduce City costs for these events.

AGENDA ITEM #9



1501 N. Highway 77
Kingsville, Texas 78363



1.361.592.8516
1.800.333.5032
Fax: 1.361.592.3227

February 22, 2012

MEMORANDUM

TO: City of Kingsville

FROM: Carol Ann Anderson
Kingsville Convention & Visitors Bureau

RE: Amendment to 2012 Budget

Please find attached copies of votes for amendment of budget to cover an unbudgeted expense for a matching grant.

The grant is a CLG and the Convention & Visitors Bureau has agreed to contribute \$6,250.00. Because this request was solidified after our regular board of directors meeting, the members were polled by e-mail. There is a majority in favor of this transaction.

KINGSVILLE CONVENTION & VISITORS BUREAU
2011 - 2012 PROPOSED BUDGET AMENDMENT

EXPENSES		INCOME TO COVER AMENDMENT	
New Line Item			
6092	\$ 6,250.00	Historical Survey - CLG Matching Grant	
Unbudgeted		Contingency \$	6,250.00

APPROVE

DISAPPROVE

[Signature]

AGENDA ITEM #10



Purchasing Department

361-595-8025

361-595-8035 Fax

DATE: February 20, 2012
TO: City Commission through City Manager
FROM: David Mason, Purchasing Director
SUBJECT: Water Utility Supplies 12-21

This item authorizes a nine month contract with two different companies to supply water and wastewater utility supplies. Each bidder recommended for an award submitted the lowest, qualified bid. These contracts will be effective February 27, 2012 through September 30, 2012. Attached is a copy of the bid tabulation.

ACTION REQUESTED/RECOMMENDATION

It is recommended that the contracts be awarded to the following bidders:

ITEM NO.	DESCRIPTION	TOTAL	NAME OF CO.
1	F. C. Clamps	\$16,802.24	Ferguson Enterprises
2	Tapping Sleeves	\$5,908.75	Ferguson Enterprises
3	Tapping Saddles	\$4,521.60	Ferguson Enterprises
4	Quick Taps	\$1,714.62	HD Supply

ITEM NO.	DESCRIPTION	TOTAL	COMPANY NAME
5	GATE VALVES	\$ 13,243.52	Ferguson
6	METER VALVES	\$ 3,472.97	Ferguson
7	METER BOXES	\$ 17,666.78	Ferguson
8	ANGLE STOPS	\$ 636.80	Ferguson
9	CORP. STOPS	\$ 42.73	Ferguson
10	COPPER TUBING	\$ 1,625.60	Ferguson
11	PLASTIC TUBING	\$ 53.00	HD Supply
12	FIRE HYDRANTS	\$ 18,988.12	Ferguson
13	COUPLINGS	\$ 2,325.58	Ferguson
14	Omni Couplings	\$ 3,248.75	Ferguson
15	TAPPED FULL CLAMPS	\$ 735.79	Ferguson
16	VALVE BOXES	\$ 2,497.00	Ferguson
17	M.J.TEES & ELLS	\$ 1,744.64	Ferguson
18	REGULAR ELLS	\$ 25.27	Ferguson
19	ADAPTERS	\$ 1,519.42	HD Supply
20	FLANGES	\$ 741.83	Ferguson
21	MANHOLES	\$ 1,183.58	HD Supply
22	COVERS & RINGS	\$ 22,352.85	Ferguson
23	BRASS NIPPLES	\$ 1,770.20	Ferguson
24	HEX BUSHINGS	\$ 230.72	Ferguson
25	REDI-CLAMPS	\$ 32.44	Ferguson
26	Sewer Pipe	\$ 6,378.04	Ferguson
27	Single Band Clamps	\$ 3,409.75	Ferguson

RECOMMENDATION

PG. 3

FINANCIAL IMPACT

This action does not directly expend any funds. Rather, the contract specifies unit prices and enables these items to be acquired as needed during the time of the contract. Funds for these items are included in the annual budget.

BACKGROUND

We advertised Bid 12-21 on 11/23/11 & 11/30/11 and revision 12-21A on 1/22/12 & 1/29/12.

Deliveries will be made from one to ten working days after receipt of purchase order.

Approved:

Vincent Capell, City Manager

(REGULAR AGENDA)

AGENDA ITEM #11

RESOLUTION NO. 2012-_____

**A RESOLUTON APPROVING THE APPLICATION FOR HOME FUNDS
TO FINANCE NEW DEVELOPMENT AND A RESOLUTION OF
SUPPORT FOR THE PROPOSED DEVELOPMENT KNOWN AS SOUTH
BRAHMA VILLAGE.**

WHEREAS, the Housing Authority of the City of Kingsville, through a limited public-private partnership affiliated with the Housing Authority referred to as South Brahma Village, Ltd., is proposing to develop a new affordable housing development located at the southeast intersection of East Trant Road and South Brahma Blvd. or FM 1717; and

WHERAS, such development efforts are consistent with the Community Revitalization Plans adopted by the City under Resolution No. 2008-03, and Resolution No. 2009-10, as well as the Kingsville Comprehensive Master Plan adopted by the City under Ordinance No. 2008-15 and the Comprehensive Housing Plan for the City of Kingsville adopted by the City under Resolution No.2012-06; and

WHEREAS, the Housing Authority of the City of Kingsville, through a public-private partnership affiliated with the Housing Authority, intends to submit a joint application to the Texas Department of Housing and Community Affairs ("TDHCA") for 2012 Housing Tax Credits and HOME Investment Partnership Program funds for the development of South Brahma Village; and

WHEREAS, Texas Administrative Code §50.9(b)(5), which gives Housing Tax Credit points for the commitment of development funding by the Unit of General Local Government, states that the TDHCA HOME Program funds will not qualify for points in this category "unless a resolution is submitted with the application from the Governing Body of the Unit of General Local Government authorizing that the Applicant act on behalf of the Unit of General Local Government in applying for HOME Program funds from TDHCA for the particular application"; and

WHEREAS, pursuant to Texas Administrative Code §50.8(2)(A), we acknowledge that the City of Kingsville has more than twice the state average of units per capita supported by Housing Tax Credits;

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

1. The City hereby confirms its support for the development and construction of South Brahma Village.
2. The City hereby approves the Housing Authority's application, through a public-private partnership affiliated with the Housing Authority, for Tax Credits

from the Texas Department of Housing and Community Affairs and authorizes an award of Housing Tax Credits for the development and construction of South Brahma Village.

3. The City hereby approves the Housing Authority's application, through a public-private partnership affiliated with the Housing Authority, for HOME Funds from the Texas Department of Housing and Community Affairs, and the City appoints the Housing Authority, through a public-private partnership affiliated with the Housing Authority called South Brahma Village, Ltd., to act on the City's behalf in applying for TDHCA HOME funds for the development and construction of South Brahma Village.
4. This Resolution shall become effective immediately upon its passage.

CONSIDERED, PASSED, APPROVED AND SIGNED this _____ day of February, 2012, at a regular meeting of the Commissioners 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.

Signed this _____ day of February, 2012.

Attest:

CITY OF KINGSVILLE

Sam Fugate, Mayor

Edna S. Lopez, City Secretary

Approved as to form:

City Attorney

Housing Authority of the City of Kingsville

BROWN VILLA PROJECT - TX114-1
CONNELL VILLA PROJECT - TX114-3
MAPLE CIRCLE PROJECT - TX114-2 & 4
CASA RICARDO PROJECT - TX114-5
HORIZON VILLAGE - TX114-010
SECTION 8 HOUSING CHOICE VOUCHER

CENTRAL OFFICE
P.O. BOX 847
1000 WEST CORRAL
KINGSVILLE, TEXAS 78363
PHONE- (361) 592-6783
FAX: 361-595-1997

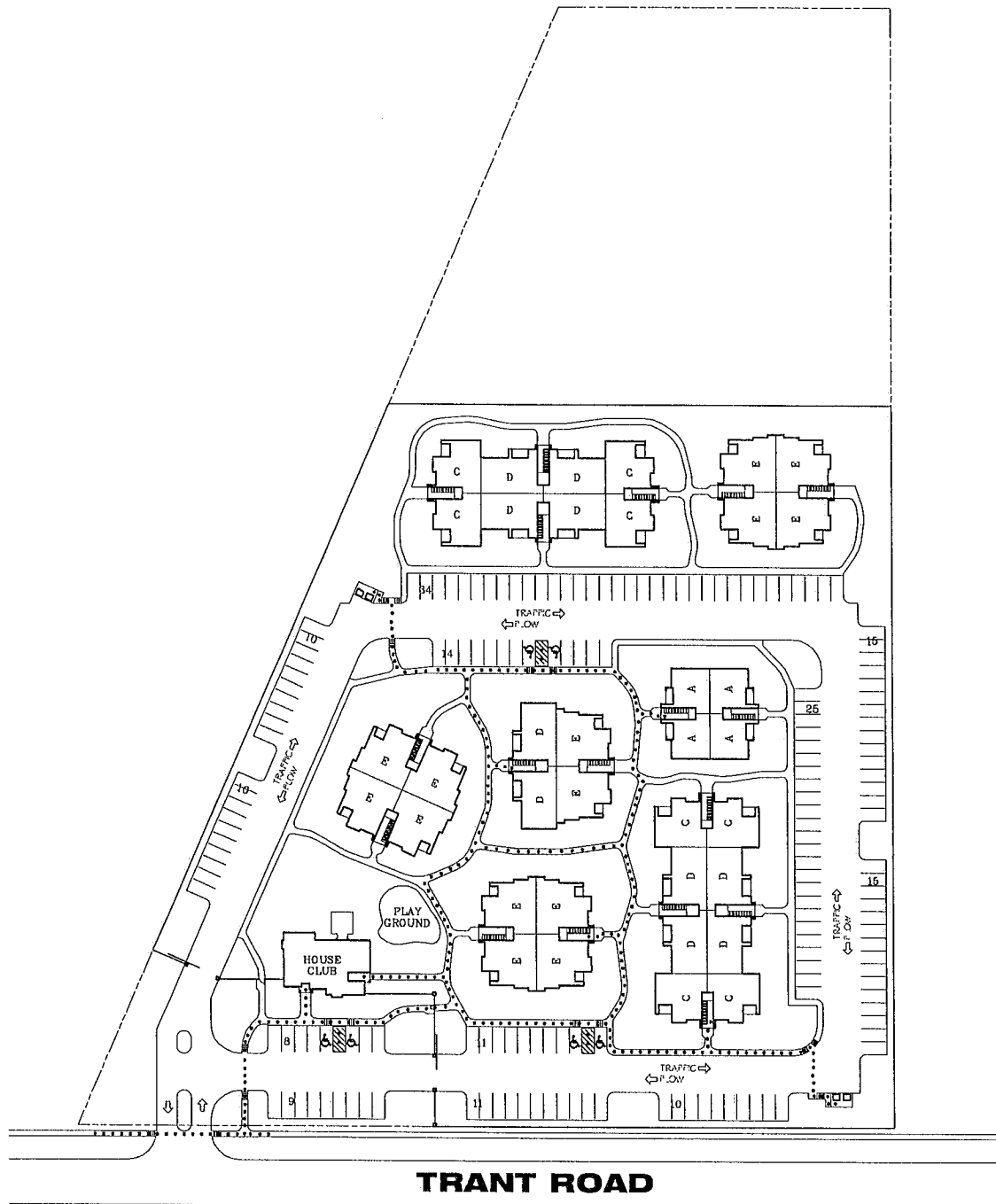
The Kingsville Housing Authority continues to work towards providing affordable housing to families in the Kingsville Community. Continuing this effort, the Housing Authority is proposing a new Tax Credit Development on South Brahma Boulevard.

The long term plan of the Kingsville Housing Authority has been to demolish and redevelop existing public housing units. However, last year's application to re-develop Connell Villa was not awarded and this year, it would once again not have scored high enough to be competitive with other applications in our region. Therefore, an application for Connell Villa was not submitted.

The new development on Brahma was only recently conceptualized for a couple of reasons. The Housing Authority had been looking at available properties since the early part of 2011. In March of 2011, the property on South Brahma Boulevard was placed under contract however there was no immediate plan to develop that property. The Housing Authority Board of Commissioners opted to purchase that property with the vision of developing the property at a later date.

In the latter part of 2011, the Texas Department of Housing and Community Affairs published the rules for the Tax Credit Program (Q.A.P.) for the 2012 awards. In reviewing the Q.A.P. (Qualified Allocation Plan), the housing authority and our development partners determined that the best opportunity for the Housing Authority to score competitively would be to propose a new tax credit development on the Brahma property. Several things came into play determining the possible award of tax credits for this development, the census tract this property was located in and the school that the children would attend were key factors.

The Housing Authority's goal continues to be to redevelop our existing public housing units as well as create affordable housing in the Kingsville Community.



SITE PLAN



SOUTH BRAHMA VILLAGE - KINGSVILLE, TEXAS

TYPE	NO.	NET AREA	TOTAL NET AREA	GROSS AREA	TOTAL GROSS AREA
A 1 BR / 1 BA	8	750 S.F.	6,000 S.F.	838 S.F.	6,704 S.F.
C 2 BR / 2 BA	16	980 S.F.	15,680 S.F.	1,059 S.F.	16,944 S.F.
D 2 BR / 2 BA	20	1,015 S.F.	20,300 S.F.	1,130 S.F.	22,600 S.F.
E 3 BR / 2 BA	28	1,150 S.F.	32,200 S.F.	1,229 S.F.	34,412 S.F.
TOTAL	72		74,180 S.F.		80,660 S.F.

Representative Projects

(Two Story, Walk-Up Apartments)

The Heights at Corral – Kingsville, Texas
Retama Village, Phase I – McAllen, Texas
San Diego Creek Apartments – Alice, Texas
Easterling Village – Alice, Texas

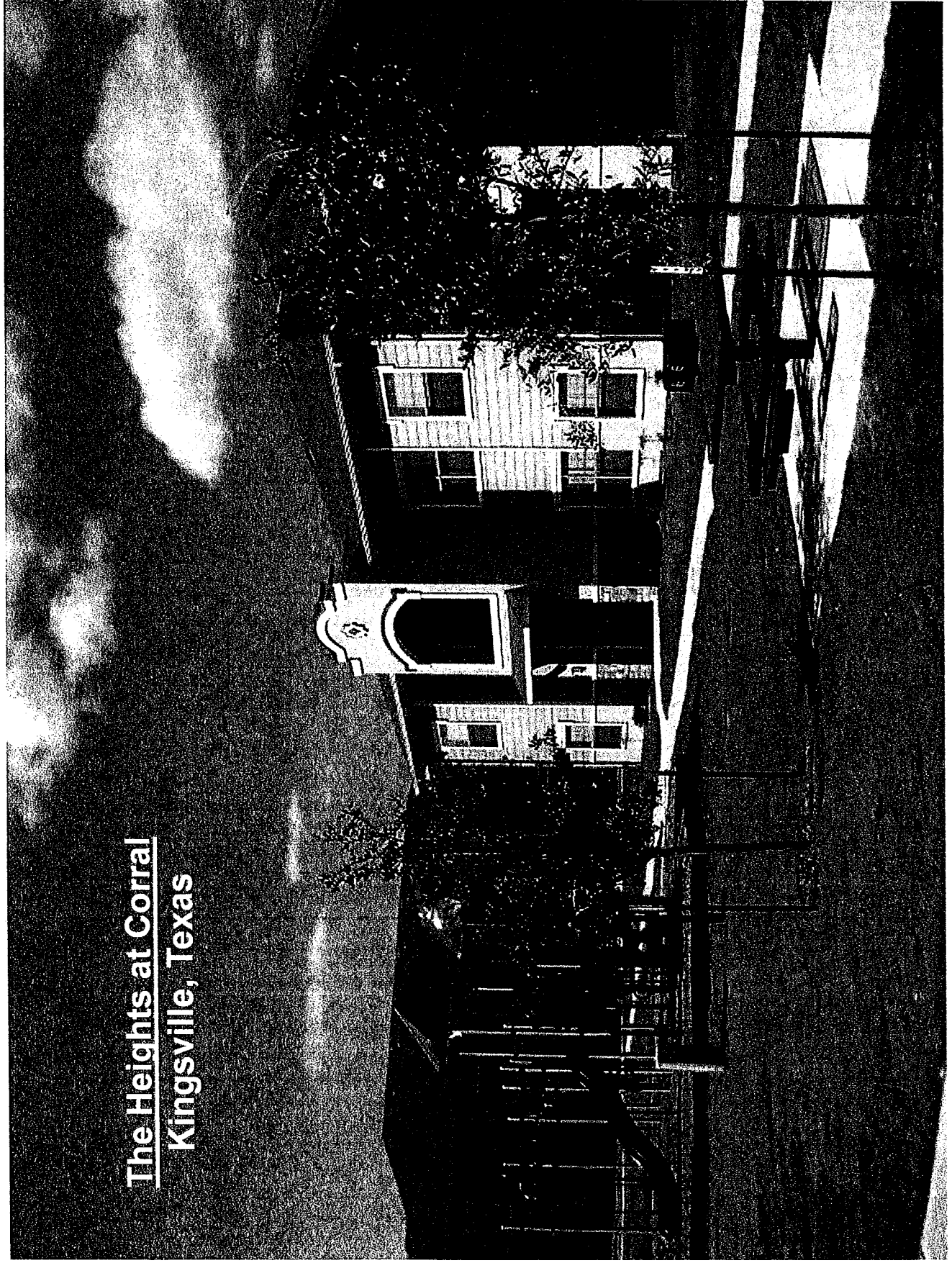
Brownstone Affordable Housing, Ltd. (Developer)
Brownstone Construction, Ltd. (General Contractor)

6517 Mapleridge
Houston, Texas 77081
713.432.7727 office
713.432.0120 fax

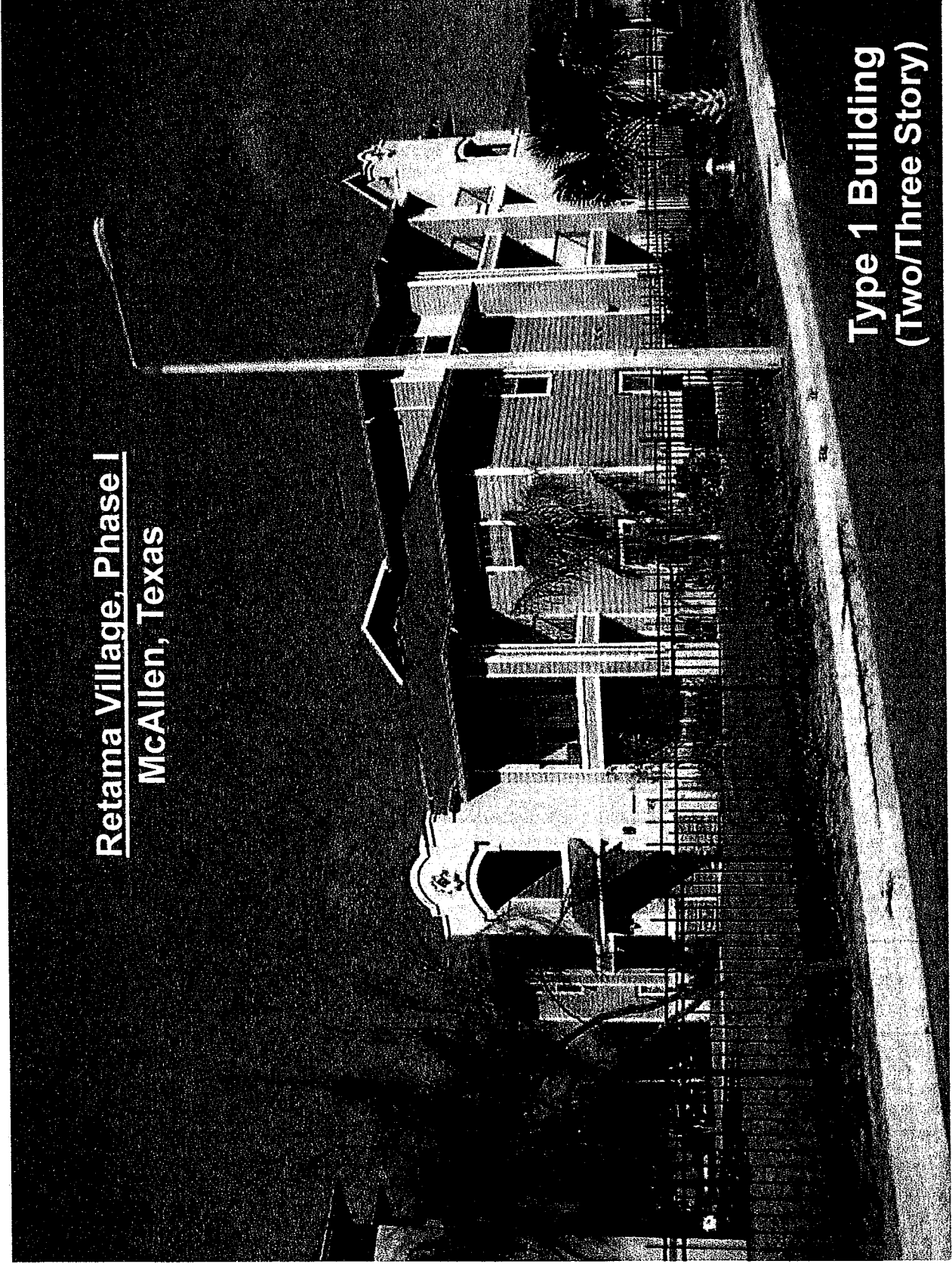
Contact Person – Doak D. Brown @ 713.432.7727, ext. 208
Other Contacts – Jed A. Brown @ 956.286.7200
William “Bill” L. Brown @ 713.432.7727, ext. 207



The Heights at Corral
Kingsville, Texas



Retama Village, Phase I
McAllen, Texas

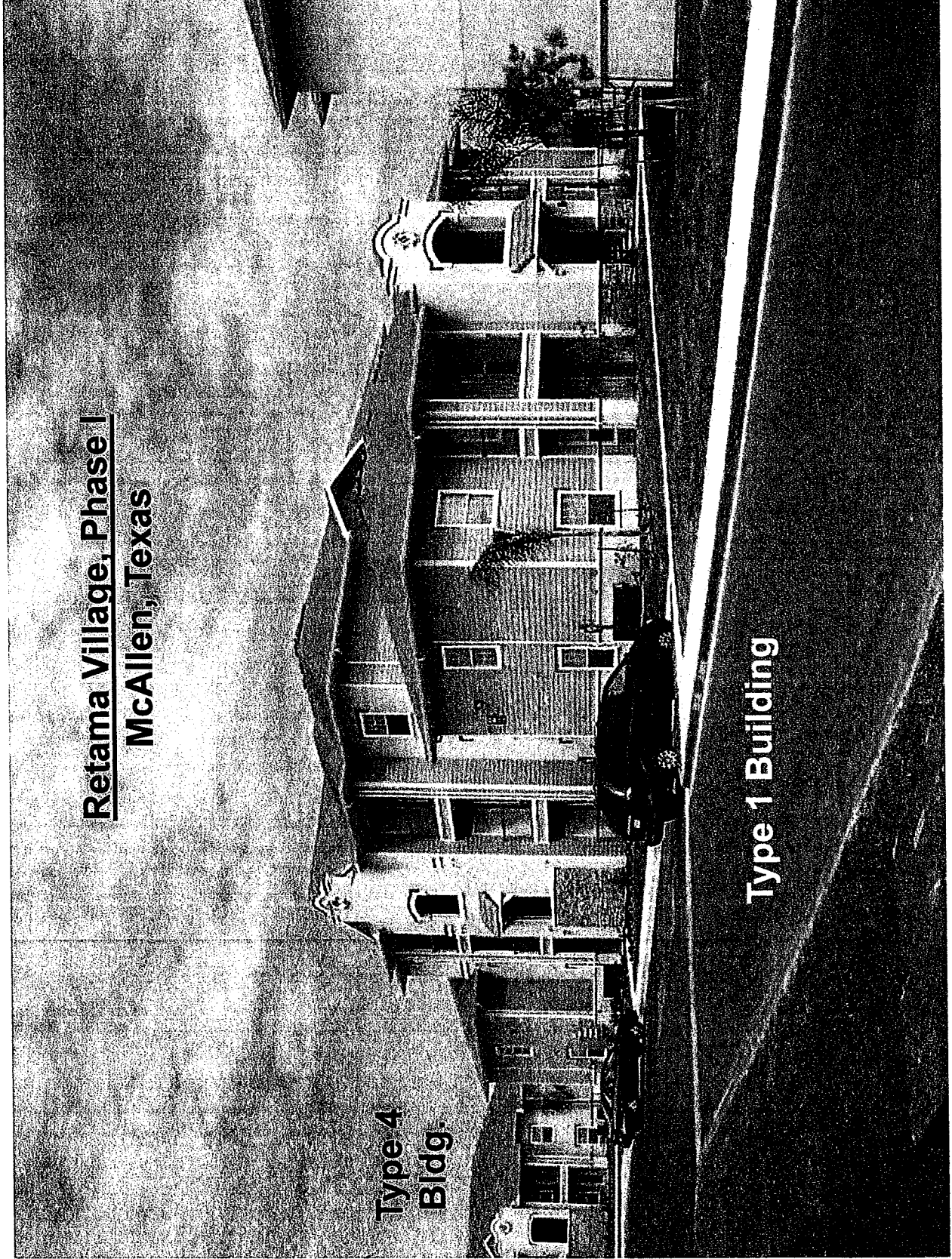


Type 1 Building
(Two/Three Story)

Retama Village, Phase I
McAllen, Texas

**Type 4
Bldg.**

Type 1 Building



San Diego Creek Apartments

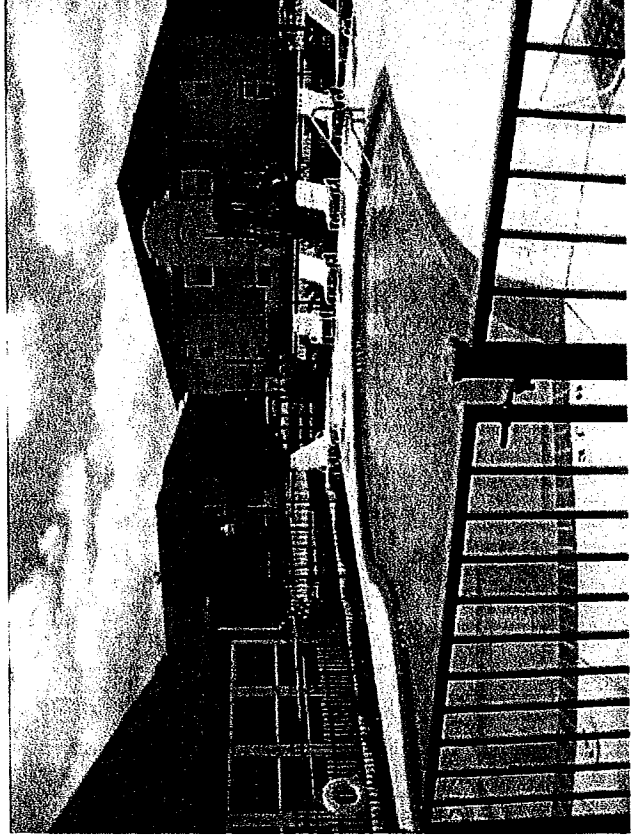
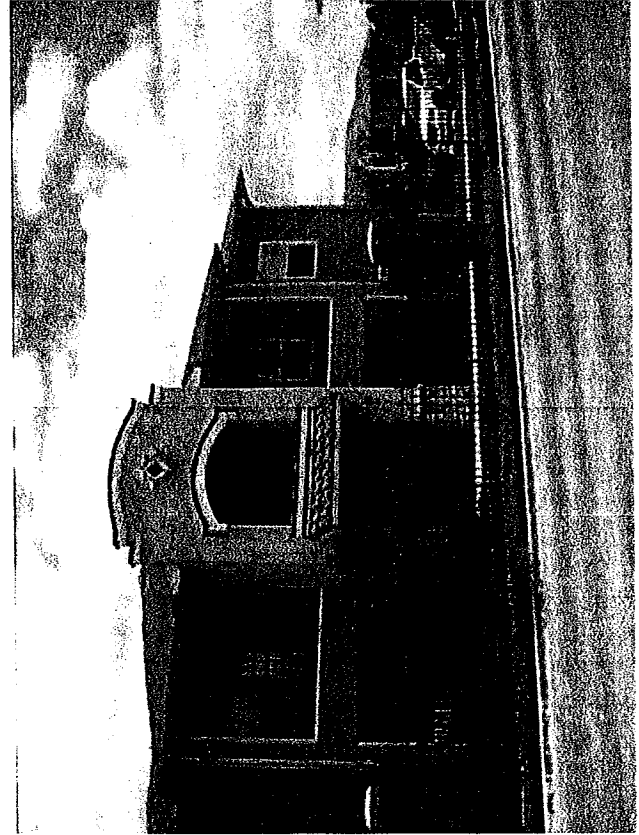
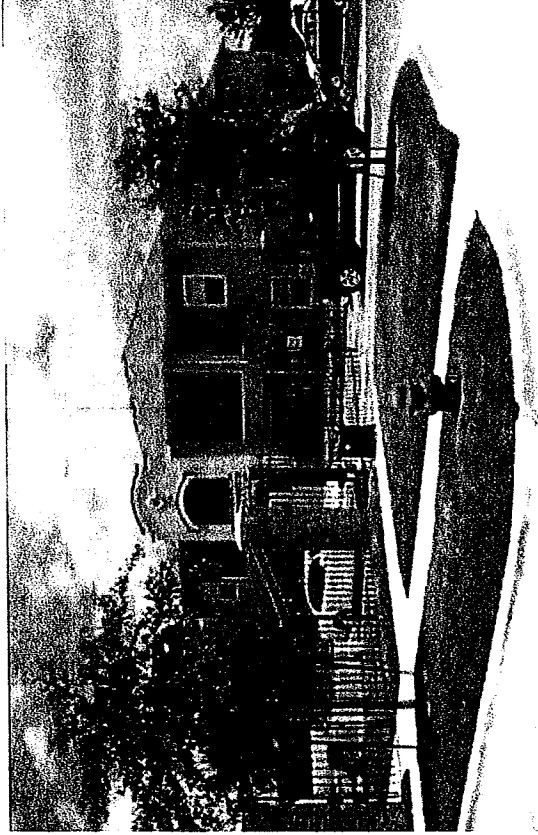
72 Units

Alice, Texas

2005 Tax Credit Project

Completed 2007

(Developer/General Contractor)

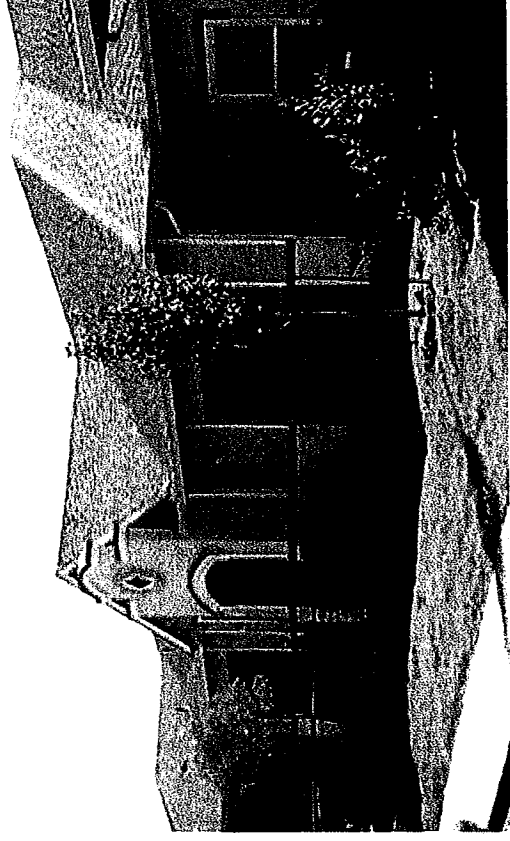
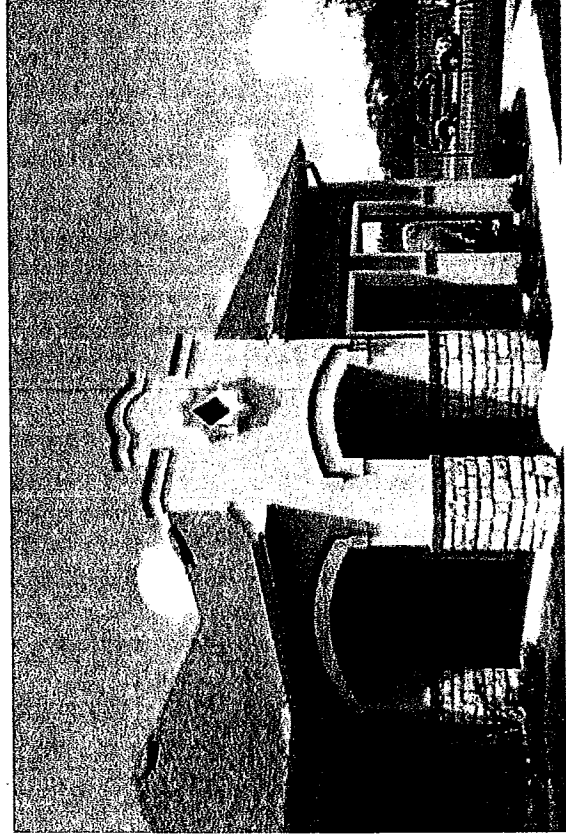


Easterling Village Apartments

48 Units

Alice, Texas

**2006 Tax Credit Project
Completed 2008
(Developer/General Contractor)**



AGENDA ITEM #12

RESOLUTION NO. 2012-_____

A RESOLUTION AMENDING A PREVIOUS RESOLUTION WHICH ESTABLISHED A COMMUNITY REVITALIZATION PLAN FOR THE CITY OF KINGSVILLE AND A RESOLUTION ESTABLISHING ECONOMIC DEVELOPMENT INITIATIVES FOR AREAS WITHIN THE COMMUNITY REVITALIZATION PLAN.

WHEREAS, the City of Kingsville, by and through its City Commission (hereinafter referred to as the "City"), identified a critical need to revitalize areas of the City that are in despair and created a Community Revitalization Plan pursuant to Resolution No. 2008-03; and

WHEREAS, the City desires to amend the initial Community Revitalization Plan to include additional properties owned or under contract for purchase by the Housing Authority of the City of Kingsville or any of its affiliations with public-private partnerships (the "Housing Authority") to increase the areas impacted by the initial Community Revitalization Plan; and

WHEREAS, the City will benefit from promoting and supporting such community revitalization efforts by the Housing Authority; and

WHEREAS, the City desires to adopt additional economic development initiatives to promote the development of affordable housing for areas within the Community Revitalization Plan which will promote economic development for the City; and

WHEREAS, the City agrees to support and work with the Housing Authority to develop new affordable housing with renters of mixed income using innovative methods including public-private partnerships;

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

1. In addition to the developments previously declared to be part of its Community Revitalization Plan, the City hereby declares the area that is west of Highway 77 and located in Kleberg County Census Tract 205 to be part of its Community Revitalization Plan. See Exhibit "A" attached hereto for a map of this area.
2. As part of the City's Community Revitalization Plan, the City supports any new affordable housing developments by the Housing Authority financed with housing tax credits or other financing methods located in any of the areas designated to be part of the Community Revitalization Plan.

3. As an economic development initiative and in order to promote economic development within the City, the City hereby approves a 50% deduction in the cost of building permits for all affordable housing developments by the Housing Authority located in the areas designated to be part of the Community Revitalization Plan.
4. The City supports the application to the Texas Department of Housing and Community Affairs for an allocation of 2012 low income housing tax credits for South Brahma Village TDHCA #12305, and the City supports all future applications to the Texas Department of Housing and Community Affairs for developments by the Housing Authority located in areas covered by the Community Revitalization Plan for future allocations of tax credits so that the City's community revitalization goals for new affordable housing can be achieved.
5. The City welcomes the cooperation of the Housing Authority and their developer partner(s) in the City's Community Revitalization Plan.
6. The Mayor and City Manager are authorized to take any reasonable and necessary action to implement the direction and intention of this resolution for the Community Revitalization Plan and economic development initiatives with the Community Revitalization Plan.
7. This resolution shall be and become effective on and after adoption.

CONSIDERED, PASSED, AND APPROVED this ____ day of February, 2012, at a regular meeting of 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.

Signed this ____ day of February, 2012.

Sam Fugate, Mayor

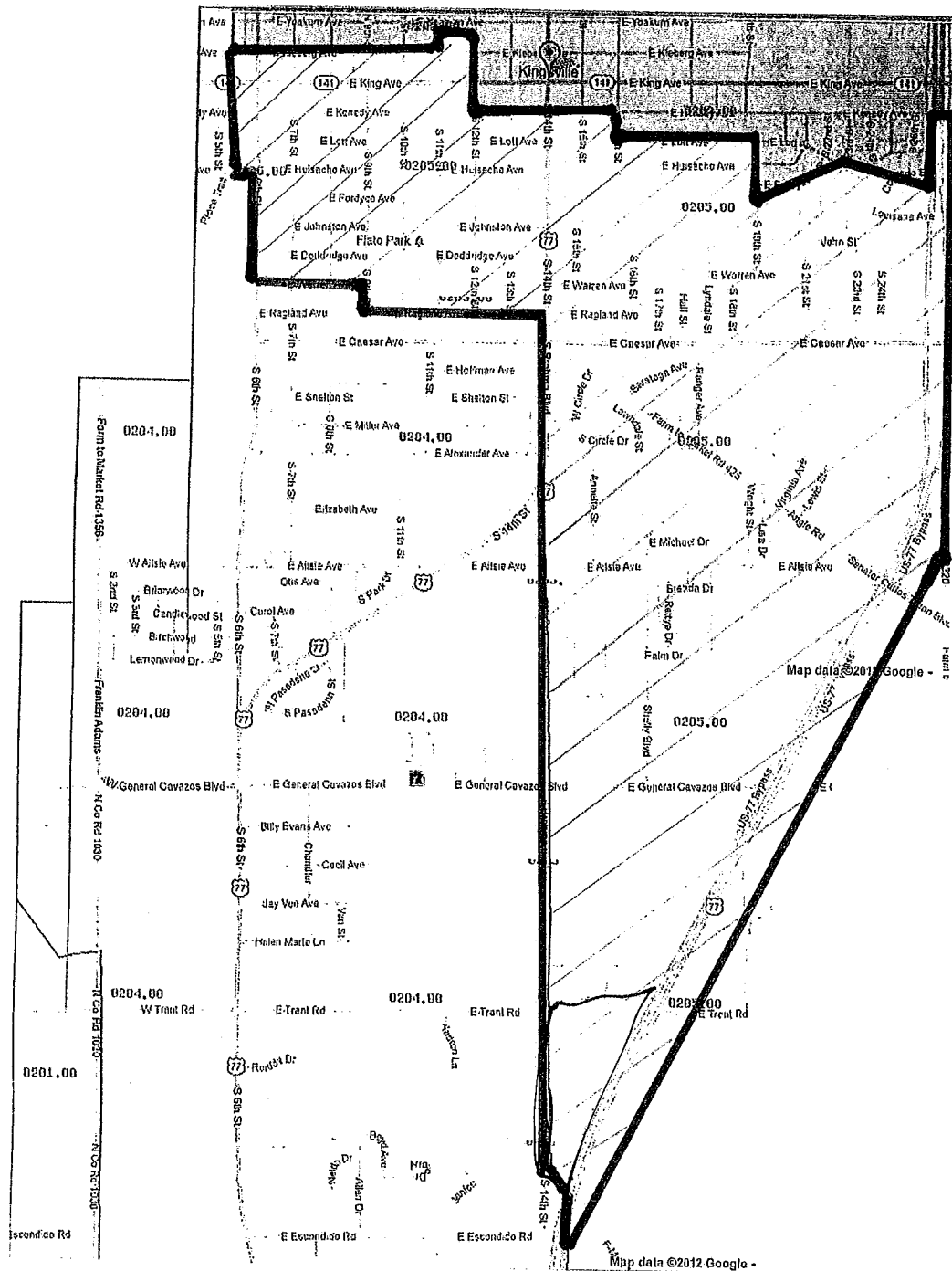
Attest:

Edna S. Lopez, City Secretary

Approved as to form:

Courtney Alvarez, City Attorney

NEW AREA WITHIN KLEBERG COUNTY CENSUS TRACT 205 DESIGNATED
AS PART OF REVITALIZATION PLAN FOR THE CITY OF KINGSVILLE



AGENDA ITEM #13

ORDINANCE NO. 2012-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 5, HISTORICAL DISTRICTS AND LANDMARKS, SECTIONS 15-5-15, 15-5-16 & 15-5-19, PROVIDING FOR CLARIFICATION OF DUTIES OF THE BOARD AND A METHOD OF APPEAL OF BOARD DECISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, Chapter 211 Texas Local Government Code, Section 211.005 authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.

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 Sections 15-5-15, 15-5-16 & 15-5-19 of Article 5: Historical Districts and Landmarks of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 15-5-15 CREATION; DUTIES.

(A) There is hereby created a Board of Historical Development whose primary duties will be to act out in an advisory capacity to the City Commission and to advise the City in the following particulars:

- (1) To effect and accomplish the protection, enhancement and perpetuation of such historic structures and landscape features and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
- (2) Safeguard the city's historic, aesthetic and cultural heritage;
- (3) Foster civic pride in the beauty and noble accomplishments of the past;
- (4) Protect and enhance the city's attraction to tourists and visitors and the support to business and industry thereby provided;
- (5) Strengthen the economy of the city;
- (6) Promote the use of historic districts, landmarks, and structures for the education, pleasure and welfare of the citizens of the city; and
- (7) Designate historic landmarks, districts, subjects, areas and sites.

(B) Duties.

- (1) The Board shall make an annual report to the City Commission on the state of historic preservation and development in the city and shall include in the

report a summary of its activities for the past year and a proposed program for the next year.

(2) The Board shall have the further responsibility of recommending to the City Commission, City Manager, and city departments the adoption of policies, the sources of funds, and designation of districts and landmarks, that may further the city's preservation and development effort.

(3) The Board shall provide recommendations to the City Commission concerning the establishment of city policies, approvals or projects, designations of additional historic landmarks and any other project or efforts which might affect a designated historic landmark or historic district.

(4) The Board shall, with staff advice and support, determine a suitable emblem for marking buildings, structures, and sites within historic districts and for designated landmarks, both public and private. This emblem shall be submitted for approval to the Texas Historical Commission and then recommended for approval to the City Commission, along with a list of locations and sites and estimates as to cost, for approval by the City Commission.

(5) The Board may adopt such rules and regulations as it deems necessary to carry out its duties and responsibilities as set forth in this article. All such rules and regulations shall not be inconsistent with any law, statute or city ordinance presently in existence or hereafter enacted or amended.

(6) Maintain an inventory of designated historical buildings, structures, districts, landmarks, subjects, areas, sites within the city and surrounding areas as may be requested by citizens in the county.

(7) Approve, ~~approve with recommended changes, or disapprove~~ applications as outlined in this article.

§ 15-5-16 COMPOSITION; MEMBERSHIP; FUNCTIONS.

- (A) The members of the Board of Historical Development shall be appointed by the City Commission and shall serve without compensation. The members of the Board, if possible, shall include ~~the~~ nine members representing the following professions or organizations: history, business, attractions, economic development, architectural, engineering, education, and the like. All members, at the time of their selection must be taxpayers of the city.
- (B) The Board shall act in an advisory capacity only, and shall have no power to bind the city by contract or otherwise, ~~except as specifically provided for herein regarding applications.~~ It shall be the function of the Board to advise the City Commission concerning ~~all applications for permits in the all public policy matters related to the protection, enhancement, and perpetuation of historic sites, buildings, historic districts and historic landmarks.~~

...

§ 15-5-19 MEETINGS.

- (A) The Board shall hold regularly scheduled meetings with advance notice posted according to the Texas Open Meetings Law. Additionally, meetings may be called upon request of the Chairman, or upon written request of three members, or upon notice from the Secretary of the Board that a matter requires the consideration of the Board.
- (B) Upon receipt of an application for a building permit for the construction, reconstruction, alteration, restoration, relocation, demolition or razing of a building, buildings, or appurtenance in a historic district or historic landmark, the Board shall at the next regularly scheduled meeting consider the ~~recommendation which the Board will give to the City Commission~~ application for approval, approval with recommended changes, or disapproval. The person applying for the permit shall be advised of the time and place of the meeting and invited to appear to explain his reasons therefor. The Board may invite such other persons or groups as it desires to attend its meetings. The Board may hold any additional meetings it considers necessary to carry out its responsibilities as enumerated in this article.
- (C) A majority of the members appointed pursuant to § 15-5-16 of this article, shall constitute a quorum and action taken at a meeting shall require the affirmative vote of a majority of the members of the Board present at the meeting.
- (D) ~~All decisions of the Board shall be in writing and shall state its findings pertaining to approval, denial or recommended modification to the application. Copies shall be furnished to the applicant and to the Director of Development Services, or designee, and filed as part of the Board's public record.~~
- (E) ~~An applicant who is dissatisfied with a decision of the Board shall have the right within 30 days of receipt of notification of the Board's decision to appeal said decision to the City Commission, by giving written notice of appeal to the Director of Development Services.~~

...

II.

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

III.

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

IV.

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

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

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

Sam R. Fugate, Mayor

ATTEST:

Edna S. Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

AGENDA ITEM #14



Engineering Department

361-595-8007

361-595-8035 Fax

DATE: February 17, 2012
TO: City Commission through City Manager
FROM: Naim Khan, Director of Public Works/City Engineer

SUBJECT: Kleberg Avenue Design Work by Javelina Innovation Lab

SUMMARY

This item authorizes the Javelina Innovation Lab to start design work for Kleberg Avenue

BACKGROUND

The need for detail engineering design of Kleberg Avenue was presented to the City Commission at a workshop session on January 23, 2012. Dr. Stephan J. Nix, Dean and Professor at TAMUK College of Engineering sent a pre-proposal to staff showing his interest to do this project. As per the pre-proposal, a team of four (4) students from Texas A&M University-Kingsville will be formed to provide detailed engineering design for the reconstruction of Kleberg Avenue from the old H.M. King High School building to the Kleberg County Courthouse (spanning 3rd Street to 11th Street). The scope of work will include the follow:

- Initial investigation
- Survey
- Plan
- Profile
- Drainage
- Utilities
- Sidewalks
- ADA design considerations
- Other inclusions as requested by the City

The deliverables will include brief monthly progress reports to City, as well as 30%, 50%, 90%, and final design documents. The project will extend over 12 months, with the final project schedule prepared in collaboration with City personnel upon execution of the agreement between the City and TAMUK.

RECOMMENDATION

Staff recommends to approve this pre-proposal as presented.

FINANCIAL IMPACT

The design work for this project will cost the City \$29,825 with funding coming from the FY2010-2011 surplus funds.

Approved

Vincent Capell, City Manager

**Javelina Innovation Lab
Frank H. Dotterweich College of Engineering
Texas A&M University-Kingsville
Kingsville, Texas**

Pre-Proposal to the City of Kingsville, Texas

*Engineering Design for Improvements to Kleberg Avenue
February 14, 2012*

Introduction

The City of Kingsville, Texas (the City) and Texas A&M University-Kingsville (TAMUK) have had, for many decades, a synergistic relationship in many areas. Of particular importance is the opportunity for students to gain practical, hands-on experience while performing services and completing projects for the City. Students with such experience command a premium in the marketplace and provide the City with cost-effective ideas, products, and services. Students working on these projects are mentored by faculty, who in turn bring their expertise to bear on issues facing the City.

This proposed project addresses the need for the City to have engineering design work completed for a seven-block segment of Kleberg Avenue in downtown Kingsville.

Scope of Work

A team of four (4) students from Texas A&M University-Kingsville will be formed to provide detailed engineering design for the reconstruction of Kleberg Avenue from the old H.M. King High School building to the Kleberg County Courthouse (spanning 3rd Street to 11th Street). The scope of work will include the follow:

- Initial investigation
- Survey
- Plan
- Profile
- Drainage
- Utilities
- Sidewalks
- ADA design considerations
- Other inclusions as requested by the City

The deliverables will include brief monthly progress reports to City, as well as 30%, 50%, 90%, and final design documents. The project will extend over 12 months, with the final project schedule prepared in collaboration with City personnel upon execution of the agreement between the City and TAMUK.

Project Management

The team of four (4) students will be supervised directed by Dr. Stephan J. Nix, Dean and Professor, TAMUK College of Engineering in close collaboration with Mr. Naim Khan, City Engineer, City of

Kingsville. Other faculty from the Department of Civil and Architectural Engineering will provide specific technical advice where needed. The student team will be provided space and computers for the project in the Javelina Innovation Lab (currently located in room 275, TAMUK Engineering Complex). All specialized software needed for the project will be provided by the City. The University will provide normally expected office software (e.g., Microsoft Word, Microsoft Excel, etc.). Dr. Nix will be responsible for monitoring work schedules and ensuring the completion of project tasks.

Project Budget

Category	City of Kingsville	Cost Share from TAMUK
Salaries/Wages		
Principal Investigator, S. Nix (1 day/month or 12 days total)		\$ 8,000
Faculty Advisors (TBA)	\$ 4,000	
Students (4), \$11.25/hr*50 weeks*10 hours/week	\$ 22,500	
Subtotal - Salaries/Wages	\$ 26,500	
Supplies	\$ 2,000	
Indirect Cost (50% of salaries is full federally negotiated rate, assigned as 5% to City and cost share of 45% by TAMUK for salaries paid by City; salaries cost shared by TAMUK are assessed indirect cost of 50%)	\$ 1,325	\$ 15,925
TOTAL	\$ 29,825	\$ 23,925

AGENDA ITEM #15



Purchasing Department

361-595-8025
361-595-8035 Fax

DATE: February 17, 2012
TO: City Commission through City Manager
FROM: David Mason, Purchasing/IT Director
SUBJECT: Fire Department Bunker Gear

SUMMARY

This item authorizes the purchase of twenty (20) sets of bunker gear for the Kingsville Fire Department.

BACKGROUND

Current best practice from NFPA is for the replacement of bunker gear after five (5) years of service. These 20 sets are on their 6th year of service and eligible, as such, for replacement

RECOMMENDATION

Fire Chief Al Lopez is recommending "Morning Pride" by Honeywell as the preferred type and style of bunker pants and coats. They can be purchased under a cooperative agreement through the International Order of Fire Chiefs (IOFC-GPO).

FINANCIAL IMPACT

This action will expend no more than \$45,970.69 or \$2,298.53 each. Funding for these items will come from the FY 2010-2011 surplus fund balance.

Approved

Vince Capell, City Manager

MES - Texas
15865 International Plaza Drive
Suite 240
Houston, TX 77032

Telephone.....: 800-784-0404
Fax.....: 281-442-9199



Ship To:
KINGSVILLE FIRE DEPARTMENT
119 N 10TH STREET
KINGSVILLE, TX 78363

Contact:
Phone:

Bill To:
KINGSVILLE FIRE DEPT
P.O. BOX 1458
ACCTS PAYABLE
KINGSVILLE, TX 78364

Quotation

Number.....: QT_00138980-1
Date.....: 2/2/2012
Page.....: 1 of 1
Sales order.....:
Requisition.....:
Your ref.....:
Our ref.....: JEvans
Quotation deadline.....: 2/29/2012
Payment.....: Net 30
Sales Rep.....: JEvans
Terms of delivery.....: Customer Pays
Freight-NOT Taxable

Item number	Description	Size	Color	Quantity	Unit	Unit price	Amount
Morning Pride Coat	Honeywell Structural Coat Kingsville Spec			19.00	EA	1,280.44	24,328.36
Morning Pride Pant	Honeywell Structural Pant Kingsville Spec			19.00	EA	1,139.07	21,642.33
No charge	Honeywell Structural Coat and pant (Free with purchase of 19 full sets)			1.00	EA		0.00

This Quotation is subject to any applicable sales tax and shipping & handling charges that may apply.

Notes:

Pricing listed is at IAFC-GPO Pricing.
Pricing listed expires February 29, 2012 due to Manufacture price increase
effective March 1, 2012. all orders must be complete and in to manufacture
by close of buisness on 2-29-12

Sales balance	Total discount	S&H	Sales tax	Total
45,970.69	0.00	0.00	0.00	45,970.69 USD

All returns must be processed within 30 days of receipt and require a return authorization number and are subject to a restocking fee.
Custom orders are not returnable.

AGENDA ITEM #16



Purchasing Department

361-595-8025
361-595-8035 Fax

DATE: February 23, 2012
TO: City Commission through City Manager
FROM: David Mason, Purchasing/IT Director
SUBJECT: Scag Mower

SUMMARY

This item authorizes the purchase of a Scag Mower for the City-County Health Department.

BACKGROUND

The current City purchased Scag mower has over 500 Hours and is showing signs of impending failure.

RECOMMENDATION

Three quotes were acquired by the Health Department and it is recommended the mower be purchased from AC Lawn and Garden from Kingsville. While their quote of \$ 10,710.00 is \$10.00 higher than the lowest quote, having a local vendor is important in terms of service, especially should warranty service be needed.

FINANCIAL IMPACT

The expenditure of no more than \$10,710.00 is requested from FY2010-2011 surplus fund balance.

Approved

Vincent Capell, City Manager



Memorandum

Date: 02/14/2012

To: Vincent Capell, City Manager

CC: Mayor & City Commissioners

From: Yolanda B. Cadena, Health Director *YBC*

RE: "72" Inch Scag Mower

The scag mower is approaching 500 hours of use on it. It is used to mow properties that the owners have neglected and failed to abate. The typical height of grass that is cut with this equipment is between 3-4 feet high. The majority of properties not only have high grass, but large amount of litter, junk and trash. Unfortunately, the equipment operator is unable to spot every piece of debris that is lying in the grass till it is hit by the mower.

The nature of the work, that this unit is made to do, has caused numerous components to fail prematurely. Among the most severe are eleven stress cracks in the mowing deck and a stress crack in the frame. All stress cracks have been welded as best as possible to prolong the life of the mower. This unit is used the most extensively by our equipment operator because of its ease of maneuverability on small lots and on properties with many trees.

This unit was purchased 100 % by the City of Kingsville on February 27, 2009.



Memorandum

Date: 08/23/2011

To: Vincent Capell, City Manager

CC: Mayor & City Commissioners

From: Yolanda B. Cadena, Health Director *YBC*

RE: "72" Inch Scag Mower

The scag mower has over 500 hours of use on it. It is used to mow properties that the owners have neglected and failed to abate. The typical height of grass that is cut with this equipment is between 3-4 feet high. The majority of properties not only have high grass, but large amount of litter, junk and trash. Unfortunately, the equipment operator is unable to spot every piece of debris that is lying in the grass till it is hit by the mower.

The nature of the work, that this unit is made to do, has caused numerous components to fail prematurely. Among the most severe are eleven stress cracks in the mowing deck and a stress crack in the frame. All stress cracks have been welded as best as possible to prolong the life of the mower. This unit is used the most extensively by our equipment operator because of its ease of maneuverability on small lots and on properties with many trees.

This unit was purchased 100 % by the City of Kingsville on February 27, 2009.

Hill Country Outdoor Power



SALES • PARTS • SERVICE • RESIDENTIAL • COMMERCIAL

quote sheet

(Prices and availability subject to change without notice)

(This quote good for one month from the below date.)

TO: Jason Torres
City of Kingsville

DATE: 02/08/12

PHONE 361-592-3324

FAX:

EMAIL: jtorres@cityofkingsville.com

ITEMS:

qty	description	List	Your price	extended
	SCAG			
1	STT72V-791DFI-SS 72" Velocity cutting deck 29HP Kawasaki digital fuel injection/liquid cooled	13,399.00	10,719.20	10,719.20
1	Delivery Fee 241mi one way		360.00	360.00

BuyBoard contract 373-11

sub total 11,079.20

Tax-Exempt Organization

0.00%

Tax

11,079.20

0.00

Total w Tax 11,079.20

We thank you for your business and look forward
to a great 2012 season.

Edward Roberts

www.hillcountryoutdoor.com

12014 Hwy 290W • Austin, TX 78737 • 512.288.4282 • Fax 512.288.7887

Q U O T A T I O N

PAGE: 1

AC LAWN & GARDEN SERVICES
PO Box 143
KINGSVILLE, TX 78364
Phone #: (361)592-2261
Fax #: (361)592-1939

PHONE #: (361)592-3324
ALT. #:
P.O.#: JAYSON
TERMS: Net 30 EOM
SALES ORDER #: 1065963
SALES TYPE #: Quote

DATE: 1/31/2012
INVOICE #:
CUSTOMER#: 5565
CP: Derek
LOCATION: 1
STATUS: Pending

BILL TO 5565

City County Health Unit
P.O. Box 1458
Kingsville, TX 78363 U.S.A.

SHIP TO

City County Health Unit

QTY	PRODUCT NUMBER	DESCRIPTION	QTY SOLD	QTY BO	PRICE	NET	TOTAL
SCA	STT72V-791DFI-SS	KAWASAKI DFI LIQUID COOLED	1	0	\$13,399.00	\$10,710.00	\$10,710.00

Prices reflected on this quote are valid for 30 days.

SUBTOTAL: \$10,710.00
TAX: \$0.00
ORDER TOTAL: \$10,710.00

Gulf Tractor Co.

309 SPID Corpus Christi, TX 78405

Phone: (361) 289-0818 Fax: (361) 289-0819

sales@gulftractorco.com

www.gulftractorco.com

Name: Kingsville City County Health Unit

Date: 02/13/12

Address:

Quote#

City:

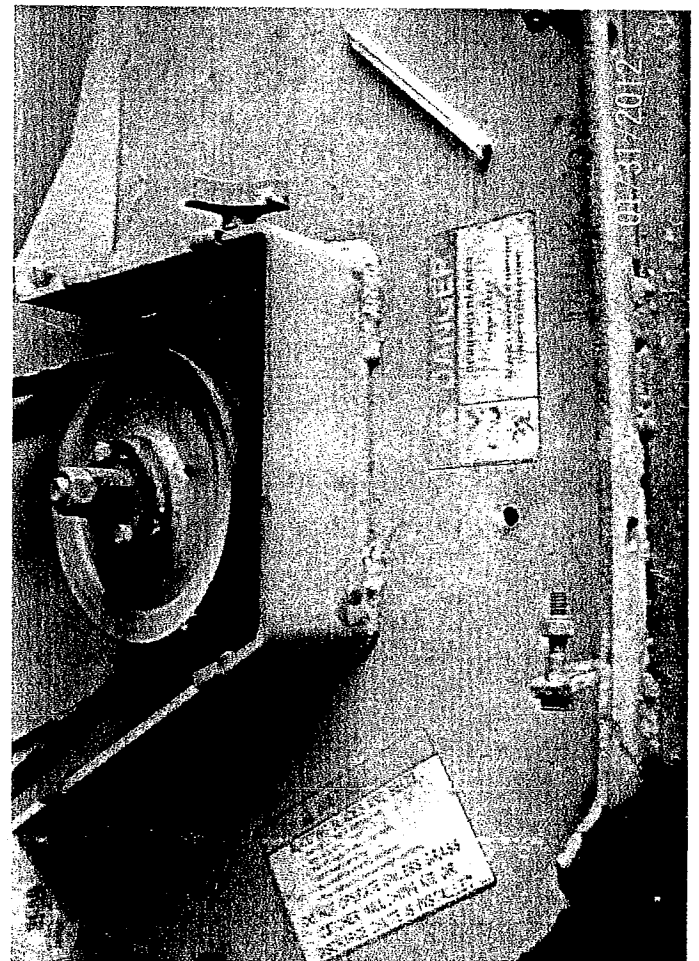
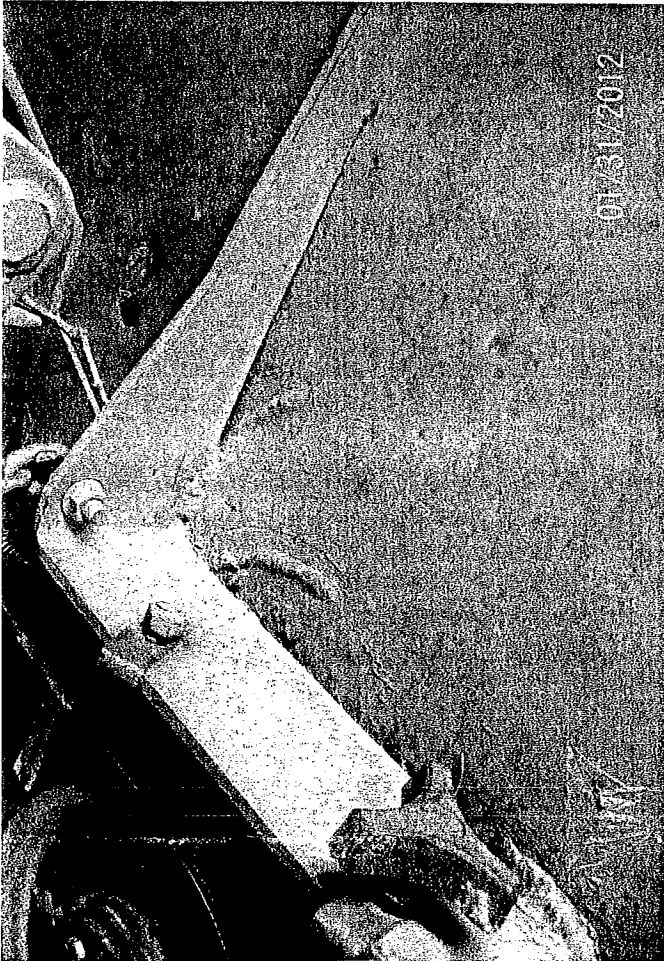
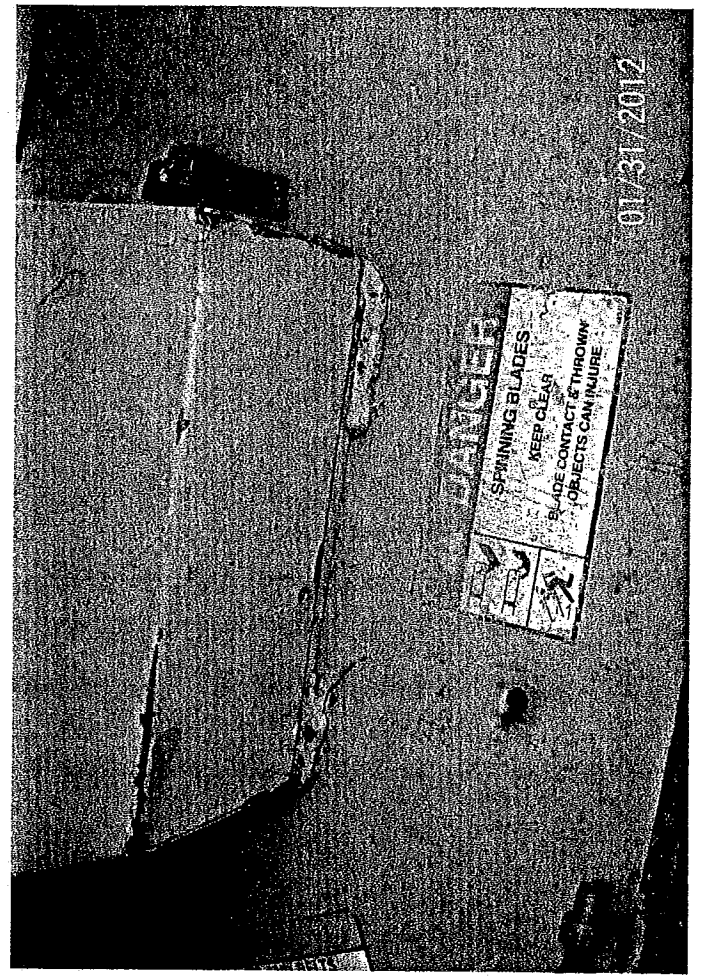
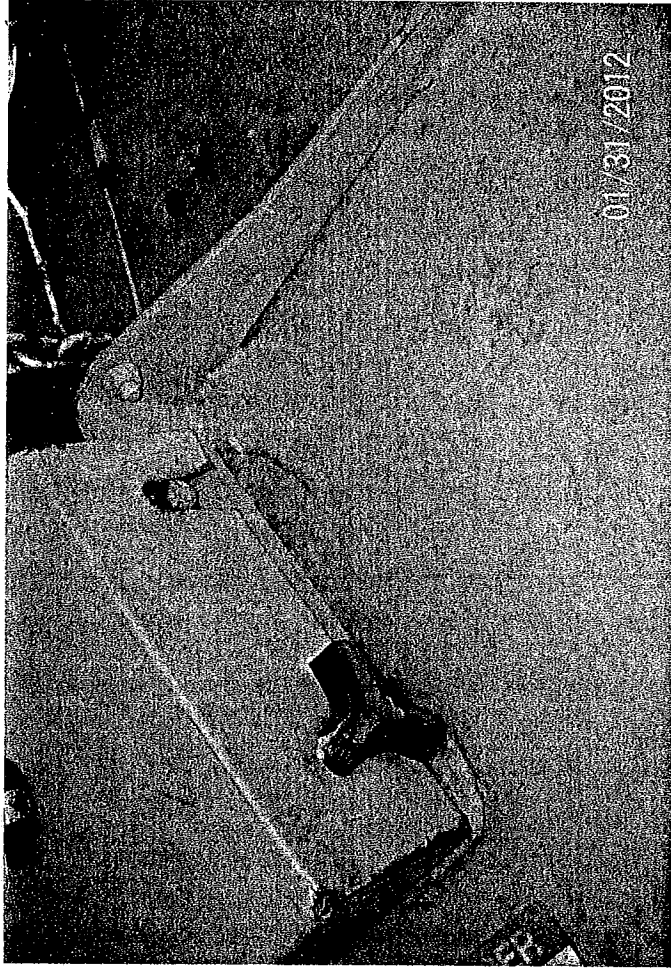
Salesman: Joshua Beach

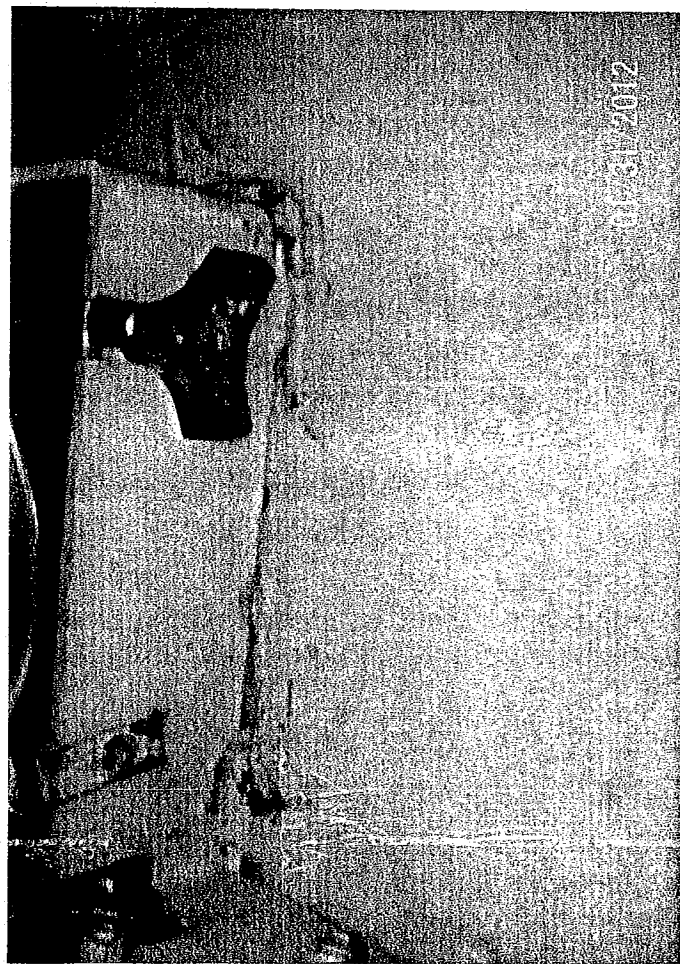
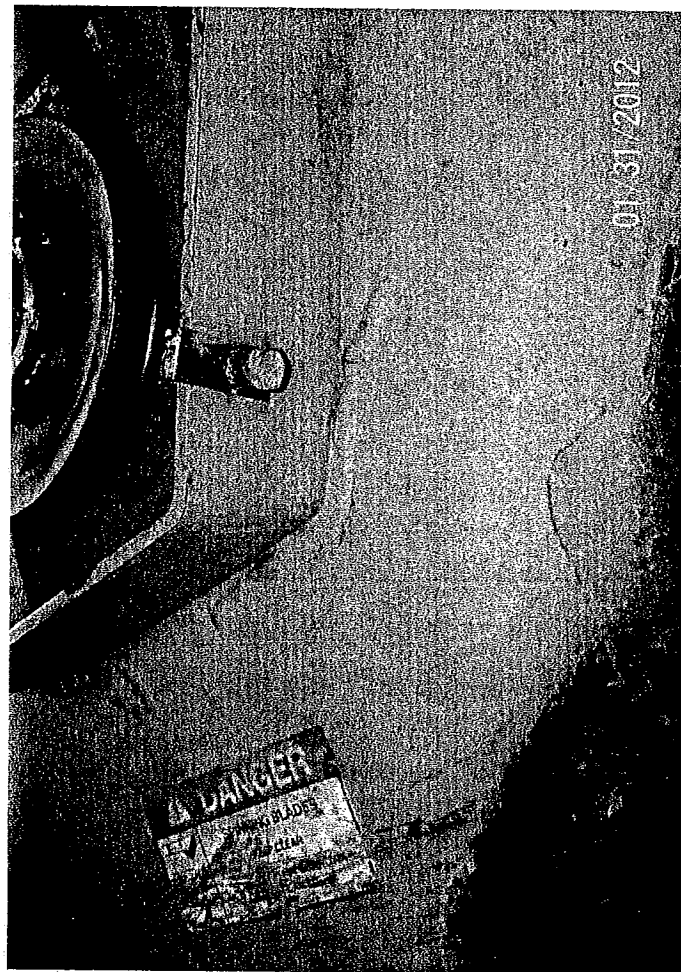
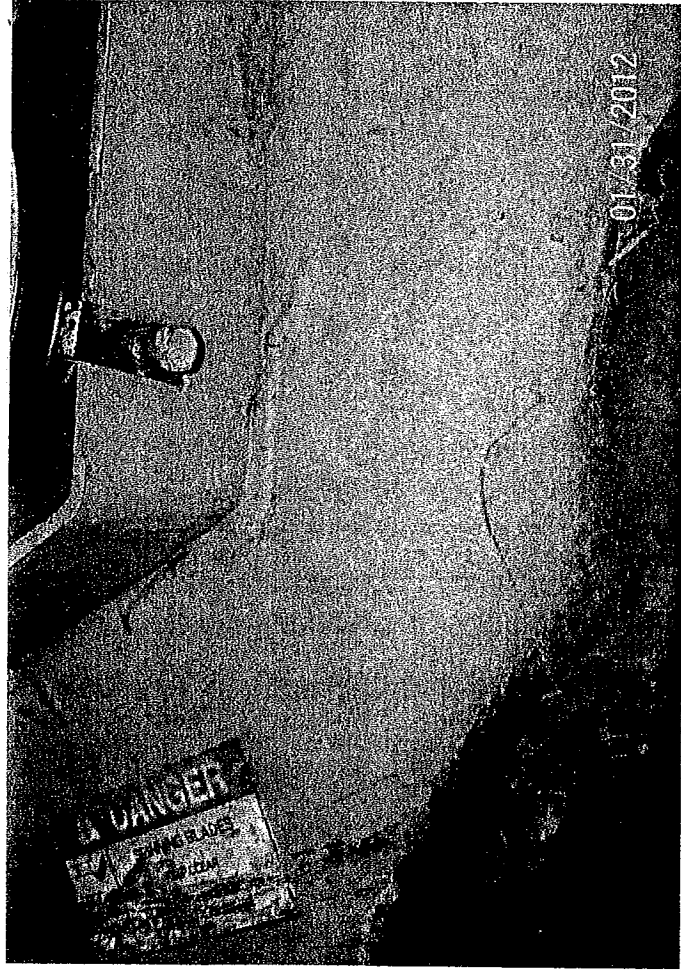
Telephone: 361-592-3324

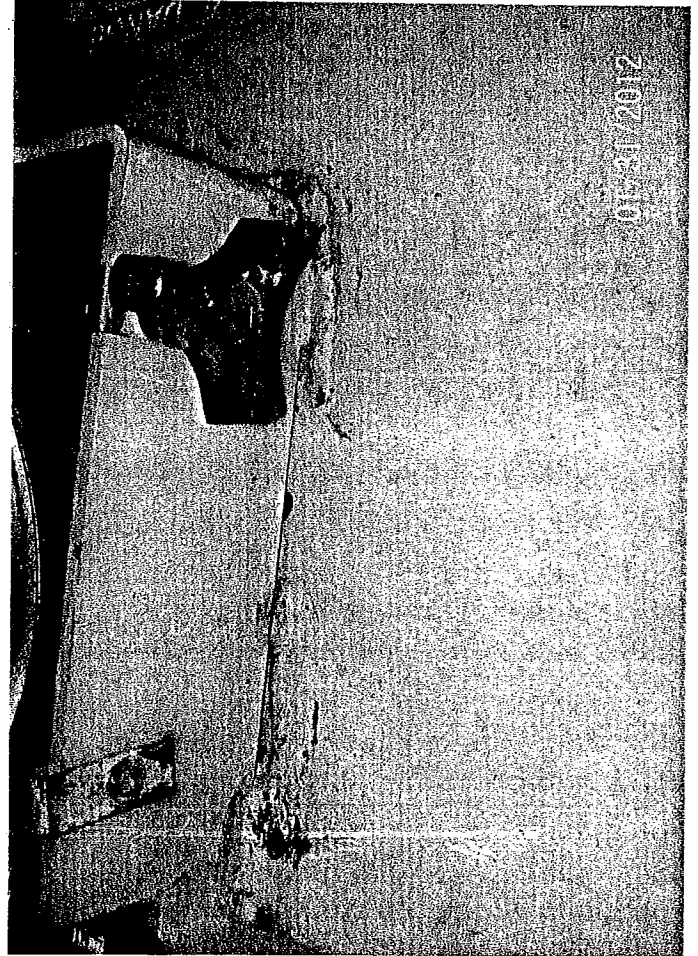
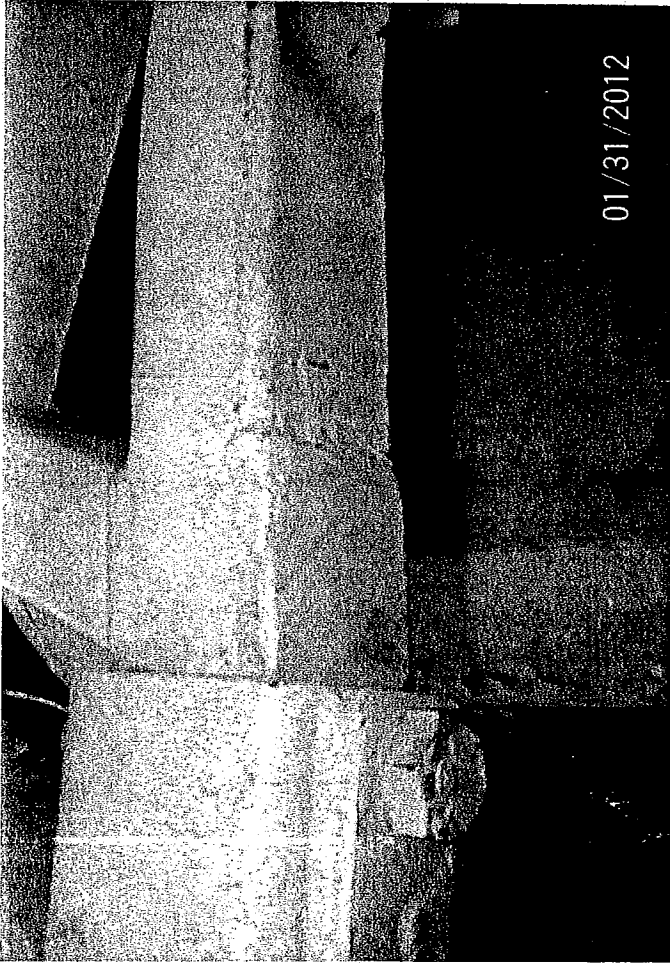
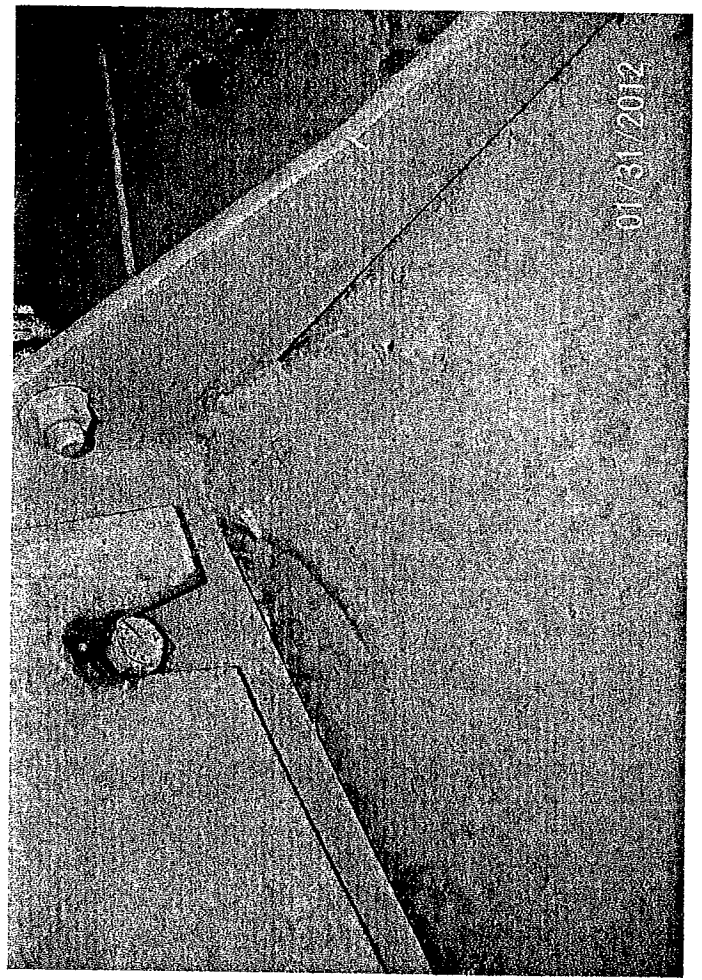
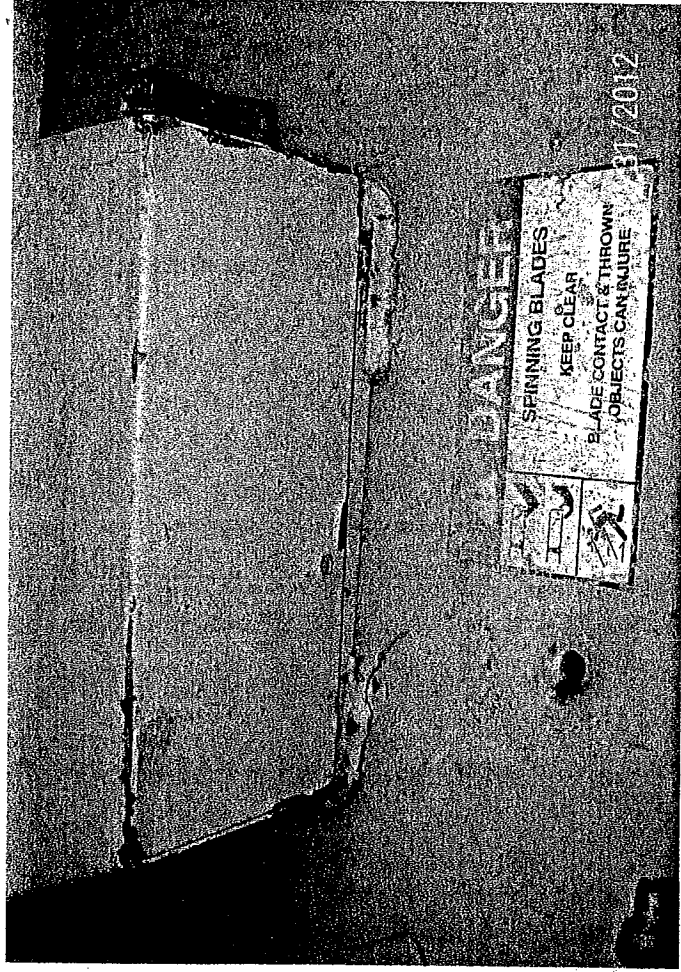
Fax: 592-7621

Sales Quotation

[illegible]







AGENDA ITEM #17

ORDINANCE NO. 2012-

AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 BUDGET FOR THE GENERAL FUND CAPITAL PROJECTS FUND FOR VARIOUS DEPARTMENTS TO UTILIZE FISCAL YEAR 2010-2011 SURPLUS FUNDS.

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

I.

BE IT ORDAINED by the City Commission of the City of Kingsville that the Fiscal Year 2011-2012 budget be amended as follows:

**CITY OF KINGSVILLE
DEPARTMENT EXPENSES
BUDGET AMENDMENT**

Dept. No.	Department Name:	Account Name:	Account Number:	Budget Increase	Budget Decrease
Fund 001	General Fund				
<u>Capital</u>					
2		Fund Balance (FY 2011)	610.00		<u>86,506</u>
					<u>86,506</u>
<u>Expenses</u>					
690.0	Fund Exp/Trsfers	Transfer to Fund 091	394.00	<u>86,506</u>	
				<u>86,506</u>	

[To draw down and transfer FY 2011 General Fund balance reserves created from FY 2011 fiscal surplus.]

Fund 091	General Fund Capital Projects Fund				
<u>Revenues</u>					
4-000		Transfer from Fund 001	750.15	86,506	
4-000		Donations - KCVB	720.30	<u>6,250</u>	
				<u>92,756</u>	
<u>Expenses</u>					
101.0	City Manager	Professional Services	314.00	6,250	
220.0	Fire	Personal Wear	212.00	45,971	
301.0	Engineering	Prf Svcs—Kleberg Ave-TAMUK	314.01	29,825	
440.0	Health	Equipment	712.00	<u>10,710</u>	
				<u>92,756</u>	

[To pay for the KCVB match for Certified Local Government application, for Fire Department bunker gear, for City match to TAMUK for the engineering design of Kleberg Ave, and Health Department Scag lawn mower using FY 2011 fiscal surplus.]

II.

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

III.

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

IV.

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

INTRODUCED on this the 27th day of February, 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

CITY OF KINGSVILLE
CAPITAL PROJECTS SCHEDULE
FY11 SURPLUS FUNDS - FUND BALANCE

Agenda Item #	Date of Commission Meeting	GL Account #	Department	Project	FUND 091 General Fund Amount	FUND 054 Utility Fund Amount	Amount Available for Total Projects
				Total of FY11 Surplus	1,530,216.00		\$ 1,530,216.00
				Deduct: Adjustment FY11 Surplus-FY11 Ambulance Billing correction	(137,726.00)		(137,726.00)
				Add: Adjustment FY11 Surplus-FY11 Property Taxes correction	43,260.00		43,260.00
				Adjusted Total of FY11 Surplus	1,435,750.00		1,435,750.00

10	02/13/2012	091-5-101.0-314.00	City Manager	City Match for Certified Local Government (CLG) app	6,250.00		
15	02/13/2012	091-5-170.1-591.00	PW - Solid Waste	Recycling Center/Community Appearance - fence slats	1,500.00		
15	02/13/2012	091-5-170.1-591.00	PW - Solid Waste	Recycling Center/Community Appearance - exterior repairs	11,750.00		
15	02/13/2012	091-5-170.1-591.00	PW - Solid Waste	Recycling Center/Community Appearance - landscaping	3,500.00		
13	02/13/2012	091-5-210.0-212.00	Police	Body armor replacement	80,453.00		
12	02/13/2012	091-5-210.0-511.00	Police	Building repairs	17,000.00		
14	02/13/2012	091-5-210.0-591.00	Police	Beautification project	36,445.00		
11	02/13/2012	091-5-220.0-226.00	Fire	2 laptops	4,616.00		
11	02/13/2012	091-5-220.0-712.00	Fire	2 power stretchers	17,591.00		
17	02/13/2012	091-5-301.0-217.00	Engineering	GIS equipment and server - GPS units	2,200.00	2,200.00	
17	02/13/2012	091-5-301.0-314.00	Engineering	GIS equipment and server - GIS software installation	2,500.00	2,500.00	
17	02/13/2012	091-5-301.0-726.00	Engineering	GIS equipment and server - GIS software	3,825.00	3,825.00	
17	02/13/2012	091-5-301.0-726.00	Engineering	GIS equipment and server - GIS server	11,000.00	11,000.00	
16	02/13/2012	091-5-305.0-521.01	PW - Street	Street repaving - Ailsie	269,378.00		
16	02/13/2012	091-5-305.0-521.02	PW - Street	Street repaving - Armstrong	237,770.00		
				Total of Projects Presented at 2/13/12	(705,778.00)	(19,525.00)	(725,303.00)

9	02/27/2012	091-4-000-720.30	Revenue	Donations - KCVB	6,250.00		6,250.00
				Total Additional Revenue	6,250.00		
9	02/27/2012	091-5-101.0-314.00	City Manager	KCVB Match for Certified Local Government (CLG) app	6,250.00		
14	02/27/2012	091-5-301.0-314.00	Engineering	Kleberg Ave engineering design-\$30K for TAMUK assistance	29,825.00		
15	02/27/2012	001-5-220.0-212.00	Fire	Bunker gear (Note B)	45,971.00		
16	02/27/2012	001-5-440.0-712.00	Health	Scag mower (Note B)	10,710.00		
				Total of Projects Presented at 2/27/12	(92,756.00)		(92,756.00)

Total Remaining Net Surplus 643,466.00 (19,525.00) 623,941.00

CITY OF KINGSVILLE
CAPITAL PROJECTS SCHEDULE
FY11 SURPLUS FUNDS - FUND BALANCE

Agenda Item #	Date of Commission Meeting	GL Account #	Department	Project	Total Remaining Net Surplus		
					FUND 091 General Fund Amount	FUND 054 Utility Fund Amount	Amount Available for Total Projects
					643,466.00	(19,525.00)	623,941.00
Other Projects to be Considered							
N/A	N/A	TBD	City Manager	City Match for Post Office Lot Upgrade	30,000.00		
N/A	N/A	TBD	City Manager	HEB Canopy Relocation, Installation & Site Development	23,500.00		
N/A	N/A	TBD	City Manager	Way finding	30,000.00		
N/A	N/A	TBD	Fire - Volunteer	City Match for new garage bay adjacent to existing fire station	20,000.00		
N/A	N/A	TBD	Library	Fix longstanding plumbing and A/C problems	56,040.00		
N/A	N/A	TBD	Development Services	Dumpster enclosure pilot program (Note D)	50,000.00		
N/A	N/A	TBD	Development Services	Corridor landscaping pilot program (Note D)	50,000.00		
N/A	N/A	TBD	PW - Street	Parking lot 7th & Yoakum	60,000.00		
N/A	N/A	TBD	PW - Service Center	Public Works yard - welding shed	31,000.00		
N/A	N/A	TBD	PW - Service Center	Public Works yard - auto gate opener	8,000.00		
N/A	N/A	TBD	PW - Service Center	Public Works yard - pressure washer and catwalk	20,000.00		
N/A	N/A	TBD	PW - Service Center	Public Works yard - gas pump canopy	25,000.00		
N/A	N/A	TBD	PW - Service Center	Public Works yard - fence slats	10,300.00		
N/A	N/A	TBD	PW - Recycling	Recycling center - recycling bailer (Note E)	90,000.00		
N/A	N/A	TBD	Purchasing/Finance	Upgrade time "clock" and attendance management system	80,000.00		
N/A	N/A	TBD	PW-Water Production	Water Well #19 pump house rehab (Note A)		200,000.00	
Total of Other Possible Projects					(583,840.00)	(200,000.00)	(783,840.00)
Net Total FY2011 Surplus (Deficit)					59,626.00	(219,525.00)	(159,899.00)

Note A: Research Pending - (1) rolling stock/equipment replacement reserve, (2) technology equipment replacement reserve, and (3) the cost to rehab the existing and/or build a new pump house for Water Well #19.

Note B: Projects Added - (1) Fire bunker gear (\$45,971) and (2) Health Dept. Scag lawnmower (\$10,710). These are supplemental projects requested after the 1/23/12 workshop communicated to the City Commission in an e-mail dated 2/1/12.

Note C: Projects Removed - (1) Honorary alternative naming of 6th Street (\$10,000), (2) Human Resources Information System (HRIS) personnel management (\$34,354), and (3) Exterior repairs to Recycling Center which was double counted (\$19,780).

Note D: Project Cost Changes - (1) lower dumpster enclosure pilot program from \$60,000 to \$50,000 (\$10,000) and (2) lower corridor landscaping pilot program from \$60,000 to \$50,000 (\$10,000).

Note E: Project Substitutions - Detail to be provided.

AGENDA ITEM #18

ORDINANCE NO.2012-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING SECTION 15-1-56, ADOPTING THE 2005 EDITION OF THE NATIONAL ELECTRIC CODE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City is updating other building codes and desires to adopt the 2005 version of the National Electric Code;

WHEREAS, staff already has a copy of the 2005 version of this code;

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 OF KINGSVILLE BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:

I.

THAT Section 15-1-56 of Article I: Building Regulations of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

§ 15-1-56 DEFINITIONS.

For the purpose of this subarticle, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words not defined in this section shall have the meaning given to them in the ~~1993~~ 2005 Edition of NFPA 70, National Electric Code.

***APPROVED* or *APPROVAL*.** Approved by the Planning Department. Nationally recognized standards shall be the basis of such approval.

AUTHORIZED PERSON. An individual or authorized representative of a firm or corporation who is licensed under the provisions of this subarticle to do the work provided by this subarticle.

BOARD. The Electrical Examining Board as created in this subarticle.

CITY. The territory within the corporate limits of the City of Kingsville, Texas.

CONDUCTOR. A wire or cable or other form of metal suitable for carrying

electrical current or potential.

ELECTRICAL CONSTRUCTION. All work and material used in installing, maintaining and extending a system of electrical wiring and all appurtenances, apparatus and equipment used in connection therewith, inside of or attached to any building or structure.

ELECTRICAL CONTRACTOR. Any person engaged in the business of installing, maintaining or altering, by contract, electrical conductors or equipment, and who is qualified under terms and provisions of this subarticle.

ELECTRICIAN. A person engaged in the business of electrical construction, maintenance and repair, and who is qualified under the provisions of this subarticle.

EQUIPMENT. Materials, fittings, motors and the like, used as a part of or in connection with electrical installations.

INSPECTOR. An individual who has been designated by the city as an Electrical Inspector.

MAINTENANCE WORK. The act of keeping in safe operating condition any conductor or piece of equipment in any and all existing electrical installations, but does not include the installation of additional electrical work, electrical equipment or apparatus.

OWNER. Any person holding legal title to any real property within the city.

REGISTERING. That person who has satisfied the Examining Board of Electricians and has satisfied the Board that he is qualified to do the work stated in the application, that he has paid the necessary registration fees to date, and that his name is carried in the records of the Electrical Inspector as qualified under the provisions of this code.

SPECIAL RULING. A written ruling or decision passed by the Board and filed in the office of the Electrical Inspector.

...

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. That being said, the Planning Department does not intend to begin active enforcement of these regulations until June 1, 2012.

V.

THAT nothing in this ordinance or in the National Electric Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

INTRODUCED on this day on the 24th day of April, 2006.

PASSED AND APPROVED on this the ____ the day of April, 2006.

Sam R. Fugate, Mayor

ATTEST:

Edna S. Lopez, City Secretary

APPROVED AS TO FORM:


Courtney Alvarez, City Attorney


EFFECTIVE: _____



Planning Department

TO: Mayor & Commission Members

Through: Vince Capell, City Manager 

FROM: Mike Kellam, Director of Development Services 

SUBJECT: Adoption of the 2009 ICC Codes

DATE: February 21, 2012

In an effort to improve the consistency in design review and effectiveness of our development code guidelines and regulatory enforcement, staff is proposing the adoption of the following codes as provided by the 2009 edition International Code Council (ICC):

- 2009 International Fuel Gas Code
- 2009 International Existing Building Code
- 2009 International Mechanical Code
- 2009 International Plumbing Code
- 2009 International Residential Code
- 2009 International Energy Conservation Code

The reasoning behind the proposed changes is based upon two needs. The first being that our existing ICC regulations are over 12 years old and nearly four editions behind, as the ICC documents are updated every three years. As with all regulatory codes, they are ever-changing to address new scenarios, construction types, disaster avoidance and federal mandates, therefore the local codes need to appropriately updated as well. Secondly, design professionals, including but not limited to engineers and architects, are currently designing projects under the 2009 edition. As you can imagine this can create inconsistencies in current design practices vs. the outdated codes we use as a minimum standard.

The draft ordinance proposing these changes includes the references in our local codes and also exceptions that are being omitted from the ICC codes, most notably the Residential Code, Fuel Gas Code and Plumbing Code. These exceptions are due to requirements needed to prevent improper installation and/or burial depth of piping in our region. The majority of the remaining corrections/amendments are purely updating the reference from the 2000 codes to the 2009 codes, and also properly cross referencing the local codes and the ICC codes. In one instance the fee listed in the local ordinance is not consistent with a previously adopted fee schedule and has been reverted back to a prior adopted fee schedule in error. This is relating to the contractor's

license, which is listed as \$90.00, but should read \$125.00. The ordinances pertaining to this change is attached. As you will see, the fee increase was approved in 2000, but was inadvertently changed back to \$90.00 in 2001 with the adoption of the 2000 International Building Code (IBC) and again with the adoption of the 2009 IBC. It appears as though an old version of code was provided in error, effectively changing the language to the incorrect fee schedule and the purpose of the current change is to correct the fee schedule to its intended level of \$125.00.

Additionally, in relation to the adoption of the International Plumbing Code, section 15-1-22, currently states a required registration/license fee of \$95.00. In 2009, the Texas State Plumbing Board Examiners adopted Section 1301.551 of the state "Plumbing License Law," thereby not permitting the municipality to require a registration or administrative fee. Due to this finding the subsequent change is being proposed to update the local ordinance to comply with the referenced Texas State Plumbing Board Examiners code. The full section pertaining to this is attached as well.

We anticipate an effective date to which we will begin utilizing the aforementioned ICC codes will be June 1, 2012. This will allow us to notify those in which it effects, while also allowing the Building Regulations staff time to bring themselves up to date with the new codes. To inform the contractors & builders of the proposed change we will be sending a notice by mail to all who are licensed with the City. Please let me know if you have any further questions regarding the adoption of the ICC codes.

Attachments: Section 15-1-3(A), 1999 version of the adopted ordinance
Section 15-1-3(A), 2000 version of the adopted ordinance
Section 15-1-3(A), 2001 version of the adopted ordinance
Section 15-1-3(A), 2010 version of the adopted ordinance
Texas State Plumbing Board Examiners adopted Section 1301.551,
"Plumbing License Law"

Cc: Courtney Alvarez, City Attorney
Naim Kahn, Director of Public Works
Bill Donnell, Asst. Director of Public Works
Bob Trescott, Downtown Manager
Abel Carrillo, Building Official
Daniel Ramirez, Building Inspector
Theresa Cavazos, Permit Clerk

AGENDA ITEM #19

ORDINANCE NO.2012-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, ADOPTING THE 2009 VERSION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City is updating other building codes and desires to adopt the 2009 version of the International Energy Conservation Code, as published by the International Code Council;

WHEREAS, staff already has a copy of the 2009 version of this code;

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 15-1-401 through 15-1-403 of Article 1: Building Regulations of Chapter XV, Building Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 15-1-402 ADOPTION BY REFERENCE.

The purpose of this subarticle is to provide minimum standards, provisions and requirements for safe construction, alteration and modification of Residential and Commercial Buildings within the city. All such construction, alteration and modification of Residential and Commercial Buildings within the corporate limits of the city shall conform to the requirements of this subarticle and to the specifications, rules and regulations entitled *International Energy Conservation Code, 2000 2009 Edition*, approved and adopted by the ~~Southern Building Code Congress International~~ International Code Council with all appendices thereto. Such edition is incorporated herein by reference and made a part of this subarticle as if fully set forth herein. When such edition conflicts with local regulations and ordinances, all locally adopted regulations and ordinances shall prevail. The *International Energy Conservation Code, 2000 2009 Edition*, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every Residential and Commercial Buildings or structure or any appurtenances connected or attached to such Residential and Commercial Buildings or structures.

§ 15-1-403 ADDITIONS AND AMENDMENTS TO INTERNATIONAL ENERGY CONSERVATION CODE.

The *International Energy Conservation Code*, ~~2000~~ 2009 Edition; is hereby modified and changed in the following particulars:

(A) The *International Energy Conservation Code*, ~~2000~~ 2009 Edition, is hereby amended to add a section entitled "Contractors License Required" which reads:

It shall be the duty of every contractor or builder, who shall make contracts for the erection, repair or modification of buildings and structures and every builder or contractor subletting the same or any part thereof, to pay a license fee of ninety dollars (\$90.00) annually and have a copy of the same on file with the Building Department, giving full name, residence and place of business, and in case of removal from one place to another to have made corresponding change in the file accordingly. Any person convicted in Municipal Court of a violation of this code may have his license revoked for a period not to exceed two years. Such person shall be notified by certified mail addressed to his place of business, as filed, of the proposed revocation and be given an opportunity at a hearing before the governing body to present such facts and circumstances that are relevant to the case.

(B) Chapter 1, § 101.3 (Compliance) shall be amended by the following:

Energy Conservation Systems shall be permitted in accordance with the *International Building Code*, ~~2000~~ 2009 Edition and shall be based upon the valuation of the improvements.

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. That being said, the Planning Department does not intend to begin active enforcement of these regulations until June 1, 2012.

V.

THAT nothing in this ordinance or in the Energy Conservation Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

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

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

Sam R. Fugate, Mayor

ATTEST:

Edna S. Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Planning Department

TO: Mayor & Commission Members

Through: Vince Capell, City Manager *VC*

FROM: Mike Kellam, Director of Development Services *MK*

SUBJECT: Adoption of the 2009 ICC Codes

DATE: February 21, 2012

In an effort to improve the consistency in design review and effectiveness of our development code guidelines and regulatory enforcement, staff is proposing the adoption of the following codes as provided by the 2009 edition International Code Council (ICC):

- 2009 International Fuel Gas Code
- 2009 International Existing Building Code
- 2009 International Mechanical Code
- 2009 International Plumbing Code
- 2009 International Residential Code
- 2009 International Energy Conservation Code

The reasoning behind the proposed changes is based upon two needs. The first being that our existing ICC regulations are over 12 years old and nearly four editions behind, as the ICC documents are updated every three years. As with all regulatory codes, they are ever-changing to address new scenarios, construction types, disaster avoidance and federal mandates, therefore the local codes need to appropriately updated as well. Secondly, design professionals, including but not limited to engineers and architects, are currently designing projects under the 2009 edition. As you can imagine this can create inconsistencies in current design practices vs. the outdated codes we use as a minimum standard.

The draft ordinance proposing these changes includes the references in our local codes and also exceptions that are being omitted from the ICC codes, most notably the Residential Code, Fuel Gas Code and Plumbing Code. These exceptions are due to requirements needed to prevent improper installation and/or burial depth of piping in our region. The majority of the remaining corrections/amendments are purely updating the reference from the 2000 codes to the 2009 codes, and also properly cross referencing the local codes and the ICC codes. In one instance the fee listed in the local ordinance is not consistent with a previously adopted fee schedule and has been reverted back to a prior adopted fee schedule in error. This is relating to the contractor's

license, which is listed as \$90.00, but should read \$125.00. The ordinances pertaining to this change is attached. As you will see, the fee increase was approved in 2000, but was inadvertently changed back to \$90.00 in 2001 with the adoption of the 2000 International Building Code (IBC) and again with the adoption of the 2009 IBC. It appears as though an old version of code was provided in error, effectively changing the language to the incorrect fee schedule and the purpose of the current change is to correct the fee schedule to its intended level of \$125.00.

Additionally, in relation to the adoption of the International Plumbing Code, section 15-1-22, currently states a required registration/license fee of \$95.00. In 2009, the Texas State Plumbing Board Examiners adopted Section 1301.551 of the state "Plumbing License Law," thereby not permitting the municipality to require a registration or administrative fee. Due to this finding the subsequent change is being proposed to update the local ordinance to comply with the referenced Texas State Plumbing Board Examiners code. The full section pertaining to this is attached as well.

We anticipate an effective date to which we will begin utilizing the aforementioned ICC codes will be June 1, 2012. This will allow us to notify those in which it effects, while also allowing the Building Regulations staff time to bring themselves up to date with the new codes. To inform the contractors & builders of the proposed change we will be sending a notice by mail to all who are licensed with the City. Please let me know if you have any further questions regarding the adoption of the ICC codes.

Attachments: Section 15-1-3(A), 1999 version of the adopted ordinance
Section 15-1-3(A), 2000 version of the adopted ordinance
Section 15-1-3(A), 2001 version of the adopted ordinance
Section 15-1-3(A), 2010 version of the adopted ordinance
Texas State Plumbing Board Examiners adopted Section 1301.551,
"Plumbing License Law"

Cc: Courtney Alvarez, City Attorney
Naim Kahn, Director of Public Works
Bill Donnell, Asst. Director of Public Works
Bob Trescott, Downtown Manager
Abel Carrillo, Building Official
Daniel Ramirez, Building Inspector
Theresa Cavazos, Permit Clerk

AGENDA ITEM #20

ORDINANCE NO.2012-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, ADOPTING THE 2009 VERSION OF THE INTERNATIONAL EXISTING BUILDING CODE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City is updating other building codes and desires to adopt the 2009 version of the International Existing Building Code, as published by the International Code Council;

WHEREAS, the International Existing Building Code is adopted for regulating and governing the repair, alteration, change in occupancy, addition and relocation of existing buildings, including historic buildings, in the City of Kingsville, Texas;

WHEREAS, staff already has a copy of the 2009 version of this code;

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 15-1-502 of Article 1: Building Regulations of Chapter XV, Building Code, of the Code of Ordinances of the City of Kingsville, Texas, shall be adopted and amended to read as follows:

§ 15-1-502 ADOPTION BY REFERENCE.

The purpose of this subarticle is for regulating and governing the repair, alteration, change in occupancy, addition and relocation of existing buildings, including historic buildings, in the City of Kingsville, Texas. All such repair, alteration, change in occupancy, addition and relocation of existing buildings, including historic buildings within the corporate limits of the city shall conform to the requirements of this subarticle and to the specifications, rules and regulations entitled *International Existing Building Code 2009 Edition*, approved and adopted by the International Code Council with all appendices thereto. Such edition is incorporated herein by reference and made a part of this subarticle as if fully set forth herein. When such edition conflicts with local regulations and ordinances, all locally adopted regulations and ordinances shall prevail.

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. That being said, the Planning Department does not intend to begin active enforcement of these regulations until June 1, 2012.

V.

THAT nothing in this ordinance or in the Existing Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

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

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

Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary


APPROVED AS TO FORM:


Courtney Alvarez, City Attorney



Planning Department

TO: Mayor & Commission Members

Through: Vince Capell, City Manager 

FROM: Mike Kellam, Director of Development Services 

SUBJECT: Adoption of the 2009 ICC Codes

DATE: February 21, 2012

In an effort to improve the consistency in design review and effectiveness of our development code guidelines and regulatory enforcement, staff is proposing the adoption of the following codes as provided by the 2009 edition International Code Council (ICC):

- 2009 International Fuel Gas Code
- 2009 International Existing Building Code
- 2009 International Mechanical Code
- 2009 International Plumbing Code
- 2009 International Residential Code
- 2009 International Energy Conservation Code

The reasoning behind the proposed changes is based upon two needs. The first being that our existing ICC regulations are over 12 years old and nearly four editions behind, as the ICC documents are updated every three years. As with all regulatory codes, they are ever-changing to address new scenarios, construction types, disaster avoidance and federal mandates, therefore the local codes need to appropriately updated as well. Secondly, design professionals, including but not limited to engineers and architects, are currently designing projects under the 2009 edition. As you can imagine this can create inconsistencies in current design practices vs. the outdated codes we use as a minimum standard.

The draft ordinance proposing these changes includes the references in our local codes and also exceptions that are being omitted from the ICC codes, most notably the Residential Code, Fuel Gas Code and Plumbing Code. These exceptions are due to requirements needed to prevent improper installation and/or burial depth of piping in our region. The majority of the remaining corrections/amendments are purely updating the reference from the 2000 codes to the 2009 codes, and also properly cross referencing the local codes and the ICC codes. In one instance the fee listed in the local ordinance is not consistent with a previously adopted fee schedule and has been reverted back to a prior adopted fee schedule in error. This is relating to the contractor's

license, which is listed as \$90.00, but should read \$125.00. The ordinances pertaining to this change is attached. As you will see, the fee increase was approved in 2000, but was inadvertently changed back to \$90.00 in 2001 with the adoption of the 2000 International Building Code (IBC) and again with the adoption of the 2009 IBC. It appears as though an old version of code was provided in error, effectively changing the language to the incorrect fee schedule and the purpose of the current change is to correct the fee schedule to its intended level of \$125.00.

Additionally, in relation to the adoption of the International Plumbing Code, section 15-1-22, currently states a required registration/license fee of \$95.00. In 2009, the Texas State Plumbing Board Examiners adopted Section 1301.551 of the state "Plumbing License Law," thereby not permitting the municipality to require a registration or administrative fee. Due to this finding the subsequent change is being proposed to update the local ordinance to comply with the referenced Texas State Plumbing Board Examiners code. The full section pertaining to this is attached as well.

We anticipate an effective date to which we will begin utilizing the aforementioned ICC codes will be June 1, 2012. This will allow us to notify those in which it effects, while also allowing the Building Regulations staff time to bring themselves up to date with the new codes. To inform the contractors & builders of the proposed change we will be sending a notice by mail to all who are licensed with the City. Please let me know if you have any further questions regarding the adoption of the ICC codes.

Attachments: Section 15-1-3(A), 1999 version of the adopted ordinance
Section 15-1-3(A), 2000 version of the adopted ordinance
Section 15-1-3(A), 2001 version of the adopted ordinance
Section 15-1-3(A), 2010 version of the adopted ordinance
Texas State Plumbing Board Examiners adopted Section 1301.551,
"Plumbing License Law"

Cc: Courtney Alvarez, City Attorney
Naim Kahn, Director of Public Works
Bill Donnell, Asst. Director of Public Works
Bob Trescott, Downtown Manager
Abel Carrillo, Building Official
Daniel Ramirez, Building Inspector
Theresa Cavazos, Permit Clerk

The *Standard Building Code*, 1997 edition, is hereby modified and changed in the following particulars:

(A) Chapter 1, Section 104.4 Issuing Permits, shall be amended to add: Issuance of permits must be in compliance with 15-6-140 through 15-6-158 of the City of Kingsville Zoning Ordinances.

(B) Section 104.5 is hereby amended to add a paragraph which reads:

It shall be the duty of every contractor or builder, who shall make contracts for the erection, repair or modification of buildings and structures and every builder or contractor subletting the same or any part thereof, to pay a license fee of ninety dollars (\$90.00) annually and have a copy of the same on file with the Building Department, giving full name, residence and place of business, and in case of removal from one place to another to have made corresponding change in said file accordingly. Any person convicted in Municipal Court of a violation of this Code may have his/her license revoked for a period not to exceed two (2) years. Such person shall be notified by certified mail addressed to his/her place of business, as filed, of the proposed revocation and be given an opportunity at a hearing before the City Manager to present such facts and circumstances that are relevant to the case.

(C) Chapter 1, Section 108, entitled "Construction Board of Adjustment and Appeals" is hereby amended to read "Board of Adjustment" and shall read the same in all other references to such Board in the *Standard Building Code*, 1997 Edition.

(D) Chapter 1, Section 108.1 entitled "Appointment," shall hereby be amended to read:

There shall hereby be a Board of Adjustment as defined in Chapter XV, Article 6, Section 157, entitled "Board of Adjustment", of the City Code of Kingsville, Texas, which shall be appointed as set forth therein for the terms specified.

(E) Chapter 12, Section 1204 (Sanitation) shall be amended by adding the following:

Central, common or shared sanitary facilities in multiple use buildings may be utilized to satisfy the minimum fixture requirement of the Plumbing Code for the subdivision of a building provided that the facilities are within two hundred feet, require no outside travel, and meet all code requirements. The two hundred feet shall be measured by line of travel between the entrances of the restroom and subdivision of the building. Food service businesses with a customer floor area larger than five hundred square feet in area must possess full public restroom for both genders.

That Section 11-10-24 shall amended as follows:

§ 11-10-24 FEE.

In order to defray a part of the expense necessary to provide surveillance and supervision of taxicabs required under the provisions of this article and other provisions of this code regulatory thereof, there is hereby levied a fee of \$100.00 per annum for each taxicab so operated, which fee shall be collected from every person owing and operating taxicabs on the streets of the city by the city before the license thereof is issued to the person to so operate the taxicabs. . . .

That Section 11-13-2 shall amended as follows:

§ 11-13-2 APPLICATION; LICENSE FEE.

Any person desiring to use or maintain any property within the city for any of the purposes mentioned in § 11-13-1, shall make written application to the City Planning Secretary for a license. The application shall set forth the name and address of the applicant and a legal description of the property or the premises upon which the business is to be conducted. If the application is granted, a license to operate such business shall be issued by the City Planning Secretary upon the payment of a fee of \$100.00 per annum. Any license so issued shall expire on January 1st next succeeding the date of its issuance, but may be renewed from year to year in like manner as is provided for in the original license.

III.

THAT Chapter XV, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended as follows:

That Section 15-1-3 (A) shall amended as follows:

The *Standard Building Code* is hereby modified and changed in the following particulars:

(A) The *Standard Building Code*, 1997 Edition, is hereby amended to add a section entitled "Contractors License Required" which reads:

It shall be the duty of every contractor or builder, who shall make contracts for the erection, repair or modification of buildings and structures and every builder or contractor subletting the same or any part thereof, to pay a license fee of one hundred and twenty five dollars (\$125.00) annually and have a copy of the same on file with the Building Department, giving full name, residence and place of business, and in case of removal from one place to another to have made corresponding change in the file accordingly. . . .

That Section 15-1-6 shall amended as follows:

It shall be the duty of every contractor or builder, who shall make contracts for the erection, repair or modification of buildings and structures and every builder or contractor subletting the same or any part thereof, to pay a license fee of ninety dollars (\$90.00) annually and have a copy of the same on file with the Building Department, giving full name, residence and place of business, and in case of removal from one place to another to have made corresponding change in the file accordingly. Any person convicted in Municipal Court of a violation of this code may have his license revoked for a period not to exceed two years. Such person shall be notified by certified mail addressed to his place of business, as filed, of the proposed revocation and be given an opportunity at a hearing before the governing body to present such facts and circumstances that are relevant to the case.

(B) Chapter 11, § 1103.2.2 (Existing Buildings) shall be amended by adding the following:

Section 3408 — Accessibility for the physically disabled and/or handicapped shall not be required or applied to existing buildings with the exception of major repairs or alterations or changes in occupancy class. In no case may any repair or alteration reduce the degree of compliance with Section 3408, Appendix E, or other regulations governing handicapped access. Reduction or lessening the number of handicapped facilities or degree of access shall not be permitted unless compliance with Section 3408 and Appendix E is maintained.

(C) Chapter 1, §112 408, entitled "~~Board of Appeals~~ Construction Board of Adjustments and Appeals" is hereby amended to read "Board of Adjustment" and shall read the same in all other references to such Board in the International Standard Building Code, 2000 1997 Edition.

(D) Chapter 1, § 112.1, entitled "Appointment," shall hereby be amended to read:

There shall hereby be a Board of Adjustment as defined in Title XI, Chapter 6, Section 7, entitled "Board of Adjustment," of the City Code of Kingsville, Texas, which shall be appointed as set forth therein for the terms specified.

(E) Sanitation shall be created by adding the following:

Central, common or shared sanitary facilities in multiple use buildings may be utilized to satisfy the minimum fixture requirement of the Plumbing Code for the subdivision of a building provided that the facilities are within two hundred feet, require no outside travel, and meet all code requirements. The two hundred feet shall be measured by line of travel between the entrances of the restroom and

It shall be the duty of every contractor or builder, who shall make contracts for the erection, repair or modification of buildings and structures and every builder or contractor subletting the same or any part thereof, to pay a license fee of ninety dollars (\$90.00) annually and have a copy of the same on file with the Building Department, giving full name, residence and place of business, and in case of removal from one place to another to have made corresponding change in the file accordingly. Any person convicted in Municipal Court of a violation of this code may have his license revoked for a period not to exceed two years. Such person shall be notified by certified mail addressed to his place of business, as filed, of the proposed revocation and be given an opportunity at a hearing before the governing body to present such facts and circumstances that are relevant to the case.

(B) Chapter 11, § 1103.2.2 (Existing Buildings) shall be amended by adding the following:

Section 3411 — Accessibility for the physically disabled and/or handicapped shall not be required or applied to existing buildings with the exception of major repairs or alterations or changes in occupancy class. In no case may any repair or alteration reduce the degree of compliance with Section, 3411 Appendix E, or other regulations governing handicapped access. Reduction or lessening the number of handicapped facilities or degree of access shall not be permitted unless compliance with Section 3411 and Appendix E is maintained.

(C) Chapter 1, §113, entitled "Board of Appeals" is hereby amended to read "Board of Adjustment" and shall read the same in all other references to such Board in the *International Building Code*, 2009 Edition.

(D) Chapter 1, § 113.1, entitled "Appointment," shall hereby be amended to read:

There shall hereby be a Board of Adjustment as defined in Title XI, Chapter 6, Section 7, entitled "Board of Adjustment," of the City Code of Kingsville, Texas, which shall be appointed as set forth therein for the terms specified.

(E) Sanitation shall be created by adding the following:

Central, common or shared sanitary facilities in multiple use buildings may be utilized to satisfy the minimum fixture requirement of the Plumbing Code for the subdivision of a building provided that the facilities are within two hundred feet, require no outside travel, and meet all code requirements. The two hundred feet shall be measured by line of travel between the entrances of the restroom and subdivision of the building. Food service businesses with a floor area larger than five hundred square feet in area must possess full public restroom for both sexes.

K. REGULATION BY CERTAIN POLITICAL SUBDIVISIONS

Sec. 1301.551. MUNICIPAL PLUMBING ORDINANCES AND PERMITS.

(a) A municipality with more than 5,000 inhabitants shall regulate by ordinance or bylaw the material, construction, alteration, and inspection of any pipe, faucet, tank, valve, water heater, or other fixture by or through which a supply of water, gas, or sewage is used or carried.

(b) Any other municipality may regulate by ordinance or bylaw the matters described by Subsection (a).

(c) A municipality that adopts an ordinance or bylaw under this section shall provide by ordinance or bylaw that a person must obtain a permit before the person performs plumbing, other than the repairing of leaks. The municipality may prescribe the terms on which the permit is issued.

(d) A plumbing inspection in a municipality that adopts an ordinance or bylaw under this section must be performed by a plumbing inspector.

(e) A municipality or other political subdivision in this state that requires a plumbing contractor to obtain a permit before the person performs plumbing shall by telephone, fax, or e-mail:

(1) accept permit applications;

(2) collect required fees; and

(3) issue the required permits. - 21 -

(f) If drawings of proposed plumbing work are required by the municipality or other political subdivision, the municipality or political subdivision shall specify how permit drawings are to be submitted.

(g) A person who is required to obtain a permit under this section is not required to pay a plumbing registration fee or administrative fee in a municipality or any other political subdivision.

(h) A plumbing contractor must register, electronically or in person, with a municipality or other political subdivision that requires registration before performing plumbing regulated by the municipality or other political subdivision.

(i) Notwithstanding any other provision of state law, after January 1, 2009, a municipality may not enact an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one- or two-family dwelling. A municipality may adopt an ordinance, bylaw, order, or rule allowing a multipurpose residential fire protection sprinkler specialist or other contractor to offer, for a fee, the installation of a fire sprinkler protection system in a new one- or two-family dwelling.

(j) A multipurpose residential fire protection sprinkler specialist may install a multipurpose residential fire protection sprinkler system in a new or existing one- or two-family dwelling in a municipality described by Subsection (a) or (b).

SUBCHAPTER K. REGULATION BY CERTAIN POLITICAL SUBDIVISIONS

Sec. 1301.551. MUNICIPAL PLUMBING ORDINANCES AND PERMITS.

(a) A municipality with more than 5,000 inhabitants shall regulate by ordinance or bylaw the material, construction, alteration, and inspection of any pipe, faucet, tank, valve, water heater, or other fixture by or through which a supply of water, gas, or sewage is used or carried.

(b) Any other municipality may regulate by ordinance or bylaw the matters described by Subsection (a).

(c) A municipality that adopts an ordinance or bylaw under this section shall provide by ordinance or bylaw that a person must obtain a permit before the person performs plumbing, other than the repairing of leaks. The municipality may prescribe the terms on which the permit is issued.

(d) A plumbing inspection in a municipality that adopts an ordinance or bylaw under this section must be performed by a plumbing inspector.

(e) A municipality or other political subdivision in this state that requires a plumbing contractor to obtain a permit before the person performs plumbing shall by telephone, fax, or e-mail:

(1) accept permit applications;

(2) collect required fees; and

(3) issue the required permits.

(f) If drawings of proposed plumbing work are required by the municipality or other political subdivision, the municipality or political subdivision shall specify how permit drawings are to be submitted.

(g) A person who is required to obtain a permit under this section is not required to pay a plumbing registration fee or administrative fee in a municipality or any other political subdivision.

(h) A plumbing contractor must register, electronically or in person, with a municipality or other political subdivision that requires registration before performing plumbing regulated by the municipality or other political subdivision.

(i) Notwithstanding any other provision of state law, after January 1, 2009, a municipality may not enact an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one- or two-family dwelling. A municipality may adopt an ordinance, bylaw, order, or rule allowing a multipurpose residential fire protection sprinkler specialist or other contractor to offer, for a fee, the installation of a fire sprinkler protection system in a new one- or two-family dwelling.

(j) A multipurpose residential fire protection sprinkler specialist may install a multipurpose residential fire protection sprinkler system in a new or existing one- or two-family dwelling in a municipality described by Subsection (a) or (b).

AGENDA ITEM #21

ORDINANCE NO. 2012-_____

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY
AMENDING CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS,
ADOPTING THE 2009 VERSION OF THE INTERNATIONAL GAS CODE;
REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING
FOR AN EFFECTIVE DATE AND PUBLICATION.**

WHEREAS, the City has previously adopted the 2009 version of the International Building Code and desires to adopt the 2009 version of the International Fuel Gas Code, as published by the International Code Council;

WHEREAS, staff already has a copy of the 2009 version of these codes;

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 15-1-36 and 15-1-37 and Sections 15-1-40 and 15-1-43 of Article 1: Building Regulations of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

...

§ 15-1-36 ADOPTION.

The purpose of this subarticle is to provide minimum standards, specifications and requirements for safe construction, installation, alteration and modification of gas piping and appliances within the city. All such construction, installation, alteration and modification of buildings within the corporate limits of the city shall conform to the requirements of this subarticle and to the specifications, rules and regulations entitled *International Fuel Gas Code*, ~~2000~~ **2009** Edition, approved and adopted by the ~~Southern Building Code Congress~~ **International Code Council** with all appendices thereto. When such edition conflicts with local regulations and ordinances, all locally adopted regulations and ordinances shall prevail. The *International Fuel Gas Code*, ~~2000~~ **2009** Edition, shall apply to the construction, alteration, repair, equipment, use, maintenance, or installation of gas piping, appliances, or equipment within the city limits.

§ 15-1-37 ADDITIONS AND AMENDMENTS TO STANDARD GAS CODE.

(A) Section 404.14.2 of the *International Fuel Gas Code*, 2000 2009 Edition, is amended to read as follows:

§ 404.14.2. When connecting plastic to a metallic riser, there shall be a minimum thirty six inch (36") horizontal length of metallic piping underground at the end of any plastic piping installed, and such section of metallic piping shall be suitably protected against corrosion. The metallic piping shall be of adequate length and size so that no stress or strain is placed on the plastic piping.

(A) (B) Section 404.3 of the *International Fuel Gas Code*, 2000 2009 Edition, is amended to read as follows:

§ 404.3: General: Gas piping may be installed in concealed locations in accordance with this section provided that no pipe smaller than one-half inch (½") shall be used in any concealed location, except as permitted by local authorities.

(B) (C) Section 404.9 404.10 of the *International Fuel Gas Code*, 2000 2009 Edition, is amended to read as follows:

§ 404.9 404.10: Underground piping must be buried underground a minimum of eighteen inches (18") for its entire length below grade, and may not be used within or under any building or slab. Plastic piping may not be used within or under any building or slab.

§ 404.9.1 404.10.1: Individual lines to outside lights, grills or other appliances shall be installed a minimum of eighteen inches (18") below grade, provided that such installation is approved and is installed in locations not susceptible to physical damage.

...

§ 15-1-40 SCHEDULE OF PERMIT FEES.

(A) The fees for gas permits as set forth in Section 106.5.2 106.6.2 of the *International Fuel Gas Code*, 2000 2009 Edition, are hereby established. A separate permit is required for each address.

<i>Schedule of Permit Fees</i>	
For issuing each permit	\$5

One to four outlets (inclusive)	\$5
Each additional outlet	\$1
Conversion burners, floor furnaces, incinerators, boilers, central heating, or air conditioning	\$5
Each additional	\$1
Vented wall furnaces and water heaters (first unit)	\$2.50
Each additional	\$1
Reinspection fee	\$5

...

§ 15-1-43 VIOLATION; REVOCATION OR SUSPENSION OF LICENSE.

If any person commences any work upon gas piping or appliances without securing required permits or licenses, or otherwise fails to comply with the provisions of the *International Fuel Gas Code*, ~~2000~~ 2009 Edition, such person shall be deemed to be in violation of this subarticle. Any person convicted a violation under this subarticle may have his city license revoked or suspended by the Municipal Judge or City Commissioners for a period not to exceed two years. Penalty, see § 15-1-999

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. That being said, the Planning

Department does not intend to begin active enforcement of these regulations until June 1, 2012.

V.

THAT nothing in this ordinance or in the Fuel Gas Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

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

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

Sam R. Fugate, Mayor

ATTEST:

Edna S. Lopez, City Secretary


APPROVED AS TO FORM:


Courtney Alvarez, City Attorney



Planning Department

TO: Mayor & Commission Members

Through: Vince Capell, City Manager 

FROM: Mike Kellam, Director of Development Services 

SUBJECT: Adoption of the 2009 ICC Codes

DATE: February 21, 2012

In an effort to improve the consistency in design review and effectiveness of our development code guidelines and regulatory enforcement, staff is proposing the adoption of the following codes as provided by the 2009 edition International Code Council (ICC):

- 2009 International Fuel Gas Code
- 2009 International Existing Building Code
- 2009 International Mechanical Code
- 2009 International Plumbing Code
- 2009 International Residential Code
- 2009 International Energy Conservation Code

The reasoning behind the proposed changes is based upon two needs. The first being that our existing ICC regulations are over 12 years old and nearly four editions behind, as the ICC documents are updated every three years. As with all regulatory codes, they are ever-changing to address new scenarios, construction types, disaster avoidance and federal mandates, therefore the local codes need to appropriately updated as well. Secondly, design professionals, including but not limited to engineers and architects, are currently designing projects under the 2009 edition. As you can imagine this can create inconsistencies in current design practices vs. the outdated codes we use as a minimum standard.

The draft ordinance proposing these changes includes the references in our local codes and also exceptions that are being omitted from the ICC codes, most notably the Residential Code, Fuel Gas Code and Plumbing Code. These exceptions are due to requirements needed to prevent improper installation and/or burial depth of piping in our region. The majority of the remaining corrections/amendments are purely updating the reference from the 2000 codes to the 2009 codes, and also properly cross referencing the local codes and the ICC codes. In one instance the fee listed in the local ordinance is not consistent with a previously adopted fee schedule and has been reverted back to a prior adopted fee schedule in error. This is relating to the contractor's

license, which is listed as \$90.00, but should read \$125.00. The ordinances pertaining to this change is attached. As you will see, the fee increase was approved in 2000, but was inadvertently changed back to \$90.00 in 2001 with the adoption of the 2000 International Building Code (IBC) and again with the adoption of the 2009 IBC. It appears as though an old version of code was provided in error, effectively changing the language to the incorrect fee schedule and the purpose of the current change is to correct the fee schedule to its intended level of \$125.00.

Additionally, in relation to the adoption of the International Plumbing Code, section 15-1-22, currently states a required registration/license fee of \$95.00. In 2009, the Texas State Plumbing Board Examiners adopted Section 1301.551 of the state "Plumbing License Law," thereby not permitting the municipality to require a registration or administrative fee. Due to this finding the subsequent change is being proposed to update the local ordinance to comply with the referenced Texas State Plumbing Board Examiners code. The full section pertaining to this is attached as well.

We anticipate an effective date to which we will begin utilizing the aforementioned ICC codes will be June 1, 2012. This will allow us to notify those in which it effects, while also allowing the Building Regulations staff time to bring themselves up to date with the new codes. To inform the contractors & builders of the proposed change we will be sending a notice by mail to all who are licensed with the City. Please let me know if you have any further questions regarding the adoption of the ICC codes.

Attachments: Section 15-1-3(A), 1999 version of the adopted ordinance
Section 15-1-3(A), 2000 version of the adopted ordinance
Section 15-1-3(A), 2001 version of the adopted ordinance
Section 15-1-3(A), 2010 version of the adopted ordinance
Texas State Plumbing Board Examiners adopted Section 1301.551,
"Plumbing License Law"

Cc: Courtney Alvarez, City Attorney
Naim Kahn, Director of Public Works
Bill Donnell, Asst. Director of Public Works
Bob Trescott, Downtown Manager
Abel Carrillo, Building Official
Daniel Ramirez, Building Inspector
Theresa Cavazos, Permit Clerk

AGENDA ITEM #22

ORDINANCE NO. 2012-_____

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY
AMENDING CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS,
ADOPTING THE 2009 VERSION OF THE INTERNATIONAL MECHANICAL
CODE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND
PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

WHEREAS, the City has previously adopted the 2009 version of the International Building Code and desires to adopt the 2009 version of the International Mechanical Code, as published by the International Code Council;

WHEREAS, staff already has a copy of the 2009 version of these codes;

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 15-1-135 and 15-1-136 of Article 1: Building Regulations of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 15-1-135 ADOPTION.

The *International Mechanical Code*, ~~2000~~ 2009 Edition, as approved by the ~~Southern Standard Building Code Congress~~ International Code Council, is hereby adopted in its entirety except as herein amended and all conflicting ordinances are hereby repealed.

§ 15-1-136 LICENSES AND PERMITS REQUIRED.

(A) All persons performing installation, alterations, or repairs must secure a permit prior to starting work when such permit is required by the *International Mechanical Code*. All persons performing mechanical work must file a copy of the appropriate state license with the city unless exempted licensing requirements by state law. Before permits will be issued licensees must pay a registration fee of \$55 which shall be valid for a calendar year. The fee for renewal of a current registration shall be \$45 if paid before the end of December

of each year. Homeowners are specifically exempted from license requirements when performing work on their own homestead.

(B) Nothing contained in this subarticle shall be construed as prohibiting a homeowner from performing work covered by this subarticle on his own homestead; provided, however, all such work must be done in conformance with all other provisions of this subarticle, including those related to permits, inspections, and fees.

(C) Fees listed in Appendix B of the *International Mechanical Code*, ~~2000~~ 2009 Edition, are hereby adopted. If any person starts work on without a permit, the permit fee shall be equal to the cost of the permit times the number of incidents the person has not obtained a permit prior to commencing work.

(1) Permit fees for remodeling, repair (as noted in Section 106.1 of the International Mechanical Code), or alterations to existing buildings costing in excess of \$500 shall be charged a permit fee as listed in Appendix B of the International Mechanical Code, ~~2000~~ 2009 Edition. Duplexes, apartments, hotels, and motels shall be charged an additional fee of \$10.00 per unit. Fees listed in Appendix B of the International Mechanical Code, ~~2000~~ 2009 Edition, are hereby adopted and incorporated herein.

(2) Permit fees; new buildings and additions.

All buildings shall be charged a permit fee \$0.04 per square foot. The minimum fee shall be \$10. Duplexes, apartments, hotels, and motels shall be charged an additional fee of \$10.00 per unit. Fees shall be based upon the conditioned area of the building.

(3) Moved buildings or structures.

A fee of \$0.04 per square foot shall be charged for the issuance of any permit for a moved building or structure. Fees shall be based upon the conditioned area of the building.

(4) Refunds on permits.

No refund will be granted on individual permit fees assessed at the minimum fee amount for a specific type of permit. Refunds of permit fees greater than minimum fee amounts may be made at a rate not to exceed 75% of that portion of the fee in excess of the minimum fee amount provided: (a) no work has commenced, (b) no inspections have been made, and the refund claim is submitted within 180 days after the issuance of the permit. Refund claims must be submitted in writing with a copy of the permit receipt.

...

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. That being said, the Planning Department does not intend to begin active enforcement of these regulations until June 1, 2012.

V.

THAT nothing in this ordinance or in the Mechanical Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

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

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

Sam R. Fugate, Mayor

ATTEST:

Edna S. Lopez, City Secretary


APPROVED AS TO FORM:


Courtney Alvarez, City Attorney



Planning Department

TO: Mayor & Commission Members

Through: Vince Capell, City Manager 

FROM: Mike Kellam, Director of Development Services 

SUBJECT: Adoption of the 2009 ICC Codes

DATE: February 21, 2012

In an effort to improve the consistency in design review and effectiveness of our development code guidelines and regulatory enforcement, staff is proposing the adoption of the following codes as provided by the 2009 edition International Code Council (ICC):

- 2009 International Fuel Gas Code
- 2009 International Existing Building Code
- 2009 International Mechanical Code
- 2009 International Plumbing Code
- 2009 International Residential Code
- 2009 International Energy Conservation Code

The reasoning behind the proposed changes is based upon two needs. The first being that our existing ICC regulations are over 12 years old and nearly four editions behind, as the ICC documents are updated every three years. As with all regulatory codes, they are ever-changing to address new scenarios, construction types, disaster avoidance and federal mandates, therefore the local codes need to appropriately updated as well. Secondly, design professionals, including but not limited to engineers and architects, are currently designing projects under the 2009 edition. As you can imagine this can create inconsistencies in current design practices vs. the outdated codes we use as a minimum standard.

The draft ordinance proposing these changes includes the references in our local codes and also exceptions that are being omitted from the ICC codes, most notably the Residential Code, Fuel Gas Code and Plumbing Code. These exceptions are due to requirements needed to prevent improper installation and/or burial depth of piping in our region. The majority of the remaining corrections/amendments are purely updating the reference from the 2000 codes to the 2009 codes, and also properly cross referencing the local codes and the ICC codes. In one instance the fee listed in the local ordinance is not consistent with a previously adopted fee schedule and has been reverted back to a prior adopted fee schedule in error. This is relating to the contractor's

license, which is listed as \$90.00, but should read \$125.00. The ordinances pertaining to this change is attached. As you will see, the fee increase was approved in 2000, but was inadvertently changed back to \$90.00 in 2001 with the adoption of the 2000 International Building Code (IBC) and again with the adoption of the 2009 IBC. It appears as though an old version of code was provided in error, effectively changing the language to the incorrect fee schedule and the purpose of the current change is to correct the fee schedule to its intended level of \$125.00.

Additionally, in relation to the adoption of the International Plumbing Code, section 15-1-22, currently states a required registration/license fee of \$95.00. In 2009, the Texas State Plumbing Board Examiners adopted Section 1301.551 of the state "Plumbing License Law," thereby not permitting the municipality to require a registration or administrative fee. Due to this finding the subsequent change is being proposed to update the local ordinance to comply with the referenced Texas State Plumbing Board Examiners code. The full section pertaining to this is attached as well.

We anticipate an effective date to which we will begin utilizing the aforementioned ICC codes will be June 1, 2012. This will allow us to notify those in which it effects, while also allowing the Building Regulations staff time to bring themselves up to date with the new codes. To inform the contractors & builders of the proposed change we will be sending a notice by mail to all who are licensed with the City. Please let me know if you have any further questions regarding the adoption of the ICC codes.

Attachments: Section 15-1-3(A), 1999 version of the adopted ordinance
Section 15-1-3(A), 2000 version of the adopted ordinance
Section 15-1-3(A), 2001 version of the adopted ordinance
Section 15-1-3(A), 2010 version of the adopted ordinance
Texas State Plumbing Board Examiners adopted Section 1301.551,
"Plumbing License Law"

Cc: Courtney Alvarez, City Attorney
Naim Kahn, Director of Public Works
Bill Donnell, Asst. Director of Public Works
Bob Trescott, Downtown Manager
Abel Carrillo, Building Official
Daniel Ramirez, Building Inspector
Theresa Cavazos, Permit Clerk

AGENDA ITEM #23

ORDINANCE NO.2012-_____

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY
AMENDING CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS,
ADOPTING THE 2009 VERSION OF THE INTERNATIONAL PLUMBING
CODE; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND
PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

WHEREAS, the City has previously adopted the 2009 version of the International Building Code and desires to adopt the 2009 version of the International Plumbing Code, as published by the International Code Council;

WHEREAS, staff already has a copy of the 2009 version of these codes;

WHEREAS, the Texas State Plumbing Board Examiners adopted Section 1301.551 of the state "Plumbing License Law," thereby not permitting the municipality to require a registration fee or administrative fee.

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 15-1-21 and 15-1-22 of Article 1: Building Regulations of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 15-1-21 ADOPTION BY REFERENCE.

The purpose of this subarticle is to provide minimum standards, provisions and requirements for safe construction, alteration and modification of plumbing within the city. All piping and fixtures for the delivery of water or disposal of wastewater shall be installed, replaced, maintained and repaired in conformance with the requirements of this subarticle and to the specifications, rules and regulations entitled *International Plumbing Code*, ~~2000~~ **2009** Edition, in its entirety with all appendices thereto. Such edition is hereby incorporated herein by reference and made a part of this subarticle as if fully set forth herein. When such edition conflicts with local regulations and ordinances, all locally adopted regulations and ordinances shall prevail. The *International Plumbing Code*, ~~2000~~ **2009** Edition, shall apply to installation, replacement, maintenance, and repair of all nonutility piping and fixtures for the delivery of water or the disposal of

wastewater within the city or that is connected to the city water or wastewater systems.

§ 15-1-22 ADDITIONS AND AMENDMENTS TO INTERNATIONAL PLUMBING CODE.

The *International Plumbing Code* is hereby modified and changed in the following particulars:

(A) Section 106.1 of the *International Plumbing Code* shall be amended to read as follows:

§ 106.1 Contractor License: It shall be the duty of every contractor who shall make contracts for the installation or repair of gas, water and wastewater systems which are not owned by a public franchised utility for which a permit is required, and every contractor making such contracts and subletting same, or any part thereof, ~~to register with the City Building Department to pay a registration fee of ninety five dollars (\$95.00) annually~~ and have a copy of the same on file with the Building Department, giving full name, residence and place of business, phone number, and appropriate state registration. ~~The fee for renewal of a current registration shall be eighty five dollars (\$85.00) if paid before the end of December of each year.~~ Upon submission of the license fee and required information, the Building Department shall issue a license to perform plumbing work. In case of removal from one place to another the license holder shall cause to have made corresponding change in the file accordingly. Nothing contained herein shall be construed as prohibiting any individual from installing or repairing his own fixtures or installing, extending, replacing, altering, or repairing plumbing fixtures and piping in their own residence; provided, however, that all such work must be in conformity with all other provisions of this Chapter, including those relating to permits, inspections, and fees.

(B) Section 109.1 of the *International Plumbing Code* shall be amended to read as follows:

§ 109.1 Supervising Board of Plumbers:

(a) Supervising Board of Plumbers Created. There is hereby created the Supervising Board of Plumbers consisting of seven (7) persons. The Board shall include three (3) appointive members and four (4) ex officio members. The appointive members of the Board shall be appointed by the City Commission. The ex officio members shall be the City Manager, the City Engineer, the Health Officer or his agent, and the Plumbing Inspector. The Supervising Board of Plumbers shall function in lieu of the Board of Appeals

described by Section 109 of the International Plumbing Code, ~~2000~~ 2009 Edition.

(b) Qualifications of Appointive Members. Persons who serve on the Supervising Board of Plumbers shall be qualified as follows: One (1) appointive member shall be a journeyman plumber, one (1) appointive member of the Board shall be a master plumber or plumbing contractor, and one (1) appointive member shall be a person knowledgeable of plumbing such as an engineer, retired contractor, vocational instructor, appliance or hardware dealer, or a journeyman or master plumber.

(c) Tenure of Office. The appointive members of the Supervising Board of Plumbers shall hold office from the date of their appointment and qualification until their successors have been appointed and qualified. The appointment or reappointment of members of the Board shall be such that the first member shall be appointed on or about January 1 of odd numbered years for a term of two (2) years, and the other two (2) members shall be appointed on or about January 1, of even numbered years for a term of two (2) years. Any member of the Board may be removed by the City Commission at any time for cause. Vacancies shall be filled by appointment for the unexpired term.

(d) Compensation. The members of the Supervising Board of Plumbers shall receive no compensation for their services.

(e) Organization of the Supervisory Board. The Board shall select their own chairman and adopt such rules and procedures as they may deem appropriate and necessary.

(f) Powers and Duties. The Board shall hear any appeals for variance or relief from grievances as may be filed which are governed by the International Plumbing Code or this Chapter. The Board shall also act as agent to assure compliance with the State Statutes involving plumbing and the regulations of the Texas State Board of Plumbing Examiners. The Board may also act in matters involving plumbing which may affect the public health.

(g) Quorum. Four (4) members of the Board present at any properly posted meeting shall constitute a quorum for the transaction of business. No vote shall be deemed official without the concurring vote of at least three (3) Board members.

(h) Records. The Board shall keep a minute book in which shall be recorded all transactions and business of the Board.

(C) Section 106.6.1 of the *International Plumbing Code* shall be amended to read as follows:

It shall be unlawful for any persons to commence any plumbing work before obtaining the necessary permit, or otherwise fail to comply with any provision of the *International Plumbing Code*, ~~2000~~ 2009 Edition, or any provision of this subarticle.

(D) Section 109 of the *International Plumbing Code* shall be amended to read as follows:

Supervising Board of Plumbers-Appointment:

(a) Supervising Board of Plumbers Created. There is hereby created the Supervising Board of Plumbers consisting of seven (7) persons. The Board shall include three (3) appointive members and four (4) ex-officio members. The appointive members of the Board shall be appointed by the City Commission. The ex-officio members shall be the City Manager, the City Engineer, the Health Officer or his agent, and the Plumbing Inspector. The Supervising Board of Plumbers shall function instead of the Board of Appeals described by Section 109 of the *International Plumbing Code*, ~~2000~~ 2009 Edition.

...

(f) Powers and Duties. The Board shall hear any appeals for variance or relief from grievances as may be filed which are governed by the *International Plumbing Code* or this Chapter. The Board shall also act as an agent to assure compliance with the State Statutes involving plumbing and the regulations of the Texas State Board of Plumbing Examiners. The Board may also act in matters involving plumbing which may affect public health.

...

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. That being said, the Planning Department does not intend to begin active enforcement of these regulations until June 1, 2012.

V.

THAT nothing in this ordinance or in the Existing Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

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

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

Sam R. Fugate, Mayor

ATTEST:

Edna S. Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Planning Department

TO: Mayor & Commission Members

Through: Vince Capell, City Manager *VC*

FROM: Mike Kellam, Director of Development Services *MKD*

SUBJECT: Adoption of the 2009 ICC Codes

DATE: February 21, 2012

In an effort to improve the consistency in design review and effectiveness of our development code guidelines and regulatory enforcement, staff is proposing the adoption of the following codes as provided by the 2009 edition International Code Council (ICC):

- 2009 International Fuel Gas Code
- 2009 International Existing Building Code
- 2009 International Mechanical Code
- 2009 International Plumbing Code
- 2009 International Residential Code
- 2009 International Energy Conservation Code

The reasoning behind the proposed changes is based upon two needs. The first being that our existing ICC regulations are over 12 years old and nearly four editions behind, as the ICC documents are updated every three years. As with all regulatory codes, they are ever-changing to address new scenarios, construction types, disaster avoidance and federal mandates, therefore the local codes need to appropriately updated as well. Secondly, design professionals, including but not limited to engineers and architects, are currently designing projects under the 2009 edition. As you can imagine this can create inconsistencies in current design practices vs. the outdated codes we use as a minimum standard.

The draft ordinance proposing these changes includes the references in our local codes and also exceptions that are being omitted from the ICC codes, most notably the Residential Code, Fuel Gas Code and Plumbing Code. These exceptions are due to requirements needed to prevent improper installation and/or burial depth of piping in our region. The majority of the remaining corrections/amendments are purely updating the reference from the 2000 codes to the 2009 codes, and also properly cross referencing the local codes and the ICC codes. In one instance the fee listed in the local ordinance is not consistent with a previously adopted fee schedule and has been reverted back to a prior adopted fee schedule in error. This is relating to the contractor's

license, which is listed as \$90.00, but should read \$125.00. The ordinances pertaining to this change is attached. As you will see, the fee increase was approved in 2000, but was inadvertently changed back to \$90.00 in 2001 with the adoption of the 2000 International Building Code (IBC) and again with the adoption of the 2009 IBC. It appears as though an old version of code was provided in error, effectively changing the language to the incorrect fee schedule and the purpose of the current change is to correct the fee schedule to its intended level of \$125.00.

Additionally, in relation to the adoption of the International Plumbing Code, section 15-1-22, currently states a required registration/license fee of \$95.00. In 2009, the Texas State Plumbing Board Examiners adopted Section 1301.551 of the state "Plumbing License Law," thereby not permitting the municipality to require a registration or administrative fee. Due to this finding the subsequent change is being proposed to update the local ordinance to comply with the referenced Texas State Plumbing Board Examiners code. The full section pertaining to this is attached as well.

We anticipate an effective date to which we will begin utilizing the aforementioned ICC codes will be June 1, 2012. This will allow us to notify those in which it effects, while also allowing the Building Regulations staff time to bring themselves up to date with the new codes. To inform the contractors & builders of the proposed change we will be sending a notice by mail to all who are licensed with the City. Please let me know if you have any further questions regarding the adoption of the ICC codes.

Attachments: Section 15-1-3(A), 1999 version of the adopted ordinance
Section 15-1-3(A), 2000 version of the adopted ordinance
Section 15-1-3(A), 2001 version of the adopted ordinance
Section 15-1-3(A), 2010 version of the adopted ordinance
Texas State Plumbing Board Examiners adopted Section 1301.551,
"Plumbing License Law"

Cc: Courtney Alvarez, City Attorney
Naim Kahn, Director of Public Works
Bill Donnell, Asst. Director of Public Works
Bob Trescott, Downtown Manager
Abel Carrillo, Building Official
Daniel Ramirez, Building Inspector
Theresa Cavazos, Permit Clerk

AGENDA ITEM #24

ORDINANCE NO. 2012-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 1, BUILDING REGULATIONS, ADOPTING THE 2009 VERSIONS OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND-TWO FAMILY DWELLINGS, MECHANICAL CODE, GAS CODE, AND PLUMBING CODE AND INCREASING THE CONTRACTOR'S LICENSE FEE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City has previously adopted the 2009 version of the International Building Code, as published by the International Code Council, and desires to adopt the 2009 version of four different international codes (one-and-two family dwellings, mechanical, gas, and plumbing);

WHEREAS, staff already has a copy of the 2009 version of these codes;

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 Sections 15-1-75 and 15-1-76 and Sections 15-1-302 and 15-1-303 of Article 1: Building Regulations of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

§ 15-1-75 ADOPTION BY REFERENCE.

The International Residential Code for One-and-Two Family Dwellings Standard Housing Code, 2009 1997 Edition, as published by the International Code Council, save and except such portions as hereinafter amended, is hereby adopted by reference.

§ 15-1-76 AMENDMENTS.

Chapter 1, §R112.1 of the International Residential Code for One-and-Two Family Dwellings 406 of the Standard Housing Code, entitled "Board of Appeals" "Housing Board of Adjustments and Appeals," is hereby amended to read "Board of Adjustment" and shall read the same in all other references to such Board in the International Residential Code for One-and-Two Family Dwellings Standard Housing Code, 2009 1997 Edition. The Board shall be the Board of Adjustment

as set forth by § 15-6-157 of this chapter. The Board of Adjustment shall have the number of members and be appointed for the terms specified by § 15-6-157 of this chapter. All subsections of § 106 of the ~~International Residential Code for One and Two Family Dwellings Standard Housing Code~~ which conflict with § 15-6-157 of this chapter shall be governed by § 15-6-157.

Penalty, see 1-1-99

...

Sec. 15-1-302. - ADOPTION BY REFERENCE.

The purpose of this subarticle is to provide minimum standards, provisions and requirements for safe construction, alteration and modification of one and two-family dwellings within the city. All such construction, alteration and modification of one and two-family dwellings within the corporate limits of the city shall conform to the requirements of this subarticle and to the specifications, rules and regulations entitled International Residential Code for One and Two-Family Dwellings, ~~2000~~ 2009 Edition, approved and adopted by the ~~Southern Building Code Congress~~ International ~~Code Council~~ with all appendices thereto. Such edition is incorporated herein by reference and made a part of this subarticle as if fully set forth herein. When such edition conflicts with local regulations and ordinances, all locally adopted regulations and ordinances shall prevail. The International Residential Code for One and Two-Family Dwellings, ~~2000~~ 2009 Edition, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every one and two-family dwellings or structure or any appurtenances connected or attached to such one and two-family dwellings or structures.

Sec. 15-1-303. - ADDITIONS AND AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS.

The International Residential Code for One and Two-Family Dwellings, ~~2000~~ 2009 Edition; is hereby modified and changed in the following particulars:

(A) The International Residential Code for One and Two-Family Dwellings, ~~2000~~ 2009 Edition, is hereby amended to add a section entitled "Contractors License Required" which reads:

It shall be the duty of every contractor or builder, who shall make contracts for the erection, repair or modification of buildings and structures and every builder or contractor subletting the same or any part thereof, to pay a license fee of ~~ninety one hundred twenty-five~~ dollars (~~\$90.00~~ ~~\$125.00~~) annually and have a copy of the same on file with the Building Department, giving full name, residence and place of business, and in case of removal from one place to

another to have made corresponding change in the file accordingly. Any person convicted in Municipal Court of a violation of this code may have his or her license revoked for a period not to exceed two years. Such person shall be notified by certified mail addressed to his or her place of business, as filed, of the proposed revocation and be given an opportunity at a hearing before the governing body to present such facts and circumstances that are relevant to the case.

(B) Chapter 1, § R105.2 (Work exempt from permit) shall be amended by the following:

Building

1. Permits for one-story detached accessory structures are required.

5. Sidewalks and driveways located in the city street right-of-way shall not be constructed without a permit. The permit for this work shall be considered a curb cut permit and the fee paid in according to § 9-10-35 of the City of Kingsville Code of Ordinances.

(C) Chapter 1, § R 112 108, entitled "Board of Appeals" is hereby amended to read "Board of Adjustment" and shall read the same in all other references to such Board in the International Building Code, ~~2000~~ 2009 Edition.

(D) Chapter 4, § R 401.1, entitled "Application," shall hereby be amended to read: Wood foundations are not permitted. Foundation designs must be provided to the City Planning Department by a Texas Registered Professional Engineer.

(E) Part V - Mechanical shall be amended to read:

Mechanical systems shall be permitted in accordance with the International Mechanical Code, ~~2000~~ 2009 Edition.

(F) Part VI - Fuel gas shall be amended to read:

Fuel Gas Systems shall be permitted in accordance with the International Gas Code, ~~2000~~ 2009 Edition.

(G) Part VII - Plumbing shall be amended to read:

Plumbing systems shall be permitted in accordance with the International Plumbing Code, ~~2000~~ 2009 Edition.

(H) Part VIII - Electrical shall be amended to read:

Electrical Systems shall be permitted in accordance with the 2005 National Electric Code.

...

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. That being said, the Planning Department does not intend to begin active enforcement of these regulations until June 1, 2012.

V.

THAT nothing in this ordinance or in the International Residential Code for One and Two-Family Dwellings hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

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

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

Sam R. Fugate, Mayor

ATTEST:

Edna S. Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney



Planning Department

TO: Mayor & Commission Members

Through: Vince Capell, City Manager *VC*

FROM: Mike Kellam, Director of Development Services *MK*

SUBJECT: Adoption of the 2009 ICC Codes

DATE: February 21, 2012

In an effort to improve the consistency in design review and effectiveness of our development code guidelines and regulatory enforcement, staff is proposing the adoption of the following codes as provided by the 2009 edition International Code Council (ICC):

- 2009 International Fuel Gas Code
- 2009 International Existing Building Code
- 2009 International Mechanical Code
- 2009 International Plumbing Code
- 2009 International Residential Code
- 2009 International Energy Conservation Code

The reasoning behind the proposed changes is based upon two needs. The first being that our existing ICC regulations are over 12 years old and nearly four editions behind, as the ICC documents are updated every three years. As with all regulatory codes, they are ever-changing to address new scenarios, construction types, disaster avoidance and federal mandates, therefore the local codes need to appropriately updated as well. Secondly, design professionals, including but not limited to engineers and architects, are currently designing projects under the 2009 edition. As you can imagine this can create inconsistencies in current design practices vs. the outdated codes we use as a minimum standard.

The draft ordinance proposing these changes includes the references in our local codes and also exceptions that are being omitted from the ICC codes, most notably the Residential Code, Fuel Gas Code and Plumbing Code. These exceptions are due to requirements needed to prevent improper installation and/or burial depth of piping in our region. The majority of the remaining corrections/amendments are purely updating the reference from the 2000 codes to the 2009 codes, and also properly cross referencing the local codes and the ICC codes. In one instance the fee listed in the local ordinance is not consistent with a previously adopted fee schedule and has been reverted back to a prior adopted fee schedule in error. This is relating to the contractor's

license, which is listed as \$90.00, but should read \$125.00. The ordinances pertaining to this change is attached. As you will see, the fee increase was approved in 2000, but was inadvertently changed back to \$90.00 in 2001 with the adoption of the 2000 International Building Code (IBC) and again with the adoption of the 2009 IBC. It appears as though an old version of code was provided in error, effectively changing the language to the incorrect fee schedule and the purpose of the current change is to correct the fee schedule to its intended level of \$125.00.

Additionally, in relation to the adoption of the International Plumbing Code, section 15-1-22, currently states a required registration/license fee of \$95.00. In 2009, the Texas State Plumbing Board Examiners adopted Section 1301.551 of the state "Plumbing License Law," thereby not permitting the municipality to require a registration or administrative fee. Due to this finding the subsequent change is being proposed to update the local ordinance to comply with the referenced Texas State Plumbing Board Examiners code. The full section pertaining to this is attached as well.

We anticipate an effective date to which we will begin utilizing the aforementioned ICC codes will be June 1, 2012. This will allow us to notify those in which it effects, while also allowing the Building Regulations staff time to bring themselves up to date with the new codes. To inform the contractors & builders of the proposed change we will be sending a notice by mail to all who are licensed with the City. Please let me know if you have any further questions regarding the adoption of the ICC codes.

Attachments: Section 15-1-3(A), 1999 version of the adopted ordinance
Section 15-1-3(A), 2000 version of the adopted ordinance
Section 15-1-3(A), 2001 version of the adopted ordinance
Section 15-1-3(A), 2010 version of the adopted ordinance
Texas State Plumbing Board Examiners adopted Section 1301.551,
"Plumbing License Law"

Cc: Courtney Alvarez, City Attorney
Naim Kahn, Director of Public Works
Bill Donnell, Asst. Director of Public Works
Bob Trescott, Downtown Manager
Abel Carrillo, Building Official
Daniel Ramirez, Building Inspector
Theresa Cavazos, Permit Clerk

The *Standard Building Code*, 1997 edition, is hereby modified and changed in the following particulars:

(A) Chapter 1, Section 104.4 Issuing Permits, shall be amended to add: Issuance of permits must be in compliance with 15-6-140 through 15-6-158 of the City of Kingsville Zoning Ordinances.

(B) Section 104.5 is hereby amended to add a paragraph which reads:

It shall be the duty of every contractor or builder, who shall make contracts for the erection, repair or modification of buildings and structures and every builder or contractor subletting the same or any part thereof, to pay a license fee of ninety dollars (\$90.00) annually and have a copy of the same on file with the Building Department, giving full name, residence and place of business, and in case of removal from one place to another to have made corresponding change in said file accordingly. Any person convicted in Municipal Court of a violation of this Code may have his/her license revoked for a period not to exceed two (2) years. Such person shall be notified by certified mail addressed to his/her place of business, as filed, of the proposed revocation and be given an opportunity at a hearing before the City Manager to present such facts and circumstances that are relevant to the case.

(C) Chapter 1, Section 108, entitled "Construction Board of Adjustment and Appeals" is hereby amended to read "Board of Adjustment" and shall read the same in all other references to such Board in the *Standard Building Code*, 1997 Edition.

(D) Chapter 1, Section 108.1 entitled "Appointment," shall hereby be amended to read:

There shall hereby be a Board of Adjustment as defined in Chapter XV, Article 6, Section 157, entitled "Board of Adjustment", of the City Code of Kingsville, Texas, which shall be appointed as set forth therein for the terms specified.

(E) Chapter 12, Section 1204 (Sanitation) shall be amended by adding the following:

Central, common or shared sanitary facilities in multiple use buildings may be utilized to satisfy the minimum fixture requirement of the Plumbing Code for the subdivision of a building provided that the facilities are within two hundred feet, require no outside travel, and meet all code requirements. The two hundred feet shall be measured by line of travel between the entrances of the restroom and subdivision of the building. Food service businesses with a customer floor area larger than five hundred square feet in area must possess full public restroom for both genders.

That Section 11-10-24 shall amended as follows:

§ 11-10-24 FEE.

In order to defray a part of the expense necessary to provide surveillance and supervision of taxicabs required under the provisions of this article and other provisions of this code regulatory thereof, there is hereby levied a fee of \$100.00 per annum for each taxicab so operated, which fee shall be collected from every person owing and operating taxicabs on the streets of the city by the city before the license thereof is issued to the person to so operate the taxicabs. . . .

That Section 11-13-2 shall amended as follows:

§ 11-13-2 APPLICATION; LICENSE FEE.

Any person desiring to use or maintain any property within the city for any of the purposes mentioned in § 11-13-1, shall make written application to the City Planning Secretary for a license. The application shall set forth the name and address of the applicant and a legal description of the property or the premises upon which the business is to be conducted. If the application is granted, a license to operate such business shall be issued by the City Planning Secretary upon the payment of a fee of \$100.00 per annum. Any license so issued shall expire on January 1st next succeeding the date of its issuance, but may be renewed from year to year in like manner as is provided for in the original license.

III.

THAT Chapter XV, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended as follows:

That Section 15-1-3 (A) shall amended as follows:

The *Standard Building Code* is hereby modified and changed in the following particulars:

(A) The *Standard Building Code*, 1997 Edition, is hereby amended to add a section entitled "Contractors License Required" which reads:

It shall be the duty of every contractor or builder, who shall make contracts for the erection, repair or modification of buildings and structures and every builder or contractor subletting the same or any part thereof, to pay a license fee of one hundred and twenty five dollars (\$125.00) annually and have a copy of the same on file with the Building Department, giving full name, residence and place of business, and in case of removal from one place to another to have made corresponding change in the file accordingly. . . .

That Section 15-1-6 shall amended as follows:

It shall be the duty of every contractor or builder, who shall make contracts for the erection, repair or modification of buildings and structures and every builder or contractor subletting the same or any part thereof, to pay a license fee of ninety dollars (\$90.00) annually and have a copy of the same on file with the Building Department, giving full name, residence and place of business, and in case of removal from one place to another to have made corresponding change in the file accordingly. Any person convicted in Municipal Court of a violation of this code may have his license revoked for a period not to exceed two years. Such person shall be notified by certified mail addressed to his place of business, as filed, of the proposed revocation and be given an opportunity at a hearing before the governing body to present such facts and circumstances that are relevant to the case.

(B) Chapter 11, § 1103.2.2 (Existing Buildings) shall be amended by adding the following:

Section 3408 — Accessibility for the physically disabled and/or handicapped shall not be required or applied to existing buildings with the exception of major repairs or alterations or changes in occupancy class. In no case may any repair or alteration reduce the degree of compliance with Section 3408, Appendix E, or other regulations governing handicapped access. Reduction or lessening the number of handicapped facilities or degree of access shall not be permitted unless compliance with Section 3408 and Appendix E is maintained.

(C) Chapter 1, § ~~112~~ 408, entitled "~~Board of Appeals Construction Board of Adjustments and Appeals~~" is hereby amended to read "Board of Adjustment" and shall read the same in all other references to such Board in the International Standard Building Code, 2000 ~~1997~~ Edition.

(D) Chapter 1, § 112.1, entitled "Appointment," shall hereby be amended to read:

There shall hereby be a Board of Adjustment as defined in Title XI, Chapter 6, Section 7, entitled "Board of Adjustment," of the City Code of Kingsville, Texas, which shall be appointed as set forth therein for the terms specified.

(E) Sanitation shall be created by adding the following:

Central, common or shared sanitary facilities in multiple use buildings may be utilized to satisfy the minimum fixture requirement of the Plumbing Code for the subdivision of a building provided that the facilities are within two hundred feet, require no outside travel, and meet all code requirements. The two hundred feet shall be measured by line of travel between the entrances of the restroom and

and 2010-27

It shall be the duty of every contractor or builder, who shall make contracts for the erection, repair or modification of buildings and structures and every builder or contractor subletting the same or any part thereof, to pay a license fee of ninety dollars (\$90.00) annually and have a copy of the same on file with the Building Department, giving full name, residence and place of business, and in case of removal from one place to another to have made corresponding change in the file accordingly. Any person convicted in Municipal Court of a violation of this code may have his license revoked for a period not to exceed two years. Such person shall be notified by certified mail addressed to his place of business, as filed, of the proposed revocation and be given an opportunity at a hearing before the governing body to present such facts and circumstances that are relevant to the case.

(B) Chapter 11, § 1103.2.2 (Existing Buildings) shall be amended by adding the following:

Section 3411 — Accessibility for the physically disabled and/or handicapped shall not be required or applied to existing buildings with the exception of major repairs or alterations or changes in occupancy class. In no case may any repair or alteration reduce the degree of compliance with Section, 3411 Appendix E, or other regulations governing handicapped access. Reduction or lessening the number of handicapped facilities or degree of access shall not be permitted unless compliance with Section 3411 and Appendix E is maintained.

(C) Chapter 1, §113, entitled "Board of Appeals" is hereby amended to read "Board of Adjustment" and shall read the same in all other references to such Board in the *International Building Code*, 2009 Edition.

(D) Chapter 1, § 113.1, entitled "Appointment," shall hereby be amended to read:

There shall hereby be a Board of Adjustment as defined in Title XI, Chapter 6, Section 7, entitled "Board of Adjustment," of the City Code of Kingsville, Texas, which shall be appointed as set forth therein for the terms specified.

(E) Sanitation shall be created by adding the following:

Central, common or shared sanitary facilities in multiple use buildings may be utilized to satisfy the minimum fixture requirement of the Plumbing Code for the subdivision of a building provided that the facilities are within two hundred feet, require no outside travel, and meet all code requirements. The two hundred feet shall be measured by line of travel between the entrances of the restroom and subdivision of the building. Food service businesses with a floor area larger than five hundred square feet in area must possess full public restroom for both sexes.

K. REGULATION BY CERTAIN POLITICAL SUBDIVISIONS

Sec. 1301.551. MUNICIPAL PLUMBING ORDINANCES AND PERMITS.

(a) A municipality with more than 5,000 inhabitants shall regulate by ordinance or bylaw the material, construction, alteration, and inspection of any pipe, faucet, tank, valve, water heater, or other fixture by or through which a supply of water, gas, or sewage is used or carried.

(b) Any other municipality may regulate by ordinance or bylaw the matters described by Subsection (a).

(c) A municipality that adopts an ordinance or bylaw under this section shall provide by ordinance or bylaw that a person must obtain a permit before the person performs plumbing, other than the repairing of leaks. The municipality may prescribe the terms on which the permit is issued.

(d) A plumbing inspection in a municipality that adopts an ordinance or bylaw under this section must be performed by a plumbing inspector.

(e) A municipality or other political subdivision in this state that requires a plumbing contractor to obtain a permit before the person performs plumbing shall by telephone, fax, or e-mail:

(1) accept permit applications;

(2) collect required fees; and

(3) issue the required permits. - 21 -

(f) If drawings of proposed plumbing work are required by the municipality or other political subdivision, the municipality or political subdivision shall specify how permit drawings are to be submitted.

(g) A person who is required to obtain a permit under this section is not required to pay a plumbing registration fee or administrative fee in a municipality or any other political subdivision.

(h) A plumbing contractor must register, electronically or in person, with a municipality or other political subdivision that requires registration before performing plumbing regulated by the municipality or other political subdivision.

(i) Notwithstanding any other provision of state law, after January 1, 2009, a municipality may not enact an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one- or two-family dwelling. A municipality may adopt an ordinance, bylaw, order, or rule allowing a multipurpose residential fire protection sprinkler specialist or other contractor to offer, for a fee, the installation of a fire sprinkler protection system in a new one- or two-family dwelling.

(j) A multipurpose residential fire protection sprinkler specialist may install a multipurpose residential fire protection sprinkler system in a new or existing one- or two-family dwelling in a municipality described by Subsection (a) or (b).

SUBCHAPTER K. REGULATION BY CERTAIN POLITICAL SUBDIVISIONS

Sec. 1301.551. MUNICIPAL PLUMBING ORDINANCES AND PERMITS.

- (a) A municipality with more than 5,000 inhabitants shall regulate by ordinance or bylaw the material, construction, alteration, and inspection of any pipe, faucet, tank, valve, water heater, or other fixture by or through which a supply of water, gas, or sewage is used or carried.
- (b) Any other municipality may regulate by ordinance or bylaw the matters described by Subsection (a).
- (c) A municipality that adopts an ordinance or bylaw under this section shall provide by ordinance or bylaw that a person must obtain a permit before the person performs plumbing, other than the repairing of leaks. The municipality may prescribe the terms on which the permit is issued.
- (d) A plumbing inspection in a municipality that adopts an ordinance or bylaw under this section must be performed by a plumbing inspector.
- (e) A municipality or other political subdivision in this state that requires a plumbing contractor to obtain a permit before the person performs plumbing shall by telephone, fax, or e-mail:
- (1) accept permit applications;
 - (2) collect required fees; and
 - (3) issue the required permits.
- (f) If drawings of proposed plumbing work are required by the municipality or other political subdivision, the municipality or political subdivision shall specify how permit drawings are to be submitted.
- (g) A person who is required to obtain a permit under this section is not required to pay a plumbing registration fee or administrative fee in a municipality or any other political subdivision.
- (h) A plumbing contractor must register, electronically or in person, with a municipality or other political subdivision that requires registration before performing plumbing regulated by the municipality or other political subdivision.
- (i) Notwithstanding any other provision of state law, after January 1, 2009, a municipality may not enact an ordinance, bylaw, order, building code, or rule requiring the installation of a multipurpose residential fire protection sprinkler system or any other fire sprinkler protection system in a new or existing one- or two-family dwelling. A municipality may adopt an ordinance, bylaw, order, or rule allowing a multipurpose residential fire protection sprinkler specialist or other contractor to offer, for a fee, the installation of a fire sprinkler protection system in a new one- or two-family dwelling.
- (j) A multipurpose residential fire protection sprinkler specialist may install a multipurpose residential fire protection sprinkler system in a new or existing one- or two-family dwelling in a municipality described by Subsection (a) or (b).

AGENDA ITEM #25

ORDINANCE NO. 2012-_____

AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING SECTIONS 9-1-10 THROUGH 9-1-18, PROVIDING FOR ADDITIONAL DEFINITIONS AND ENSURING COMPLIANCE WITH STATE LAWS WITH THE REGULATION OF JUNKED MOTOR VEHICLES; 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 Sections 9-1-10 through 9-1-18 of Article 1: Abandoned and Junked Motor Vehicles of Chapter IX, General Regulations, of the Code of Ordinances of the City of Kingsville, Texas, shall be amended to read as follows:

JUNKED MOTOR VEHICLES

§ 9-1-10 JUNKED VEHICLES DECLARED TO BE PUBLIC NUISANCE.

(A) A junked vehicle, including a part of a junked vehicle that is visible at any time of the year from a public place, public right-of-way, or adjacent private property:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;
- (3) Invites vandalism;
- (4) Creates a fire hazard;
- (5) Is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Produces urban blight adverse to the maintenance and continuing development of the city; and
- (7) Is a public nuisance.

(B) A junked vehicle, in accordance with the procedures for abatement and removal in Chapter 683 of the Texas Transportation Code and as defined herein, is declared to be a public nuisance subject to regulation.

§ 9-1-11 DEFINITIONS.

(A) *Antique vehicle* means a passenger car or truck that is at least ~~twenty-five (25)~~ thirty-five (35) years old.

(B) *Inoperable* means, due to mechanical failure, breakdown, or disrepair, cannot be started, driven, operated, steered, or stopped under its own power without causing damage to the vehicle.

(C) *Junked vehicle* means a vehicle that is self-propelled, or was manufactured to be self-propelled, or any part thereof, which is in ordinary view and:

(1) Does not have lawfully attached to it:

- a. An unexpired license plate; or
- b. A valid motor vehicle inspection certificate; and

(2) Is:

- a. Wrecked, dismantled or partially dismantled, or discarded; or
- b. Inoperable and has remained inoperable for more than:
 1. ~~Forty-eight (48)~~ Seventy-two (72) consecutive hours, if the vehicle is on public property or public right-of-way; or
 2. ~~Twenty (20)~~ Thirty (30) consecutive days, if the vehicle is on private property.

(D) *Motor vehicle collector* means a person who:

- (1) Owns one (1) or more antique or special interest vehicles; and
- (2) Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

(E) *Ordinary view* means a vehicle or any part thereof or the tarp or cover thereon is visible at any time of the year from any public right-of-way, public property, or from private property which is owned or occupied by a person other than the property owner or occupant of the property on which the vehicle is located.

(F) *Property owner* means the owner of any premises, as listed in the real property tax records of the city on which the junked vehicle, or part thereof, is located.

~~(F)~~ (G) *Special interest vehicle* means a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

§ 9-1-12 ENFORCEMENT; NOTICE TO ABATE.

(A) The procedures for abatement and removal of a junked vehicle must be administered by the Chief of Police or his duly authorized agent, or other

regularly salaried, full-time employees of the city that may be designated from time to time by the city manager, except that any authorized person may remove the nuisance.

(B) Persons authorized to administer the abatement and removal procedures may enter upon private property to examine a junked vehicle, obtain information to identify the junked vehicle, and to remove or direct the removal of the junked vehicle.

(C) Following investigation of a public nuisance, the notice procedures set out in this section must be followed for the abatement and removal of a junked vehicle from public or private property or a public right-of-way:

(1) A notice must provide not less than 10 days' notice of the nature of the nuisance and must be personally delivered, sent by certified mail with a five-day return requested, or delivered by the United States Postal Service with signature confirmation service to:

- a. The last known registered owner of the nuisance;
- b. Each lienholder of record of the nuisance; and
- c. The owner or occupant of:
 1. The property on which the nuisance is located; or
 2. If the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.

(2) The notice must state:

- a. The nature of the public nuisance;
- b. That the nuisance must be abated and removed not later than the tenth day after the date on which the notice was personally delivered or mailed;
- c. Describe the right to request a hearing; and
- d. State that any request for a hearing must be made before the ten-day period expires.

(3) In addition to the notice required under subsection (C)(1) of this section, the Chief of Police or his duly authorized agent, or other employee designated by the city manager, may securely affix to a junked vehicle, or part thereof, a visible, dated, and brightly colored notice that contains the information required in subsection (C)(2) of this section. The posting of the discretionary notice described in this subsection is not a condition or requirement precedent to any proceeding or action to abate a public nuisance, and a proceeding or action is not void, voidable, or in any way affected by a failure to affix the notice.

(4) If the post office address of the last known registered owner of the junked vehicle is unknown, a notice may be placed on the junked vehicle or, if the owner is located, personally delivered.

(5) If a notice is returned undelivered, action to abate the nuisance must be continued to a date not earlier than the 11th day after the date of the return.

§ 9-1-13 HEARINGS; RELOCATION OF JUNKED VEHICLE.

(A) A person who receives notice of a public nuisance under subsection 9-1-12 (C)(1) may request a hearing to determine whether a vehicle is a junked vehicle. Any request for a hearing must be made, in person or in writing, to the municipal court clerk not later than the tenth day after the notice was personally delivered or mailed.

(B) If requested in a timely manner, a municipal court judge shall hold a hearing to determine whether a vehicle, or part thereof, is a public nuisance.

(C) The hearing shall be held not earlier than the eleventh day after the date of service of the notice.

(D) At the hearing, the junked vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

(E) The municipal court of the city may issue necessary orders to enforce the procedures for the abatement and removal of a public nuisance.

(F) An order requiring the removal of the nuisance must

(1) include, if the information is available at the location of the nuisance, the vehicle's:

- (a) 1) Description;
- (b) 2) Identification number; and
- (c) 3) License plate number.

(2) prohibit the vehicle from being reconstructed or made operational after removal; and

(3) require that, not later than the fifth day after the date of removal, notice identifying the vehicle or part thereof be given to the appropriate state agency or department for the cancellation of the certificate of title issued for the vehicle.

(G) The proceeding for abatement and removal of a public nuisance (junked vehicle) under this article shall be commenced upon the sending of the notice as prescribed by this article.

(H) The relocation of a junked vehicle that is a public nuisance to another location within the city after a proceeding for the abatement and removal of the public nuisance has commenced shall have no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

§ 9-1-14 VEHICLES NOT TO BE RECONSTRUCTED OR MADE OPERABLE; DISPOSAL.

(A) A vehicle removed under the abatement and removal procedures set out in this division may not be reconstructed or made operable.

(B) Disposal of a junked vehicle shall be by removal to a scrapyard, a motor vehicle demolisher, or other suitable site operated by the city, as necessary to accomplish the purposes of this division, provided, that any such disposal shall be for scrap, demolition, or salvage only.

(C) If the city determines that commercial disposition of junked vehicles is not available or is inadequate, the city may:

(1) Finally dispose of a junked vehicle or vehicle part, or

(2) Transfer it to another disposal site if the disposal is scrap or salvage only.

(D) Any proceeds from the transfer of the junked vehicle or part thereof to the site authorized by this section shall be used to reimburse the city for all costs incurred in the notification, investigation, hearing and disposal procedures (including any and all variable towing and disposal fees from contracted sources).

(E) The vehicle may not be reconstructed or made operable after removal.

§ 9-1-15 NOTICE TO TEXAS DEPARTMENT OF TRANSPORTATION.

Following removal, a notice identifying the junked vehicle, or part of the vehicle, shall be given to the Texas Department of Transportation by the Chief of Police or his duly authorized agent, or other employees designated by the city manager, not later than five (5) days after the date of removal.

§ 9-1-16 INAPPLICABILITY OF DIVISION; NO EXEMPTION.

(A) The procedures for the abatement and removal of a public nuisance may not apply to a vehicle or vehicle part:

(1) That is completely enclosed in a building in a lawful manner and is not visible from the street, public or private property or public right-of-way; or

(2) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junk yard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or vehicle part and the outdoor storage area, if any, are:

- a. Maintained in an orderly manner;
- b. Not a health hazard; and
- c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, shrubbery, or a form-fitting cover designed and manufactured specifically for vehicles.

(B) A junked vehicle, or part of a junked vehicle, covered by a form-fitting vehicle cover, is not exempt from the procedures for abatement and removal.

§ 9-1-17 OFFENSE; PENALTY.

(A) A person commits an offense if that person maintains a public nuisance as described in this division.

(B) An offense under this division is punishable by a fine not to exceed two hundred dollars (\$200.00). In the event a defendant has once previously been convicted under this article, the defendant shall be fined an amount not less than one hundred dollars (\$100.00) for each conviction thereafter. Each day a violation is permitted to exist shall constitute a separate offense.

(C) On conviction, the court shall order removal and abatement of the public nuisance.

(D) An offense under this division is subject to the penalty provisions of section 1-1-99 of the Code.

§ 9-1-18 VEHICLES BLOCKING TRAFFIC.

Nothing in this subarticle shall affect statutes that permit immediate removal of a vehicle left on public property that constitutes an obstruction to traffic.

II.

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

III.

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

IV.

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

INTRODUCED on this the ___th day of February, 2012.

PASSED AND APPROVED on this the _____th day of March, 2012.

Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney