

City of Kingsville, Texas

AGENDA CITY COMMISSION

**THURSDAY, MARCH 8, 2012
SPECIAL 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. Capel
City Manager

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

None

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 on arbitrage. 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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 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. (Downtown Manager).
2. Motion to approve final passage 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).
3. Motion to approve final passage 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).
4. Motion to approve final passage 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).
5. Motion to approve final passage 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).
6. Motion to approve final passage 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).
7. Motion to approve final passage 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).
8. Motion to approve final passage 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).

9. Motion to approve final passage 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).

10. Motion to approve out-of-state travel for Downtown/Special Projects Manager Bob Trescott to attend the National Main Street Conference in Baltimore, Maryland from March 31st – April 4th, 2012. (City Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

11. Consider resolution authorizing the City Manager to enter into an agreement with the Internal Revenue Service relating to arbitrage (Explanation of Failure to Pay Arbitrage Rebate on Time). (Finance Director).

12. Consider approving budget amendment for five items from the Kingsville Convention & Visitors Bureau Budget for fiscal year 2011-2012. (Tourism Director).

13. Consider accepting contribution of \$6,250 from Kingsville Convention & Visitors Bureau Budget Amendment for matching funds contribution for the CLG Historic Commission Grant. (Tourism Director).

14. Consider 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. (Finance Director).

15. Consider authorizing the purchase of a new deck for the Scag mower for the City-County Health Department from AC Lawn & Garden of Kingsville for \$3,500.00 with funding from FY2010-2011 Surplus Funds as per staff recommendation. (Purchasing Director).

16. Consider authorizing expenditure of \$10,000 for landscaping partnering project along south side of Yoakum abutting City Hall parking lot with funding from Fiscal Year 2010-2011 Surplus Funds as per staff recommendation. (Director of Development Services).

17. Consider awarding bid for contract work on Santa Rosa and Corral Street drainage project at a cost of \$217,666.15 as per staff recommendation. (Purchasing Director).

18. Consider awarding bid for contract work on Dumpster Enclosure Pilot Project at a cost of \$24,850.00 as per staff recommendation. (Purchasing Director).

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

20. Consider resolution authorizing the City to submit an application to the Edward Byrne Memorial Justice Assistance Grant Program (JAG) for the State of Texas requesting grant funding for law enforcement equipment on behalf of the Kingsville Police Department with no anticipated cash match. (Chief of Police).

21. Consider resolution of the City of Kingsville appointing Early Voting Clerk. (City Secretary).

(CONSIDERE UNA RESOLUCIÓN QUE NOMBRA A LA SECRETARIA ENCARGADA DE LA VOTACIÓN ANTICIPADA) (SECRETARIA MUNICIPAL).

22. Consider waiver of interest on paving liens so that only principal will be due with said waiver program to last from March 1, 2012 to March 1, 2013. (Finance Director).

VII. Adjournment.

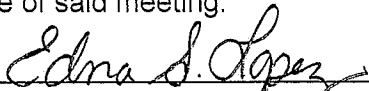
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative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

NOTICE

This 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:

March 5, 2012 at 3:45 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 27, 2012

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 27, 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
Mark Rushing, Finance Director
Naim Khan, City Engineer/Public Works Director
Al Lopez, Fire Chief
Roel Carrion, Interim Fire Chief
Bill Donnell, Asst Public Works Director
Gary Fuselier, Landfill Supervisor
Mike Kellam, Director of Development Services
Diana Gonzales, Human Resource Director
Ricardo Torres, Police Chief
David Mason, Purchasing Director
Robert Rodriguez, Library Director
Diana Medina, Collections Supervisor
Joe Casillas, Water Production Supervisor
Tony Verdin, Information Systems Technician
Ken Starr, Asst Task Force Commander
James Creek, Firefighter
Caron Vela, Accounting Manager
Bob Trescott, Downtown Manager
John Garcia, Risk Manager
Jason Torres, Health Inspector

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate called the meeting to order in the Commission Chambers at 6:00 P.M. 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 regular meeting of Monday, February 13, 2012. **Commissioner Pecos made a motion to accept the minutes with a correction on page 4, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Laskowski, Pecos 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 the Staff Report has been submitted and that the next regular Commission meeting is scheduled for March 12th but there will be no quorum so he is asking to schedule a meeting on Thursday preceding that date. Mayor Fugate stated there are no objections to move to the 8th at 6:00 P.M.

City Attorney Alvarez reported agenda items are due this Friday for the meeting of the 8th, Staff reports also due, and there's a Staff meeting this Wednesday.

Mayor Fugate presented several proclamation; American Red Cross Month and National Pancake Day and Shriners Hospitals for Children Day.

Mayor Fugate presented a Certification of Appreciation, a City of Kingsville watch and a proclamation to Chief Lopez for 41 years of service to the City.

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.

Mr. Daniel King, no address, spoke about banning fluoride from water.

Mr. Alan Dekoch, 3724 Andron Lane, spoke about different locations that the new low income houses could be built and spoke in opposition of new housing development at Brahma Blvd & Hwy 77.

Mr. Ed Preston, 601 Treebeard Lane, spoke in opposition of new housing development.

Ms Jean Claire Turcotte, 3730 Andron spoke in opposition of new housing development.

Mr. Bill Lowry, 612 Treebeard, spoke in opposition of new housing development.

Ms Norma Collins, 3311 S Brahma Blvd, spoke in opposition of new housing development.

Mayor Fugate called for consideration of the items in the Consent Agenda, Items 1-10. Commissioner Laskowski made a motion to accept the Consent Agenda, as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Fugate, Garcia, Wilson, Pecos, Laskowski voting "FOR".

V.

Consent Agenda

1. ORDINANCE NO. 2012-02 Motion to approve final passage of an ordinance amending Section 15-1-93, providing for screening of storage areas. (Director of Development Services).
2. ORDINANCE NO. 2012-03 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. ORDINANCE NO. 2012-04 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. ORDINANCE NO. 2012-05 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. ORDINANCE NO. 2012-06 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).

Mayor Fugate announced the public has spoken; this is the time only Staff and the Commission will discuss the item. As a point of clarification, City Attorney Courtney Alvarez announced there was no public hearing required, so there was no requirement for a thirty (30) day notice as mentioned during Public comments.

Director of Development Services Mike Kellam stated he had previously met with Ms Cory Hinojosa, Executive Director for the Housing Authority. This is solely for approval and recommendation to move forward with an application. The development process will address issues brought forward by citizens. Mr. Kellam stated to the Commission that some of the concerns brought up by residents were valid, but the project is still in its early planning stages.

Mayor Fugate mentioned traffic at that location is a concern. Mr. Kellam stated Staff has the same question about traffic. Mayor Fugate stated if resolution passes it does not come back to the Commission. Mr. Kellam stated there's a good chance that it would come back due to the required improvements. He added zoning in that area does allow for this type of use at said location.

Mayor Fugate asked Ms Alvarez if this would come back to the City Commission. Ms Alvarez replied it won't have to, if it has already been zoned, but it would still if there's a plat approval needed. She reminded the Commission that in 2007, there was a rezoned requested and approved for that area for a senior facility at that location.

Commissioner Laskowski voiced his concern about the site plan, stating that he was confused as to how much property was included in this development. His major concern being that they are taking up that entire area and there's no retention or detention for drainage in their site plan and there's already a problem in that area. Mr. Kellam stated all these things were discussed with Ms Hinojosa and all would be taken care of through the subdivision platting process or the development review process. Every ordinance passed by Commission would be enforced.

Commissioner Laskowski asked what authority the city has to require that the developer make improvements to that area on a state maintained road. City Engineer Naim Khan replied he has not seen the details of this project only the preliminary site plan. Regarding the improvement, the City would likely be required by TXDOT to conduct a

traffic impact analysis before improvements could be made. Mr. Kellam stated he had spoken to Ms Hinojosa and she has spoken to TXDOT about egress and ingress plans.

Ms Hinojosa addressed some of the concerns previously stated by concerned citizens. She introduced her Board. She stated this is an Affordable Housing Development and there is an application process. There is no guaranteed this will be awarded. They actually have to score the points necessary to be eligible for the funding. There's competition across the region. She stated that the chosen location here in Kingsville provides additional points because it is the only census tract in Kingsville that does not have any type of affordable housing. Apartment complexes currently in place that are tax credit developments or affordable housing are Courts of Las Palomas, Kings Crossing, Heights of Corral, Lulac Manor, and Casa Ricardo. The two actually built affordable housing developments are Courts of Las Palomas and Kings Crossing. The occupancy rate is 98%, and there's a waiting list at each development. The need for affordable housing is very much needed. As for property values, she stated she did a comparable with Courts of Las Palomas in comparison to Chandler Acres which is similar in distance to the proposed project to some of the homes described. She stated over the fifteen year period through the Appraisal District information, four to five comparables were checked and there has been an increase in property values. She does not foresee a problem with devaluation in property for that location. Ms Hinojosa stated as a courtesy she did notify Mr. Dekoch, and she notified all public officials. Mayor Fugate stated the law doesn't require that. Ms Hinojosa stated the owner of the property is an estate from Victoria and Mr. Gene Jones is the real estate agent. The property is currently for sale at \$175,000. The property size is 7.1 acres. The application is due March 1st at the State if not approved at this time there's no opportunity for this development in Kingsville.

Mr. Jed Brown, Brownstone Affordable Housing addressed the Commission. Mr. Brown provided a current site plan that was submitted to meet the deadline. He spoke in reference to the detention pond, the access point and infrastructure. He stated a local engineer; Homero Castillo met with TXDOT to discuss the access point. This property is zoned R3. He stated if they are able to construct this development it would be the nicest multi-family development on that part of town. Mr. Brown stated that if the traffic impact analysis is called for that's something that the developer is obligated to put in and submit traffic counts to TXDOT for their consideration plus any additional requirements they may have.

Ms Hinojosa stated the income requirements for that development are: 60% of median income – 1 person family earning \$20,760 or less; 4 member family earning \$29,580 or less. She added that with that type of income, its individuals that work in Kingsville and can live in a nice place. The gross rent range approximately, \$555 for one bedroom to \$769 for a three bedroom. There are requirements for tenants and is managed by a private company. She stated there's a great need for low income and development housing. Developments are not public housing. It's an \$8.5 million dollar development. The appraisal district will look at the taxes to be paid. If this property is not bought they will lose \$175,000 to HUD. In making improvements to FM 1717, it will be a part of the cost of the development. Regarding the cost for improvements if TXDOT requires certain things, Ms Hinojosa stated they would certainly do everything they could to get it done.

Mr. Nono Flores, Consultant from San Antonio addressed the Commission. Mr. Flores stated if there's additional cost to the project, one item that can be deferred is the payment of the developer fee.

Mayor Fugate stated based on the City's experience; the city has paid \$267,000 to resurface a road. He acknowledged these projects are time sensitive but there are citizens concerns and the Commission hasn't had enough time to review this. He stated

the last conversation with Ms Hinojosa was that Connell Villa was going to be re-done. He stated that Ms Hinojosa has done a great job but this was not discussed enough.

City Manager Capell stated it is not just TXDOT, but the City would be asking for some of these improvements, such as sidewalks, etc. He stated there are other parts of town that would welcome a development of this type.

Commissioner Wilson stated this project is scoring a 1 or 2 because of the location that is being proposed. Ms Hinojosa stated they are limited as to the choices of property. Regarding waiving fees for proposed project, Ms Hinojosa stated they are not asking for anything to be waived.

Mayor Fugate called for questions or comments.

Commissioner Garcia made a motion to NOT approve this resolution, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Laskowski, Pecos, Wilson, Garcia voting "FOR".

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).

NO ACTION

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).

Downtown Manager Bob Trescott stated they are in the process of revising the Historic Developing Board's ordinances and regulations due to an inconsistency in the ordinance and regulations. Modest changes were made; the main concern was there was no clarity between what's handled by Staff and what's handled by the Historical Board and what comes to the Commission. The amendment to this ordinance will help to clarify.

INTRODUCTION ONLY

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).

City Engineer Naim Khan stated this request is for the design work on Kleberg Avenue from 3rd Street to 11th Street.

City Manager Capell stated this is a significant savings for the City using students from the University.

Commissioner Laskowski made a motion to authorize the Javelina Innovation Lab to start design work for Kleberg Avenue for \$29,825, seconded by Commissioner Garcia & Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Pecos, Garcia, Wilson, Laskowski voting "FOR".

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).

Commissioner Wilson made a motion to authorize the purchase, not to exceed \$45,970.69, seconded by Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Laskowski, Wilson voting "FOR".

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).

Mayor Fugate stated this is a City/County department and whatever is approved the County should match. City Manager Capell stated the county did pay for part of this original purchase.

Commissioner Laskowski voiced his concern about information on the narrative. He stated he had called Mr. Mike Webb, owner of AC Lawn & Garden to ask if the Health Department had taken the mower in for an evaluation to see if it could be repaired. He stated he learned they had not. A new mowing deck which is the biggest amount of the problem is somewhere between \$2,500 and \$3,000. He suggested that before purchasing a new mower, he would like the Health department to take the old mower over to be evaluated to see if it could be repaired.

ITEM WAS PASSED

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).

Mr. Rushing stated this is the introduction of a budget amendment that flows with agenda items 14, 15, & 16. Fund 091 is where the surplus is being budgeted to be utilized in FY 2010-2011. He stated \$6,250 is to recognize the donation from KCVB. He explained the supporting documentation.

Mr. Khan explained monies being allocated for a bailer will not be used; instead they will be using the money to purchase two trucks for the Garage department. The City will not be using a bailer, but using single stream recycling.

INTRODUCTION ONLY

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).

Mayor Fugate called to take items #18 – 24 together. Commission had no objection.

Mr. Kellam stated this updates from 2000 to 2009 Codes and gets the City up to speed. No need to adopt again until 2015.

INTRODUCTION ONLY

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).

INTRODUCTION ONLY

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).

INTRODUCTION ONLY

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).

INTRODUCTION ONLY

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).

INTRODUCTION ONLY

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).

INTRODUCTION ONLY

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).

INTRODUCTION ONLY

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).

Mr. Kellam stated this is tied to the community appearance efforts. Ms Alvarez stated some of the changes were due to legislative changes from the last legislative session and others were just for clarification to assist in enforcement.

Police Chief Torres stated that Staff worked together to close some of the loopholes for repeat violators.

INTRODUCTION ONLY

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:29 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 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 #2

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 #3

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 

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 #4

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

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 #5

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 *VC*
FROM: Mike Kellam, Director of Development Services *MKC*
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 #6

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 #7

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 
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 #8

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 106 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):

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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.

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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 #9

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) 4) 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.

(G 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

AGENDA ITEM #10



DATE: March 5, 2012

TO: City Commission

VIA: City Manager

FROM: Downtown and Special Projects Manager

SUBJECT: Request for Out of State Travel

1. The Texas Historical Commission, as part of our participation in Texas Main Street, requires the Kingsville Main Street Manager to attend annual training and conferences from some combination of:
 - a. National Trust Preservation Conference; this year in Spokane WA
 - b. National Main Street Conference; this year in Baltimore
 - c. Texas Downtown Association Conference; this year in Wichita Falls
 - d. Texas Main Street Training in various Texas cities
2. For two years, I have confined travel to intra-state, Texas-only events.
3. For 2012, I am requesting travel to the National Main Street Conference, an event that, years ago, I attended regularly and which I once hosted.
4. This event is the premiere conference and training opportunity for the hundreds of Main Street communities to learn current best practices and latest trends and technologies.
5. A delegation from Texas is attending.

(REGULAR AGENDA)

AGENDA ITEM #11

RESOLUTION # 2012-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE INTERNAL REVENUE SERVICE RELATING TO ARBITRAGE (EXPLANATION OF FAILURE TO PAY ARBITRAGE REBATE ON TIME); REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Kingsville engaged its financial advisor, First Southwest, to assist it in computing arbitrage calculations on existing certificates of obligation; and

WHEREAS, First Southwest has concluded their calculation of the liability to the IRS; and

WHEREAS, the City has in previous years set aside enough money as an Arbitrage Contingent Liability to fund this payment to the IRS; and

WHEREAS, the execution of an agreement with the IRS called "Explanation of Failure to Pay Arbitrage Rebate on Time" needs to be executed by the City Manager and accompany the arbitrage payment to the IRS.

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

I.

THAT the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into an Agreement with the Internal Revenue Service (Explanation of Failure to Pay Arbitrage Rebate on Time) for each payment in accordance with Exhibit A hereto attached and made a part hereof.

II.

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

III.

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

PASSED AND APPROVED by a majority vote of the City Commission on the _____ 8th day of _____ March _____, 2012.

Sam R. Fugate, Mayor

ATTEST:

Edna S. Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

EXPLANATION OF FAILURE TO PAY ARBITRAGE REBATE ON TIME

\$3,960,000
City of Kingsville, Texas
Certificates of Obligation,
Series 2002

CUSIP NUMBER: 496782JA2

ISSUER:
City of Kingsville, Texas
Employer ID Number: 74-6001513

The enclosed payment was not filed within the permitted 60-day period following the December 19, 2007 Installment Computation Date due to an innocent failure and not willful neglect. Pursuant to Section 4.01 of Revenue Procedure 2005-40 (effective for discoveries after July 11, 2005 of a failure to timely pay the correct rebate amount), the lack of willful neglect is established as follows:

- (1) The unpaid rebate amount. The net unpaid rebate amount is \$14,193.35 (net of any additional penalty and interest). The payment represents a 100% installment of rebatable arbitrage pursuant to the 1993 Treasury Regulations Section 1.148-3(f).
- (2) The sophistication of the issuer. The City of Kingsville is responsible for the day to day operations of the City. It was not until attending a Rebate seminar by FirstSouthwest that we became aware the rebate rules were more complicated then we were originally led to believe.
- (3) The length of the delay. After attending a Rebate seminar by FirstSouthwest, we engaged FirstSouthwest on December 8, 2011 to perform rebate calculations. As part of their calculation process, we were advised on February 3, 2012 that a liability existed. The unpaid rebate liability was created by investing the proceeds in higher yielding investments after the applicable 3-Year Temporary Period. We have relied on our outside experts to quantify the liability. We made every effort to make the required payment, plus interest, as expeditiously as possible when we became aware of the liability.
- (4) The steps taken to comply, including the steps taken after the discovery of the failure to pay. We were unaware of the late filing until we were notified by FirstSouthwest that a liability had been generated. Now that we are aware of the late filing, we took every effort to make the required payment as expeditiously as possible.
- (5) The steps taken to prevent recurrence of a failure to pay. Henceforth, Kingsville will proactively monitor any rebate liabilities by having annual rebate calculations performed, prepare computation date calculations, compile any required filing forms, and make any required payments. Therefore, future payments should be filed in a timely manner.
- (6) The nature of the failure. This is an innocent failure by Kingsville and is not due to willful neglect.

EXPLANATION OF FAILURE TO PAY ARBITRAGE REBATE ON TIME

\$3,960,000
City of Kingsville, Texas
Certificates of Obligation,
Series 2002

- (7) Any history of timely or late payments by the issuer. Kingsville was previously unaware of any required payments. Therefore, we have not made any payments in the past. Now that Kingsville has been made aware of the rebate implications of its operations and that a payment was due, we made every effort to make the required payment as expeditiously as possible.
- (8) Any other relevant information. We respectfully request a waiver of the penalty. This was a human error and not a willful act. Until detailed calculations were performed, we were unaware of any potential liability. Kingsville respectfully requests that the Commissioner waive the penalty amount for the failure to make a timely payment. We made every effort to pay the rebate amount as expeditiously as possible.

Kingsville is acting in good faith in quantifying the liability and in making any required payment promptly now that we are aware of it. Since Kingsville is unsophisticated in arbitrage rebate rules, we have relied on the advice of our external experts. Until we were advised otherwise, we believed that we had done everything that should have been done to meet our arbitrage compliance requirements. As a result, we again respectfully request that consideration be given to waiving the penalty.

The enclosed payment of \$16,913.48 is comprised of (i) the rebate amount of \$14,193.35 and (ii) late interest of \$2,720.13.

"Under penalties of perjury, I declare that I have examined this explanation, including accompanying documents, and, to the best of my knowledge and belief, the explanation contains all the relevant facts relating to the explanation, and such facts are true, correct, and complete."

Mr. Vincent Capell
City Manager
City of Kingsville, Texas

CITY OF KINGSVILLE



P. O. BOX 1458 – KINGSVILLE, TEXAS 78364

March 5, 2012

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

Re: Arbitrage Calculation and Settle-up

Mr. Capell,

Attached is the Summary of Arbitrage Payments presentation from First Southwest. The total liability to the IRS is \$37,565.78. The City of Kingsville, had in previous years, set aside enough money as an Arbitrage Contingent Liability to fund this payment to the IRS. In addition, there is enough money in the Arbitrage Contingent Liability to cover the \$20,000 for First Southwest review and calculation of the liability of all the City of Kingsville outstanding Certificates of Obligation. After the payment to the IRS and First Southwest, there is approximately \$3,857.37 in General Fund Arbitrage Contingent Liability and \$99,364.87 in Utility Fund Arbitrage Contingent Liability available to restore to fund balance and may be allocated by the City Commission for other projects.

During the review and Arbitrage Liability calculation process a factor came up relation to the pooled cash element. First Southwest advised via email as follows:

February 17, 2012

Two potential options are: try to go back and apply specific expenditures to the spend down of the proceeds faster, or pay the liability based on investment information.

Tracking specific expenditures:

- This path could potentially lead to a smaller liability. As a “gut” estimate, the **most** you could likely save would be around \$10,000. Keep in mind that is the most, it is very likely it could be less. Based on our discussions, it could be a difficult and time consuming process to determine an allocation of expenditures specific to each 2002 bond issue.
- Pursuing this methodology could likely be open to scrutiny by the IRS under an audit situation. The IRS has specific guidelines related to the allocation of expenditures. Tracking expenditures specifically at this time, with the payment as late as it is, would fall into a grey area. It would be hard to gauge if the IRS would actually audit the City, but it is still a risk to consider.
- Based on the previous point, the IRS could determine this methodology to be unacceptable and you could end up paying the remaining liability we could save you plus a 50% penalty and late interest. For instance, if we did save you \$10,000, the City would

CITY OF KINGSVILLE



P. O. BOX 1458 - KINGSVILLE, TEXAS 78364

owe that money and the penalty would be \$5,000 plus late interest if the IRS does not rule in your favor.

Paying the liability based on the investment information (MBIA activity):

- From an accounting standpoint, this is the most conservative method. The calculations as presented are well within the guidelines of the Regulations.
- Considering that this is a more conservative approach, it is more favorable to the IRS and would get less scrutiny in the eyes of the IRS.
- Based on previous conversations of the budgeted amount for paying any liabilities, the City has allocated more than enough money to settle the currently presented liability.

End of email quoted.

February 27, 2012

As a quick synopsis of the email (February 17, 2012), I believe that the approach that should be taken would be to pay the liabilities that we have calculated on the investment accounts. The below reasons summarize the reasons why:

- Although I gave the example that you could save a potential \$10,000, the number could actually come out to be much less.
- Specifically tracking the expenditures to each bond issues would take a lot of time and resources on the part of the City.
- Applying an expenditure approach leaves the City open to more audit risk and could potentially cost more money in the long run. The expenditure approach at this late of a time period is frowned upon by the IRS.

These again just summarize the points that I am making in the 2/17/12 email. Again, the most conservative approach in the eyes of the IRS would be to pay the liabilities that have been calculated based on the investment accounts.

End of email quoted.

CONCLUSION

As a result, I concur with the liability calculation as stated in the presentation by First Southwest.

Mark A. Rushing

Mark A. Rushing
Director of Finance
City of Kingsville



City of Kingsville, Texas

Summary of Arbitrage Payments

Introduction

FirstSouthwest was engaged by the City to complete Arbitrage Rebate calculations required under the Internal Revenue Service (IRS) Regulations.

The IRS allows issuers of Tax-Exempt debt to earn and keep a rate of return on the investment of bond proceeds equal to the rate of return the issuer is paying its bond holders. Any excess investment rate of return (above the bond yield) must be paid to the IRS on every fifth anniversary of the date of issuance.

Upon our completion of the calculations, it was discovered that the Certificates of Obligations, Series 2002 and the Certificates of Obligations, Series 2002A both needed to make Payments to the IRS. The total of the liabilities is \$37,565.78.

N A M I

Arbitrage Rebate Concepts

- The IRS requires issuers to make two separate sets of calculations to determine if a payment is necessary.
- A cumulative Rebate calculation is performed from the date of issuance.
- A Yield Restriction calculation starts after an applicable “Temporary Period”. In this case, the Yield Restriction calculations started 3 years after the date of issuance (December 19, 2005).
- When determining which type of payment is to be made, the higher of the two amounts is the applicable payment.
- Since the payments should have been made in 2007, late interest is applied to the payments.

N A M I

Final Results

In determining the payment amount, FirstSouthwest evaluated the Yield Restricted interest bearing investments purchased with Bond Proceeds of the issues and compared that yield to the Bond Yield of the Bond issues.

- The CO, Series 2002 has a Bond Yield of 3.304182% and a portfolio yield of 5.147493% during the period from December 19, 2005 to December 19, 2007. The resulting Yield Restriction Liability is \$14,193.35 and the applicable late interest is \$2,720.13. The total liability is \$16, 913.48.
- The CO, Series 2002A has a Bond Yield of 4.239077% and a portfolio yield of 5.075517% during the period from December 19, 2005 to December 19, 2007. The resulting Yield Restriction Liability is \$17,330.87 and the applicable late interest is \$3,321.43. The total liability is \$20,652.30.
- The total liability owed by the City of Kingsville is \$37,565.78.

N A M I

City of Kingsville, Texas
Summary of Rebatable Arbitrage and Yield Restriction
As of September 30, 2011

03/02/12

Final Numbers*

Delivery Date	Issue Par	Issue Description	Arbitrage Bond Yield	Rebatable Arbitrage/ Yield Restriction At Most Recent IRS	Rebatable Arbitrage/ Yield Restriction 9/30/2011	Upcoming Payments	
						Next IRS Calc Date**	Next IRS Pay Date**
05/19/08	3,000,000	Certificates of Obligation, Series 1998	4.818496%	(78,963.35)	(1)		
08/21/01	3,305,000	Certificates of Obligation, Series 2001	4.055986%	(35,680.07)	(2)		
12/19/02	3,960,000	Certificates of Obligation, Series 2002	3.304182%	16,913.48	(3)		
12/19/02	2,485,000	Certificates of Obligation, Series 2002A	4.239077%	20,652.30	(3)		
02/17/05	11,780,000	Certificates of Obligation, Series 2005	4.293714%	(91,952.65)	(4)		
07/18/07	1,200,000	Public Property Finance CO, Series 2007	4.234653%				
02/26/09	4,270,000	Certificates of Obligation, Series 2009	2.591257%				
06/18/09	1,890,000	General Obligation Refunding Bonds, Series 2009	2.989581%				
02/10/11	10,000,000	Certificates of Obligation, Series 2011	3.828166%				
Total Cumulative Liability					\$37,565.78	\$0.00	

- (1) Represents Final Maturity liability at June 22, 2009.
(2) Represents Final Maturity liability at August 1, 2011.
(3) Represents 5 year IRS liability at December 19, 2007. Liability includes late interest calculated through March 31, 2012.
(4) Represents 5 year IRS liability at February 17, 2010.
(5) Need to settle IRS liability prior to computing a Final Maturity liability at February 1, 2011.
(6) Need to settle IRS liability prior to computing a liability at September 30, 2011.
(7) Only Yield Restriction calculations are required. First calculations starts February 26, 2012.

* Unless otherwise noted, all liabilities represent annual estimations of the rebate amounts as of your current fiscal year end.

***Next IRS Pay date represents potential payments that are upcoming in the next two years from the current fiscal year end. Actual IRS Calculation Dates and Payment Dates may be Accelerated as a result of Refundings/Defeasances occurring after the date of this summary.

Fund	Issue	Issue Amt	Sale Date	Final Pmt	Fees \$	GF %	GF Fee \$	UF %	UF Fee \$	Combined %	Combined \$
Utility Fd	OXX										
General Fd	*O35	\$2,000,000	01/09/95	04/15/12		0.0000%	0.00	100.0000%	0.00	100.0000%	0.00
	1998	\$3,000,000		02/01/18	3,339.83	100.0000%	3,339.83	0.0000%	0.00	100.0000%	3,339.83
	O36						0.00			0.0000%	0.00
	2000										
General Fd	O38	\$3,305,000		08/01/11	3,339.83	100.0000%	3,339.83	0.0000%	0.00	100.0000%	3,339.83
Split	O39 / O61	\$3,960,000	11/13/02	02/01/11	3,339.83	84.8000%	2,832.17	15.2000%	507.65	100.0000%	3,339.83
General Fd	O39	\$2,485,000	12/16/02	02/01/23	3,339.83	100.0000%	3,339.83	0.0000%	0.00	100.0000%	3,339.83
Utility Fd	O62	\$11,780,000	01/24/05	08/01/25	3,339.83	0.0000%	0.00	100.0000%	3,339.83	100.0000%	3,339.83
General Fd	O63	\$1,200,000	06/11/07	08/01/17	1,335.93	64.1667%	857.22	35.8333%	478.71	100.0000%	1,335.93
Split	O64	\$4,270,000	01/26/09	02/01/21		0.0000%	0.00	0.0000%	0.00	0.0000%	0.00
	*O35	* 2009 Refunding*	05/18/09	02/01/18	1,263.57	15.8310%	200.04	84.1690%	1,063.53	100.0000%	1,263.57
Split	O65 / O66	2011 Gen/ 2011 Util	01/24/11	08/01/32	701.36	53.8504%	377.69	46.1496%	323.68	100.0000%	701.36

Calculation Fee Totals		\$20,000.00					\$14,286.60		\$5,713.40	20,000.00	\$20,000.00
G/L Liability as of 9/30/10 before the 1st SW calculation fees							001-1-214.03		051-1-218.00		
Exposure on CO 2002			16,913.48				(53,138.90)		(\$107,649.12)		(160,788.02)
Exposure on CO 2002 A			20,652.30				14,342.63		\$2,570.85		16,913.48
G/L Liability as of 9/30/11 after 1st SW calculation fees (Available to apply against future arbitrage calc fees)							20,652.30		\$0.00		20,652.30
							(\$3,857.37)		(\$99,364.87)		(103,222.24)
							still available		still available		

Leave GF Bal Might leave some in UF and reclass bal to Misc. Income

CAFR has Sanitation pulled out of General Fund and classified as Utility Fund (enterprise)

For coding out the fees, CO 2007 will impact the General Fund Budget 100% of the fee.

Split	O63	CO 2007	Fire Dept 64.1667 % & Sanitation	35.8333%	2,500.00	64.1667%	1,604.17	35.8333%	895.83	100.0000%	2,500.00
General Fd	O65	2011 - General									
Utility Fd	O66	2011 - Utility									

Questions (Answers provided by Bill Johnson with 1st Southwest):

- Can the City of Kingsville charge to the CO the cost of calculating arbitrage?
- Can the City of Kingsville charge to the CO the cost of penalty?
- Can the City of Kingsville charge to the CO the cost of interest on the penalty?

Yes, unless the covenant specifically excludes.
Yes, unless the covenant specifically excludes.
Yes, unless the covenant specifically excludes.

AGENDA ITEM #12

**KINGSVILLE CONVENTION AND VISITORS BUREAU (KCVB)
BOARD OF DIRECTORS
MINUTES SPECIAL CALLED MEETING
FRIDAY, MARCH 2, 2012**

I. CALL TO ORDER

Board President, Anse Windham called the meeting to order at 11:45AM CB's Barbeque Restaurant.

II. ROLL CALL

Carol Ann Anderson, Executive Director KCVB
Stanley Laskowski, City Commissioner
Anse Windham, President
Barbara Oates, TAMUK (*absent*)
Mary Ann Oldham, Community At Large
Tom Langschied, TAMUK
Glenn R. Jones, NAS Kingsville

Alton Remmers, Community at Large
Jerry Miller, Restaurant
Hector Munoz, Community at Large
Jon Gagne, NAS Kingsville (*absent*)
Neil Bhakta, Best Western Hotel (*absent*)

III. SPECIAL PROGRAM

Ms. Anderson presented to the board a packet of information documenting the request for a budget amendment. The request includes:

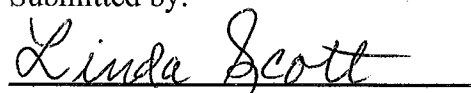
- CLG Matching Grant Funds
- BIBISI, LLC
- Walking Tour Brochure
- Historic Downtown Mural
- Blue Angels Advertising

All members reviewed the documentation and were given time for discussion and questions. Mr. Windham called for a motion. Mr. Laskowski made a motion to approve the amendment as presented. Ms. Oldham seconded the motion.

Mr. Windham asked for a roll call vote. Members were polled and the vote was unanimous with no dissenting votes.

Adjourned at 12:00pm:

Submitted by:



Linda Scott
Administrative Assistant

**KINGSVILLE CONVENTION & VISITORS BUREAU
2011 - 2012 PROPOSED BUDGET AMENDMENT**

EXPENSES			INCOME TO COVER AMENDMENT
New Line Item	\$	6,250.00	
6092		Historical Survey - CLG Matching Grant	
Unbudgeted Item			Contingency \$ 27,450.00
Line Item 6060			
Media Print	\$	4,500.00	
Advertising		BIBISI, LLC - Interactive Mobile Web Application	
"	\$	1,200.00	
"	\$	10,000.00	
"	\$	5,500.00	
"		Print New Historic Downtown Walking Tour Brochure	
"		Historic Downtown Mural - Artist & Supplies	
"		Artist, Gerald Lopez; Partnership with TAMUK	
"		Blue Angels Advertising	
"		* \$ 800.00 Billboard	
"		* \$ 2,000.00 Hats	
"		* \$ 1,600.00 Area Publications	
"		* \$ 800.00 Military Bases Publications	
"		* \$ 300.00 Co-op Radio/TV	
Total	\$	21,200.00	\$ 27,450.00
Approved	\$	6,250.00	
	\$	27,450.00	

ADVERTISING FOR BLUE ANGELS 2012

1. \$ 800.
 Billboard: Navy has donation to pay for 5 billboards. KCVB will pay for one (1) billboard South after Navy identifies location.
2. \$2,000.
 Navy requested 200 Kingsville hats. KCVB has ordered the hats the week of February 20, 2012 because of the time involved embroidering them
3. \$1,600.
 Area publications include South Texas Living, Farm Bureau, Co-Op Power. These publications have a very large distribution and we have done well with them in the past.
4. \$800.
 San Antonio and Corpus Christi Military Bases
5. \$300
 Co-op area radio stations (1)

TOTAL \$5,500

Four hundred (400) cases of bottled water were secured by the KCVB to be donated to the event.

In addition to above, the event has been placed on 22 Internet sites that the KCVB pays an annual fee to, 32 rotating televisions in cities from San Antonio to Rockport area. The KCVB site is linked to over 100 tourism web sites and is easily found under events when searched. The event has been placed on the front-page of the KCVB site and will be put on Facebook the week of March 5, 2012.

Blue Angels



“Wings Over South Texas”
Naval Air Station
Kingsville

April 14 - 15, 2012

www.kingsvilletexas.com ~ 800.333.5032

*Ad. KCUB
Manning*

Birding Season in Kingsville

APR 14-15 AT 7:30 AM 3 KINGSVILLE



Bill Reed

**Wings Over South Texas Air Show
Bring Your Camera!**

800-333-5638

Kingsville Convention & Visitors Bureau

MURAL IN DOWNTOWN HISTORIC DISTRICT

KCVB has been working with Dr. George Vargas, Dr. Manuel Flores and Assoc Professor, Charles Wissinger – all with the Arts at Texas A&M University-Kingsville with a concept of having a painted mural in Historic Downtown.

Well-known Mural Artist, Gerald Lopez has been brought into the collaboration on this project. His background includes conducting art classes at several colleges/universities and the painting of murals in Corpus Christi and surrounding areas, as well as in Austin and surrounding areas.

The concept of the mural will be the history of Kingsville and will start at the beginning depicting the grassland, long horns, Richard King, vaqueros and the Ranch. Continuing down, there will be a train “coming out of the painting” with an African American in a conductor’s uniform standing next to the train. The story of Kingsville will be told as one moves along and will include the highlights of our history - TAMUK, possibly a student holding a book that has A&M written on it, downtown, etc., and end with a jet on the right upper side of the mural.

The artist will use a special paint made in California that will protect it from UV rays, and a special finish that has proved successful in allowing for the cleaning of graffiti if this should happen. We hope this project will be finished by mid-summer.

The owner of the building (now the Consignment Shop) located at 301 E. Kleberg Ave has agreed to sign a written permit that has been drawn up by Dr. Vargas, and should the owner of that business reach an agreement to purchase the building, she has agreed to the mural. There are two other locations that could work for this, but contact has not been made.

Because of the condition of the wall, the mural will be painted on panels and will be attached to the building according to code and city ordinances. Proper permits will be obtained.

After completion of the mural, it could/may be donated to the Art Department at TAMUK, or should the Merchants be a viable organization, it could be donated to them. Because they will be on panels, they could be moved to TAMUK for reinstallation in a visible place.

KCVB has also been working with Cheryl Laberge of Harlingen and Mona Foust of Goliad to design and produce a Mural Trail Brochure and include ‘feeder’ cities/communities along the route that would help pay for the brochure

SUBMITTED: MARCH 02, 2012



Events & Other Advertising			
Events Coordinator	On-going	\$ 36,500.00	create, produce, assist, raise funds for events
Mileage	On-going	\$ 1,000.00	Travel Shows, Meetings, Conferences, etc.
Part-Time Events Assistant	On-going	\$ 14,970.00	Assists with KCVB Events and Cactus Bowl
Postage (and shipping)	On-going	\$ 6,290.00	Mailing or shipping brochures to Texas Entry stations, visitors centers, chambers, inquiries, bulk mailing
Telephone	On-going	\$ 7,000.00	regular line & 800 line
Dues / Subscriptions	Annual	\$ 2,450.00	web maintenance, TACVB, TTIA, IFEA, THMA, CBRTC
Advertising Supplies	On-going	\$ 2,400.00	Photo paper, printer cartridges, paper, etc.
Convention Services	On-going	\$ 300.00	Lanyards, badge materials, etc.
Convention Sales Travel	Annual	\$ 4,750.00	13 Travel & Nature Shows, State Workshops, TACVB Conference
In-house Ad Agent	On-going	\$ 11,330.00	Determine/Negotiate Market, Design all Ads for Print Media According to Specifications
Special Events & Festivals	On-going	\$ 30,000.00	Creating/Marketing/Promos of festivals / events/Birding,Cactus Bowl,Bike Ride, Young Performers, KSO, Bull Riding, Art Show, Downtown Event,Blue Angels, others
FAMS/Buyer Tours	On-going	\$ 500.00	Travels Writers, Film Crews, Tour Coordinators, etc.
Promotional Materials	On-going	\$ 4,335.00	Magnets, pins, postcards, VIP gifts, beanie babies, booth photos, etc.
Brochure / Publication Printing	On-going	\$ 8,176.00	Kingsville, Calendar of Events, Restaurant, City-Wide Shopping, Marker Tour,RV Guide, Fishing & Hunting Guide, Birding, Historic Downtown Shopping, Railroad Depot, Maps, Others as Needed
		\$ 130,001.00	Total Events & Other Advertising
		\$ 183,548.00	Total General Print Advertising, Events & Other Advertising
			52%

Administrative Expense (37%)		\$128,699.00
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Total Advertising (52%)		\$183,548.00
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Visitors Centers (11%)		\$40,628.00
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- Advertising is Subject to Change Due to Price Increases/Decreases and publications going out of business

CAPITAL EXPENDITURES FROM CONTINGENCY

QR Code Mobile Phone NEW	On-Going	\$6,000.00	Build, maintain web iPhone, Android, Blackberry	Capital
Cornell University E-Bird NEW	On-Going	\$6,500.00	Build, maintain kiosk for Birders to track area birds	Expense

Handwritten signature and date: 10/1/2011



AGENDA ITEM #13



DATE: March 1, 2012

TO: City Commission

VIA: City Manager

FROM: Historic Preservation Officer

SUBJECT: Application for a Certified Local Government (CLG) Grant

1. The City Commission has approved the application for a Texas Historical Commission (THC) Certified Local Government (CLG) grant for the purpose of re-surveying and re-inventorying the community's historic resources.
2. The City Commission has approved the expenditure of a sum of \$6,250 as a partial cash match for that CLG grant
3. The governing board of the Convention and Visitors Bureau (CVB) had been polled and agreed to contribute a sum of \$6,250 to the City as a partial cash match for that CLG grant. Subsequently, they conducted a formal vote and reiterated that commitment.
4. The City has now received the CLG grant award letter and contract for an amount of \$25,000. The matches make the total cash available \$37,500. Texas A & M – Kingsville and others are offering in-kind matches to bring the total value of the project to over \$50,000.
5. We request that the City Commission accept the contribution from the CVB.
6. We request that the City Commission authorize execution of the THC CLG grant contract.
7. Our investment, that of the CVB, that of the university, combined with the Federal funds will allow us to use an innovative, town/gown approach to Historic Preservation Surveys and Inventories – that will fill an important need in our community as well as build capacity in the University.
8. Updating our Historic District inventory is a foundation step for our downtown and historic district redevelopment.

February 23, 2012

Bob Trescott
CLG Representative
City of Kingsville
PO Box 1458
Kingsville, TX 78364-1458

Re: 2012 Certified Local Government Award of \$25,000.00 for the City of Kingsville, Kleberg County, Texas (TX-12-024).

The Texas Historical Commission, the state agency responsible for administering the Certified Local Government (CLG) program, is pleased to announce the allocation of a \$25,000.00 grant to the City of Kingsville in conjunction with your participation in the fiscal year 2012. The U.S. Department of the Interior, National Park Service, provided funding for this grant under the provisions of the National Historic Preservation Act of 1966.

Please review the enclosed grant contracts and sign all documents where noted. Return one (1) complete contract packet and retain one copy for your records no later than 60 days upon receipt of this award letter. Failure to submit a signed contract before the commencement of any work (as well as participation in a grant orientation meeting, if applicable) for this project will forfeit the grant allocation and cause the Texas Historical Commission to reallocate the funds to another eligible grant recipient.

All grant recipients that have not received a previous CLG grant award must contact Matt Synatschk, CLG State Coordinator at 512-463-7812 to schedule an orientation meeting involving the local project supervisor and the grant recipient's fiscal officer. The purpose of the orientation is to establish project priorities, formalize a budget, develop a timetable for completion, and discuss reimbursement procedures. The orientation meeting shall be scheduled following receipt of this award letter. Also, please remember to include your CLG project number referenced above on all future correspondence.

We look forward to working with you on this worthwhile preservation endeavor. Should you have any questions or if we can be of further assistance, please contact me at 512-463-7812.

Sincerely,



Matt Synatschk
State Coordinator, Certified Local Government Program

CC: Honorable Sam R Fugate, Mayor, City of Kingsville



RICK PERRY, GOVERNOR • JON T. HANSEN, CHAIRMAN • MARK WOLFE, EXECUTIVE DIRECTOR

P.O. BOX 40070 • AUSTIN, TEXAS 78744-0070 • D 512 462 5100 • F 512 475 4970 • TDD 1 800 795 0000 • www.the.state.tx.us

AGENDA ITEM #14

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
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Fund 001 General Fund

Capital

2	Fund Balance (FY 2011)	610.00			<u>77,546</u>
					<u>77,546</u>

Expenses

690.0	Fund Exp/Trsfrs	Transfer to Fund 091	394.00	<u>77,546</u>	
				<u>77,546</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	77,546	
4-000	Donations – KCVB	720.30	6,250	
4-000	Intergovernmental Revenue	940.00	<u>1,750</u>	
			<u>85,546</u>	

Expenses

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>3,500</u>
				<u>85,546</u>

[To show the KCVB match for Certified Local Government Grant application, for Fire Department bunker gear, for City match to TAMUK for the engineering design of Kleberg

Ave, and Health Department Scag lawn mower deck using FY 2011 fiscal surplus and ½ of the cost to repair the Scag lawn mower from Kleberg County.]

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 8th day of March, 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

#1

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)

#2

9	02/27/2012	091-4-000-720.30	Revenue	Donations - KCVB	6,250.00		
	03/08/2012	091-4-000-394.00	Revenue	Intergovernmental Revenue - Kleberg County	1,750.00		
				Total Additional Revenue	8,000.00		8,000.00
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 and Note D)	3,500.00		
				Total of Projects Presented at 2/27/12	(85,546.00)		(85,546.00)

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
	03/08/2012	091-5-160.1-314.00	Development Services	City contribution for KKB landscaping at Yoakum St.	10,000.00		
	03/08/2012	091-5-160.3-591.00	Development Services	Dumpster enclosure pilot program (Note D)	24,850.00		
				Total of Projects Presented at 2/27/12	(34,850.00)		(34,850.00)
Total Remaining Net Surplus					617,576.00	(19,525.00)	598,051.00

#3

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 Remaining Net Surplus					617,576.00	(19,525.00)	598,051.00
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	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					(533,840.00)	(200,000.00)	(733,840.00)
Net Total FY2011 Surplus (Deficit)					83,736.00	(219,525.00)	(135,789.00)

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 repairs (\$3,500-1/2 paid by County and 1/2 paid by City).

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 \$24,850 (\$35,150), (2) lower corridor landscaping pilot program from \$60,000 to \$50,000 (\$10,000) and (3) Health Dept. Scag mower from \$10,710 (new) to \$3,500 (repair existing one) (\$7,210).

Note E: Project Substitutions - Detail to be provided.

AGENDA ITEM #15



Memorandum

Date: 03/02/2012

To: Vincent Capell, City Manager

CC: Mayor & City Commissioners

From: Yolanda B. Cadena, Health Director

RE: "72" Inch Scag Mower-Revision

Garage Supervisor, Arturo Perez's recommendation is to replace the deck of the 72' scag mower. According to Mr. Perez the mower might last for a least period of 5 years. Attached is the purchase quote from AC Lawn & Garden Services for \$3,500.00.

This unit was purchased 50/50 by the City of Kingsville and Kleberg County on February 27, 2009.

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 #: 1066606
SALES TYPE #: Quote

DATE: 2/28/2012
INVOICE #:
CUSTOMER#: 5565
CP: Mike
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

MFR	PRODUCT NUMBER	DESCRIPTION	QTY SOLD	QTY BO	PRICE	NET	TOTAL
SCA	8616	Complete Deck Assy 72"	1	0	\$3,600.00	\$3,500.00	\$3,500.00

Prices reflected on this quote are valid for 30 days.

SUBTOTAL: \$3,500.00
TAX: \$0.00
ORDER TOTAL: \$3,500.00

AGENDA ITEM #16



Planning Department

TO: Mayor & Commission Members

THROUGH: Vince Capell, City Manager 

FROM: Mike Kellam, Director of Development Services 

SUBJECT: City/Keep Kingsville Beautiful Community Appearance Partnership

DATE: March 1, 2012

In an effort to partner with the City to continue to improve the community appearance, the Keep Kingsville Beautiful (KKB) organization has adopted the landscaping nodes north of the City Hall/Kleberg Bank parking area as their community appearance project. The intent is to provide a well landscaped entrance to the parking lots utilizing decorative rock, plantings and drip irrigation. The KKB actively pursued three quotes for the installation of landscaping in this area with pricing varying from \$17,775.28 to \$33,448.39. The quote for services that was selected was a total of \$22,645.07 provided by Parker Landscape Company (see attached). This all inclusive quote includes the aforementioned installation of landscaping product and irrigation which will achieve the desired outcome. While not the lowest bid, it was selected by the KKB as it best met the needs of the area, and was a healthy balance of the lowest & highest quote.

After establishing the cost associated with the project, the KKB began actively looking for funding partnerships. Given the joint efforts of the City and the KKB toward improving the community appearance, city staff is proposing partnering in this project by providing \$10,000.00 from the FY 2011 budget surplus toward the installation of plantings within the existing landscaping nodes. The KKB has dedicated a sizable contribution and continues to gather additional funding partners by reaching out to service organizations and downtown business owners. City staff recognizes the importance of this area and its relation to the continued enhancements to the downtown area. In participating with this partnership it continues the forward progress toward the overall community appearance.

Cc: Naim Kahn, Director of Public Works
Bob Trescott, Downtown/Special Projects Manager

Attachments: Parker Landscape Company Quote & Materials list
Parker Landscape Company Landscape Design



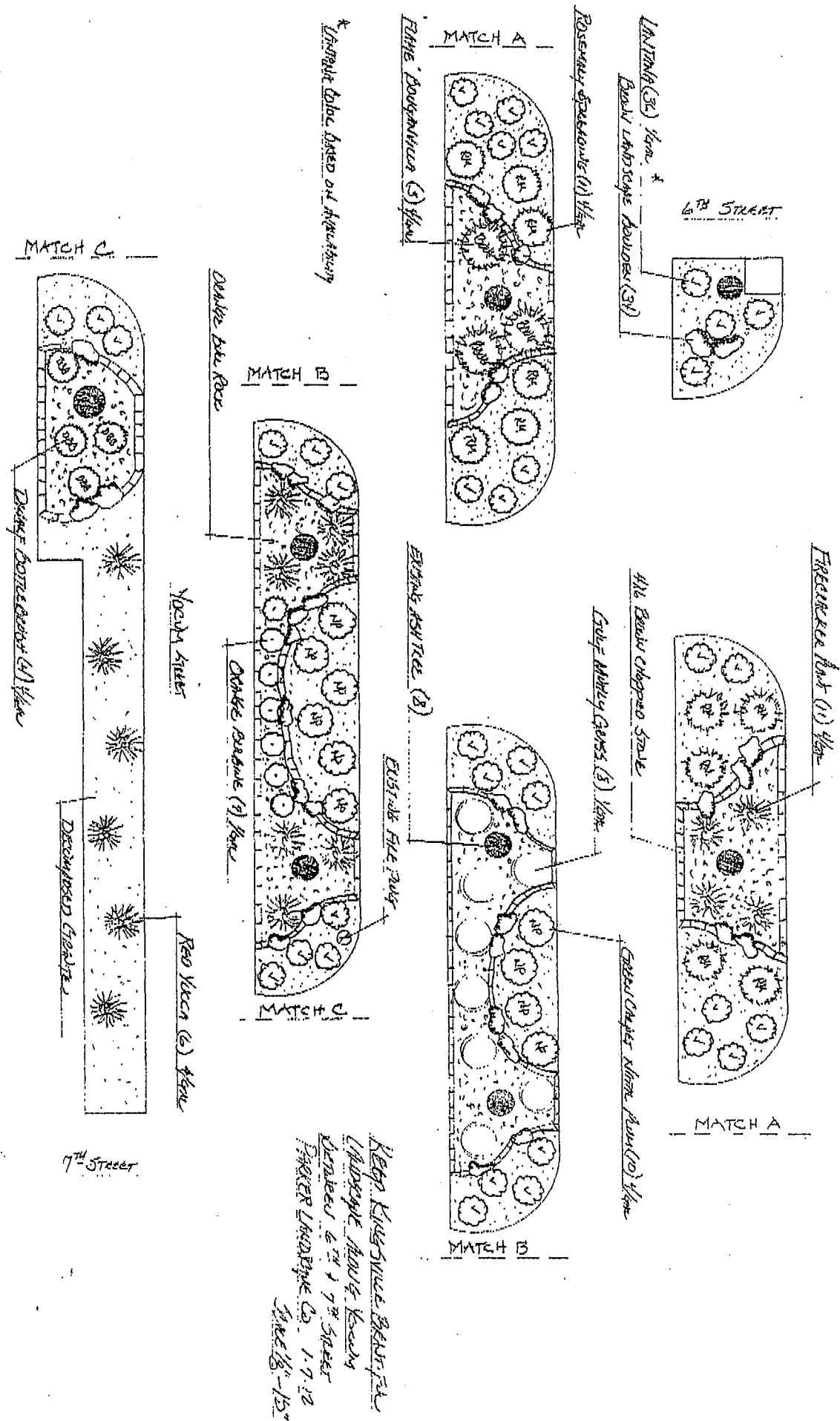
No 1407

Residential & Commercial Landscaping
3121 Santa Cruz, Corpus Christi, TX 78414
(361) 991-8399

NAME <i>KEEP KINGSVILLE BEAUTIFUL</i>		SHIP TO <i>LANDSCAPE MONK YOCUM</i>	
ADDRESS <i>1/2 Stanley Laskowski</i>		ADDRESS <i>BETWEEN 6th + 7th STREET</i>	
CITY, STATE, ZIP <i>KINGSVILLE, TEXAS</i>		CITY, STATE, ZIP	
ORDER NUMBER	DEPARTMENT	SALESPERSON	WHEN SHIP
			TERMS
			HOW SHIP
			DATE <i>01/07/12</i>

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	<i>PLANT MATERIAL</i>		
36	<i>LANIPLANT</i>	<i>1/4m</i>	
11	<i>ROSEMARY SPREADING</i>	<i>4/4m</i>	<i>8.00</i>
11	<i>FIRECRACKER PLANT</i>	<i>4/4m</i>	<i>28.00</i>
10	<i>GREEN CARPET NATIVE PLUM</i>	<i>4/4m</i>	<i>27.00</i>
8	<i>GULF MUDDY GRASS</i>	<i>4/4m</i>	<i>22.00</i>
7	<i>ORANGE BULBINE</i>	<i>1/4m</i>	<i>25.00</i>
6	<i>RED YUCCA</i>	<i>1/4m</i>	<i>8.00</i>
7	<i>DWARF BOTTLEBRUSH</i>	<i>4/4m</i>	<i>64.00</i>
		<i>1/4m</i>	<i>8.00</i>
		<i>4/4m</i>	<i>25.00</i>
		<i>4/4m</i>	<i>150.00</i>
		<i>4/4m</i>	<i>100.00</i>
	<i>TOTAL PLANT MATERIAL</i>		<i>1403.00</i>
	<i>HARDGOODS (2175 SQ FEET)</i>		
186	<i>BAG 30K CONDITIONER</i>	<i>5.00</i>	<i>930.00</i>
10	<i>BAG GYPSUM</i>	<i>10.00</i>	<i>100.00</i>
2	<i>BAG FERTILIZER</i>	<i>30.00</i>	<i>60.00</i>
2500	<i>30 FEET NEED MAT</i>	<i>15.00</i>	<i>375.00</i>
	<i>PLUGS TO REMOVE WEED MAT</i>	<i>60.00</i>	<i>60.00</i>
34	<i>BROWN LANDSCAPE ROCKS</i>	<i>55.00</i>	<i>1870.00</i>
3	<i>TONS 4X6 BROWN CHOPPED SPK - EDGING</i>	<i>500.00</i>	<i>1500.00</i>
11	<i>TONS ORANGE BULL ROCK</i>	<i>175.00</i>	<i>1925.00</i>
14	<i>TONS DECOMPOSED GRANITE</i>	<i>64.00</i>	<i>896.00</i>
	<i>TOTAL HARDGOODS</i>		<i>7716.00</i>
	<i>TOTAL MATERIAL</i>		<i>9119.00</i>
	<i>LABEL & EQUIPMENT</i>		<i>700.00</i>
	<i>SALES TAX</i>		<i>1371.07</i>
	<i>TOTAL LANDSCAPE</i>		<i>17,990.07</i>
	<i>IRRIGATION SYSTEM (HOBELT ILLIGATION)</i>		<i>4,655.00</i>
BUYER:	<i>TOTAL LANDSCAPE & IRRIGATION</i>		<i>22,645.07</i>

KEEP THIS SLIP FOR REFERENCE



AGENDA ITEM #17



Purchasing Department

361-595-8025
361-595-8035 Fax

DATE: March 1, 2012
TO: City Commission through City Manager
FROM: David Mason, Purchasing Director
SUBJECT: Santa Rosa and Corral Drainage Project

SUMMARY

This item will authorize the execution of a contract for work on the Santa Rosa and Corral Streets drainage project.

BACKGROUND

We advertised BID 12-28 on January 22nd and 29th, 2012. There were a total of six (6) bidders on the project, with the low bid of \$217,666.15 from Elite General Contractors.

RECOMMENDATION

It is recommended the contract be awarded to Elite General Contractors, 23 Great Lakes Drive, Corpus Christi, TX.

FINANCIAL IMPACT

This action will expend \$217,666.15, which is within the funds budgeted for this project, with said funds coming from the following fund:

065-5-305.0-531.00

Approved

Vincent Capell, City Manager

AGENDA ITEM #18



Purchasing Department

361-595-8025
361-595-8035 Fax

DATE: March 1, 2012
TO: City Commission through City Manager
FROM: David Mason, Purchasing Director
SUBJECT: Dumpster Enclosure Pilot Project

SUMMARY

This item will authorize the execution of a contract for work on the Dumpster Enclosure Pilot Project.

BACKGROUND

We requested quotes on or about February 14, 2012. There were a total four companies responding to the City's request. Alamo Construction of Kingsville provided the lowest price of \$24,850.00.

RECOMMENDATION

It is recommended the contract be awarded to Alamo Construction, 801 E. Lee, Kingsville, TX.

FINANCIAL IMPACT

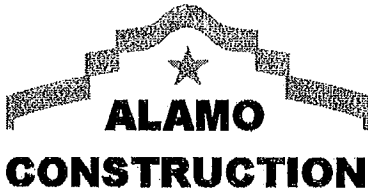
This action will expend \$24,850.00 which will come from the FY 2010-2011 surplus fund balance.

Approved

Vincent Capell, City Manager

Quote Summary
Dumpster Enclosure Pilot Project

Alamo Construction	\$24,850.00
Complete Custom	\$28,530.00
Valdez Carpentry	\$35,000.00
Maltby Builders	\$35,700.00-\$36,900.00 +



801 E. Lee • Kingsville, TX 78363 • Email: alamo.construction@att.net • (361) 455-2553

February 29, 2012

Proposal Submitted to: City of Kingsville
Michael Kellam, Director of Development Services
PO Box 1458 • Kingsville, TX 78364
P: (361) 595-8055 • F: (361) 595-8065

We hereby propose to furnish the materials, labor, equipment and incidentals for the completion of:
DUMPSTER ENCLOSURES PILOT PROJECT

Build and install 50 (fifty) dumpster enclosures per specifications:

\$ 497.00 per unit

FOR THE SUM OF: \$ 24,850.00

Twenty four thousand eight hundred + fifty

Respectfully Submitted: Robert Hinojosa

Accepted: _____ Date: _____

VALDEZ CARPENTRY

806 EAST YOAKUM KINGSVILLE, TEXAS 78363

JOEL J VALDEZ 361-455-3771 valdezcarpentry@gmail.com

FEBRUARY 17, 2012

ESTIMATE/PROPOSAL FOR CITY OF KINGSVILLE

DEPARTMENT: DEVELOPMENT SERVICES DIVISION

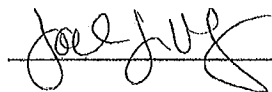
JOB NAME: DUMPSTER ENCLOSURE PILOT PROJECT

The following is a quote for the installation of 50 enclosures around dumpsters within the major thoroughfares of the City of Kingsville.

As noted in the Development Services Quote Requisition all enclosures will be built as follows:

1. Area preparation will include clearing, grading and compaction of soil if necessary.
 2. The location of fence enclosures will depend on the markings of Utility Location Markings. (Dig Test)
 3. Materials will be of pressure treated pine.
 4. All posts will be set in concrete (depending on utility location). If utilities do not allow for a depth of two feet then post anchors will be used.
 5. Two rows of two by four treated lumber will be used horizontally to attach pickets.
 6. Pickets will be 6 foot dog eared style.
 7. The fence enclosures will also be treated with an all weather sealer.
 8. As noted in requisition this quote does not include concrete slabs where concrete does not exist.
- Weekly draws will be requested and the amount of draws will depend on the number of enclosures that are completed during that week.

LABOR AND MATERIAL: \$ 35,000.00



JOEL J VALDEZ

Proposal No. **12-031**

Sheet No. 1 of 1

Date 27-Feb-12

Proposal



1030 E. Ave D
P.O. Box 5083
Kingsville, TX 78363
(361)592-8426
1-800-627-3346
FAX (361)592-8447
maltbybuilders@sbcglobal.net

Proposal Submitted To

Name City of Kingsville
Street P.O. Box 1458
City Kingsville
State Texas
Telephone Number David Mason

Work To Be Performed At

Street Dumpster enclosures
City Kingsville State TX
Date of Plans
Architect

We hereby propose to furnish all the materials and perform all the labor necessary for the completion of

Dumpster Enclosures

1. Single dumpster enclosure - 19 linear feet of fence - 3 walls (back wall - 8ft, side walls 5'6") \$690.00 each
2. Double dumpster enclosure if any - 25 linear feet of fence - 3 walls, (Back wall 14 ft, side walls 5'6") \$ 930.00 each
3. To core drill at locations that have concrete paving \$ 530.00 each location (4 holes)

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Dollars (\$see above).

with payments to be made as follows:

Sales Tax Excluded

Net Cash, Completion draws

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by Maltby Builders, Inc.

Respectfully submitted 27-Feb-12

Per

Steve Zamora

Project Manager/Estimator

Note — This proposal may be withdrawn by us if not accepted within 30 days

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Accepted _____ Signature _____

Date _____ Signature _____

PROPOSAL

Page # _____ of _____ pages

COMPLETE CUSTOM

General Contractor

262 N. Co. Rd. 1042

Kingsville, TX 78363

Owner: Amando B. Garcia

Bus. Phone #: 361-228-4010

Proposal Submitted To: <u>David Mason/ITB</u>	Job Name: <u>Dumpster Enclosures</u>	Job #
Address: <u>P.O. Box 1458</u>	Job Location: <u>Kingsville, Area</u>	
<u>Kingsville, Texas 78364</u>	Date: <u>2-26-12</u>	Date of Plans: <u>?</u>
Phone #: <u>361-595-8035</u>	Fax #: <u>361-595-8035</u>	Architect

We hereby submit specifications and estimates for: Dumpster Enclosures (50) along major thoroughfares within the City of Kingsville.

- * Installation area preparation including but not limited to cleaning, grading & necessary compacting of the soil & labor making of fence enclosures locations.
- * Acquisition, delivery & installation of materials for a three sided wood privacy fence enclosure to be a minimum height of six feet.
- * Wood pickets shall be dog eared style & must be pressure treated pine or other compatible pressure treated wood.
- * All posts will be set in concrete footing at depth of 2 ft.
- * All enclosures will be treated with an all weather sealer.
- * This quote does not include provisions for a concrete slab below the existing dumpster where concrete does not exist.
- * One Year warranty on Craftman Shop.
- * Will dispose of debris properly at City Landfill.
- * Will pull City Permit if required.
- * 2012 accredited B.B.B. Business.

We propose hereby to furnish material and labor — complete in accordance with the above specifications for the sum of \$28,530

\$ Twenty Eight Thousand Five Hundred Thirty Dollars

with payments to be made as follows: 1st payment \$9510 to start, 2nd payment \$9510 after 7 enclosures are built, 3rd payment \$9510 at completion of project. OR we can come to an agreement on payment

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted Amador B. Garcia

Note — this proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature _____

Date of Acceptance _____ Signature _____

AGENDA ITEM #19

ORDINANCE NO. 2012-

AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 BUDGET FOR THE GENERAL FUND CAPITAL PROJECTS FUND FOR BEAUTIFICATION PROJECTS 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

Capital

2	Fund Balance (FY 2011)	610.00			<u>34,850</u>
					<u>34,850</u>

Expenses

690.0	Fund Exp/Trsfers	Transfer to Fund 091	394.00	<u>34,850</u>	
				<u>34,850</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>34,850</u>	
				<u>34,850</u>	

Expenses

160.1	Planning	Professional Services	314.00	10,000	
160.3	Comm Appear.	Grounds & Perm Fixtures	591.00	<u>24,850</u>	
				<u>34,850</u>	

[To pay for the Development Services Planning Division's City contribution for KKB landscaping at Yoakum St. and the Development Services Community Appearance Division's dumpster enclosure pilot program.]

11.

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 8th day of March, 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

#1

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)

#2

9	02/27/2012	091-4-000-720.30	Revenue	Donations - KCVB	6,250.00		
	03/08/2012	091-4-000-394.00	Revenue	Intergovernmental Revenue - Kleberg County	1,750.00		
				Total Additional Revenue	8,000.00		8,000.00
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 and Note D)	3,500.00		
				Total of Projects Presented at 2/27/12	(85,546.00)		(85,546.00)

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		FUND 054 Utility Fund		Amount Available for Total Projects	
						Amount		Amount		Amount	
	03/08/2012		091-5-160.1-314.00	Development Services	City contribution for KKB landscaping at Yoakum St.	10,000.00					
	03/08/2012		091-5-160.3-591.00	Development Services	Dumpster enclosure pilot program (Note D)	24,850.00					
					Total of Projects Presented at 2/27/12	(34,850.00)				(34,850.00)	
						Total Remaining Net Surplus					
						617,576.00		(19,525.00)		598,051.00	

#3

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 Remaining Net Surplus					617,576.00	(19,525.00)	598,051.00
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	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					(533,840.00)	(200,000.00)	(733,840.00)
Net Total FY2011 Surplus (Deficit)					83,736.00	(219,525.00)	(135,789.00)

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 repairs (\$3,500-1/2 paid by County and 1/2 paid by City).

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 \$24,850 (\$35,150), (2) lower corridor landscaping pilot program from \$60,000 to \$50,000 (\$10,000) and (3) Health Dept. Scag mower from \$10,710 (new) to \$3,500 (repair existing one) (\$7,210).

Note E: Project Substitutions - Detail to be provided.

AGENDA ITEM #20

RESOLUTION NO.2012-_____

A RESOLUTION AUTHORIZING THE CITY TO SUBMIT AN APPLICATION TO THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM (JAG) FOR THE STATE OF TEXAS REQUESTING GRANT FUNDING FOR LAW ENFORCEMENT EQUIPMENT ON BEHALF OF THE KINGSVILLE POLICE DEPARTMENT WITH NO ANTICIPATED CASH MATCH.

WHEREAS, the City Commission of the City of Kingsville finds it in the best interest of the citizens of Kingsville, that the Kingsville Police Department participate in an application to apply for grant monies from the Edward Byrne Memorial Justice Assistance Grant Program (JAG) for law enforcement personnel equipment; and

WHEREAS, the JAG Grant will provide up to \$37,089.00 for law enforcement equipment; and

WHEREAS, the JAG Grant has no anticipated cash match; and

WHEREAS, the City Commission of the City of Kingsville through this resolution has authorized the Police Chief to submit the grant and administer the grant and necessary paperwork if the grant is awarded to the City.

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

I.

THAT the City Commission approves the submission of the grant application for the Edward Byrne Memorial Justice Assistance Grant Program (JAG) for law enforcement personnel equipment on the City's behalf with no anticipated cash.

II.

THAT the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to the JAG Grant including any certifications, amendments or representations stipulated therein and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration and expenditure of such program.

II.

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

PASSED AND APPROVED by a majority vote of the City Commission the 8th day of March, 2012.

Sam R. Fugate, Mayor

ATTEST:

Edna Lopez, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #21

RESOLUTION #2012-_____

A RESOLUTION OF THE CITY OF KINGSVILLE APPOINTING EARLY VOTING CLERK.

WHEREAS, the General Election of the City is to be held on Saturday, May 12, 2012, as prescribed by the General Election Laws of the State of Texas; and

BE IT FURTHER RESOLVED THAT: Mary Valenzuela or designed person is hereby appointed Clerk for Early Voting. Early voting for the election shall be held on the first floor of City Hall, 200 East Kleberg Avenue and said place of early voting shall remain open on weekdays between the hours of 8:00a.m. and 5:00p.m. on Monday, April 30, 2012 through Friday, May 4, 2012; and continuing from 7:00a.m. to 7:00p.m. on Monday, May 7, 2012; and terminating on Tuesday, May 8, 2012 after voting occurs between the hours of 7:00a.m. and 7:00p.m.

THAT: Mary Valenzuela or designated person shall give notice of said election by publishing the notice at least one time in at least one newspaper of general circulation in the City; that Mary Valenzuela or designated person is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election; and that the Presiding Officer of the Commission shall issue all necessary orders, writs and notices for said election and returns of said election shall be made to the City Commission.

BE IT FINALLY RESOLVED that in accordance with the order of this governing body, the City Secretary Edna S Lopez posted written notice of the date, place and subject of this meeting, and said notice having been so posted and remaining posted and continuously for at least 72 hours preceding the scheduled time of said meeting.

PASSED AND APPROVED by majority vote of the City Commission of the City of Kingsville, Texas this the _____ day of _____, 2012.

Sam R. Fugate, Mayor

ATTEST:

Edna S Lopez, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

RESOLUCIÓN #2012-_____

UNA RESOLUCIÓN QUE NOMBRA A LA SECRETARIA ENCARGADA DE LA VOTACIÓN ANTICIPADA.

CONSIDERANDO QUE: Las Elecciones Generales se llevaran a cabo el 12 de mayo de 2012, como lo estipulan las Leyes de Elecciones Generales del Estado de Texas; y

QUE: Mary Valenzuela, o la persona designade, se nobra aqui Secretaria de Votacion Anticipada. La votaction anticipada par alas elecciones se llevara a cabo en el primer pise del Ayuntameiento, 200 East Kleberg Avenue, y dicho sitio de votacion anticipada permanecera abierto entre semana, de las 8:00a.m. a las 5:00p.m., desde el lunes 30 de abril de 2012 hasta el viernes 4 de mayo de 2012; seguira abierto de las 7:00a.m. a las 7:00p.m. el lunes 7 de mayo de 2012; y se cerrara el martes 8 de mayo de 2012, despues de que la votacion haya ocurrido entre las 7:00a.m. y las 7:00p.m.

QUE: Mary Valenzuela, o la persona designada, notificara sobre dichas elecciones, publicando un aviso, por lo menos una vez, en al menos un peridico de circulacion general el la Ciudad; Mary Valenzuela, u otra persona designada, esta autorizada y tiene instructions do proporcionar todos los materiales necesarios para realizar dichas elecciones; y que el Funcionario que Preside la Comision expedira todas las ordenes necesarias y los mandatos judiciales para dichas elecciones, y los resultados de dichas elecciones se informaran a la Comision Municipal.

SE RESUELVE FINALMENTE QUE: De acuerdo con la orden de este organism regulador, la Secretaria Municipal, Edna S. Lopez, fijo un aviso escrito anunciando la fecha, lugar y tema de esta reunion, y que discho aviso ha permanecido fijo sin interrupcion por los menos durante las 72 horas precedents a la hora programada para dicha reunion.

APROBADA por voto mayoritario de la Comision Municipal de la Ciudad de Kingsville, Texas este dia 8 de marzo de 2012.

Sam R. Fugate, Alcalde

ATESTIGUA:

Edna S. Lopez, Secretaria Municipal

APROBADA RESPECTO A FORMA:

Courtney Alvarez, Abogado Municipal

AGENDA ITEM #22