City of Kingsville, Texas

AGENDA CITY COMMISSION

TUESDAY, MAY 29, 2012 REGULAR MEETING

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

I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S) - Required by Law

APPROVED BY

Vincent U. Capell 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. No formal action can be taken on these items at this time."

IV. Public Comment on Agenda Items .3

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

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 the reappointments of Mr. Lupe Alvarez, Mr. Steve Zamora, Mr. Robert McCreight, and Mr. Rudy F. Galvan to the Planning and Zoning Commission to serve another two (2) year term. (Director of Development Services).
- 2. Motion to approve the reappointments of Ms. Ricki Cunningham, Mr. Albert Garcia, and Ms. Denise Schreiner to the Zoning Board of Adjustment for another two (2) year term. (Director of Development Services).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.4

- 3. Consider resolution appointing Al Garcia as Mayor Pro Tempore. (Mayor Fugate).
- 4. Consider appointing Mr. Raymond Perez to the Planning and Zoning Commission to serve a two (2) year term. (Director of Development Services).
- 5. Consider appointing Mr. Stephan J. Nix to the Zoning Board of Adjustment to serve a two (2) year term. (Director of Development Services).
- 6. Consider resolution authorizing the City Manager to enter into an advanced funding agreement for voluntary maintenance by a Local Government (Landscape Maintenance Agreement with the Texas Department of Transportation for landscape improvements on FM 1356 (General Cavazos Blvd.) from the intersection of US77 Bypass to FM 1717 (South Brahma/14th St.) to be performed by the City of Kingsville. (Director of Development Services).
- 7. Consider Certificate of Convenience and Necessity for Road Runner Cab Company to operate in the City of Kingsville. (City Secretary).

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:
May 24, 2012 at 9:00 A.M. and remained so posted continuously for at least 7
hours preceding the schedule time of said meeting. Long Edna S. Lopes 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)

MAY 21, 2012

A SPECIAL MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, MAY 21, 2012 IN THE HONORABLE ROBERT H. ALCORN COMMISSION CHAMBERSCITY 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
Mike Kellam, Director of Development Services
Mark Rushing, Finance Director
Willie Vera, Task Force Commander
Yolanda Cadena, Health Director
Roel Carrion, Interim Fire Chief
Bob Trescott, Downtown Manager
Diana Gonzales, Human Resource Director
Ricardo Torres, Police Chief
Naim Khan, City Engineer/Public Works Director
Caron Vela, Accounting Manager

I. Preliminary Proceedings.

OPEN MEETING

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

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

Mayor Fugate announced if there were no objections, he would forego and go right into meeting.

MINUTES OF PREVIOUS MEETING(S) – Required by Law

Mayor Fugate called for consideration of the minutes of the regular meeting of Monday, May 14th. Commissioner Laskowski made a motion to accept the minutes, as presented, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

II. Public Hearing - Required by Law).1

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

Ms Alvarez announced there will be a special meeting on Thursday at 7:30 P.M. for the swearing-in of the Commission; a regular meeting on Tuesday, May 29th at 6:00 P.M. due to the Memorial Day Holiday as City offices will be closed on Monday. She stated it has been a pleasure working with Commissioners Wilson and Laskowski.

Commissioner Laskowski stated he received word late last week that the Texas Transportation Commission has approved funding for another segment of I69 which will start half way between Bishop and Driscoll running all the way to Corral Street. The project should start within the next year.

Commissioner Garcia thanked both outgoing Commissioners for their service.

IV. Public Comment on Agenda Items .3

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

Mayor Fugate called for comments on all agenda and non-agenda items. There were no comments.

Mayor Fugate called for consideration of the item in the Consent Agenda. Commissioner Wilson made a motion to adopt the consent agenda, seconded by Commissioner Pecos and Commissioner Laskowski. The motion was passed and approved by the following vote: Fugate, Garcia, Laskowski, Pecos, Wilson voting "FOR".

V. <u>Consent Agenda</u>

1. ORDINANCE NO. 2012-28 Motion to approve final passage of an ordinance amending the Fiscal year 2011-2012 Budget for the General Fund Capital Projects Fund for \$5,000.00 for the beautification project on Yoakum St. to utilize Fiscal Year 2010-2011 Surplus Funds. (Finance Director).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

Page 2 of 5 - MAY 21, 2012

Items for consideration by Commissioners.4 VI.

2. RESOLUTION NO. 2012-26 Consider resolution and order canvassing the election returns and declaring the results of the City of Kingsville's General Election conducted on May 12, 2012. (City Secretary).

(CONSIDERE UNA RESOLUCIÓN Y ORDEN DE ESCRUTINIO DE LOS VOTOS DE LAS ELECCIONES, EN QUE SE DECLARAN LOS RESULTADOS DE LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, LLEVADAS A CABO EL 12 DE MAYO DE 2012.) (SECRETARIA MUNICIPAL).

Mayor Fugate announced the agenda item. City Secretary Edna S Lopez read the agenda item. in Spanish and presented Mayor Fugate, Presiding Officer of Canvassing with the results of the General Election of May 12, 2012.

City Secretary Lopez provided information on the results; Sam R Fugate received 1436 votes. Al Garcia 805, Noel Pena 779, Arturo Pecos 725, and Dianne Leubert 715 making them the elected officials. There were 1954 people that voted in the election, the City has 13,465 registered voters, the percentage of people voting was 14.5%.

That each of the candidates in said election received the following votes.

MAYOR:	TOTAL VOTES:
Sam R. Fugate	1,436
CITY COMMISSIONER:	
Jesse Rios	547
Alonzo "Al" Lopez	666
Al Garcia	805
Lance D. Hamm	597
Dianne Leubert	715
Arturo Pecos	725
Tomas Sanchez	463
Tina Galvan	515
Noel N. Pena Jr.	779

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

Mayor Fugate presented the Certificate of Election to the elected Commission.

3. Consider authorizing the purchase and installation of a Radio Dispatch
Workstation for the Kingsville Police Department for \$62,749.00 from Fund 001-5103.0-328.17 Claims – Police Department Communications as per staff
recommendation. (Chief of Police).

Chief Torres stated due to the storm on Friday, April 20th, while monitoring the storm the Police Department got hit by lightning. At that time they heard a sizzle. Daly Wells has evaluated the equipment and after doing a full diagnostic informed him that the cards in the systems could not be repaired. When lightning strikes it weakens other parts of the system. A replacement cost for the current system was received because the current system is no longer made. The cost to replace is \$56,249 with an additional installation cost of \$6,500 for a total cost of \$62,749. The TML adjuster was in the building at the time of the incident. They will cover the entire cost of said radio system other than the \$1,000 deductible which will be paid from Claims.

Upon a question from Commissioner Laskowski, Chief Torres stated they weren't sure where the lightning struck. He stated they are also having problems with generator which is fairly new. Commissioner Laskowski stated he was wondering if something could be done to prevent this from ever happening again. He suggested isolating the origin of the lightning strike maybe they could put some protection. Chief Torres stated that back in 1998 when the building was built, there was an offer from someone to put lightning protection from the County but the City refused it was the time. He added the City was going to put lightning arrestors across the roof and down into the ground. He added this could probably still be done but there's no telling the cost. Commissioner Laskowski stated there are still some monies left over from the \$1.5 million surplus that hasn't been allocated.

Commissioner Pecos suggest after finalizing the source to go out and seek the cost to prevent this from happening again.

Commissioner Laskowski made a motion to authorize the purchase and installation of a radio dispatch workstation for the Kingsville Police Department, seconded by Commissioner Wilson. The motion was passed and approved by the following vote: Fugate, Garcia, Pecos, Wilson, Laskowski voting "FOR".

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	being ned at (business	to	come	before	the	City	Commission,	the	meeting	was
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ATTES	ST:					·							
Edna S	S Lopez	z, TF	RMC, C	MC	_								
City Se	ecretary	/											

PUBLIC HEARING(S)

PETITIONS, GRIEVANCES, & PRESENTATIONS

CONSENT AGENDA



Planning Department

TO:

Mayor & City Commission

CC:

Vincent Capell, City Manager

FROM:

Michael Kellam, Director of Development Services

SUBJECT:

Boards & Commission Re-Appointments

DATE:

May 23, 2012

The following individuals are currently serving on the respective boards. They have been contacted regarding the expiration of their terms and have each agreed to an additional 2 year term of service. Staff is requesting the formal re-appointment of these members to maintain adequate quorum as required by local codes and Texas statutes.

Planning and Zoning Commission Member Re-Appointments

Steve Zamora

Lupe Alvarez

Robert McCreight

Rudy Galvan

Zoning Board of Adjustment Re-Appointments

Ricki Cunningham

Albert Garcia

Denise Schreiner



Planning Department

TO:

Mayor & City Commission

CC:

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Planning and Zoning Commission Member Re-Appointments

Steve Zamora

Lupe Alvarez

Robert McCreight

Rudy Galvan

Zoning Board of Adjustment Re-Appointments

Ricki Cunningham

Albert Garcia

Denise Schreiner

(REGULAR AGENDA)

RESOLUTION 2012-	
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NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Kingsville, Texas:

1.

THAT in accordance with Article V, Section 11, of the City Charter, Al Garcia is chosen as Mayor Protempore based on the results of the May 12, 2012 city election.

11.

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

Ш.

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 $\underline{29^{th}}$ day of $\underline{May, 2012}$.

Sam Fugate, Mayor
ATTEST:
Edna Lopez, City Secretary
APPROVED AS TO FORM:
Courtney Alvarez, City Attorney

Re: Appointment to the Planning and Zoning Commission and Airport Zoning Board

Dear Mayor & City Commission Members;

My name is Raymond Perez and I am writing to request to serve a two year term on the Planning and Zoning Board and the Airport Zoning Board. I had previously served on both boards so I understand the dedication and commitment needed for both boards.

I am a lifelong resident of Kingsville, Texas. I retired from the Celanese Corporation of 35 years. I helped build and design the Santa Gertrudis Arroyo subdivision that has brought more living spaces for the City of Kingsville. I am currently a contractor remolding homes in the Kingsville area.

I can be contacted by cell phone anytime at 361-779-4218.

Thank you for taking the time to consider my request, and I will be in touch with you soon.

Sincerely,

Raymond Perez

Re: Appointment to the Zoning Board of Adjustment

Dear Mayor & City Commission Members;

My name is Stephan J. Nix and I am writing to request to serve a two year term on the Zoning Board of Adjustments.

I attended the University of Florida where I received a Bachelor of Science in Engineering Science, a Master of Engineering in Environmental Engineering Sciences, and the Doctor of Philosophy in Environmental Engineering Sciences. I have served on the civil and environmental engineering faculties, and have held several administrative positions at Syracuse University (1983-1994), The University of Alabama (1994-1997), Northern Arizona University (1997-2001), and Florida Atlantic University (2001-2004). From 2004 to 2009, I served as the Director of the School of Engineering at the University of North Florida. My principal research interests are in environmental systems modeling and urban stormwater management. I have conducted research projects for the National Science Foundation, the AWWA Research Foundation, Alabama Power Company, Niagara Mohawk Power Corporation, the US EPA, Arizona Department of Environmental Quality, and several other public and private organizations. I have also been a consultant to nearly 20 companies and agencies in the area of urban stormwater management and modeling, combined sewer overflow abatement, and general watershed modeling. Currently, I hold the position of Dean of the Frank H. Dotterweich College of Engineering at Texas A&M University-Kingsville.

I can be contacted by phone anytime at 361-593-2001.

Thank you for taking the time to consider my request, and I will be in touch with you soon.

Sincerely,

Stephan J. Mix

RESOL	UTION	NO	2012-	
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RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADVANCED FUNDING AGREEMENT FOR VOLUNTARY MAINTENANCE BY A LOCAL GOVERNMENT [LANDSCAPE MAINTENANCE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR LANDSCAPE IMPROVEMENTS ON FM 1356 (GENERAL CAVAZOS BLVD.) FROM THE INTERSECTION OF US77 BYPASS TO FM 1717 (SOUTH BRAHMA/14TH ST.) TO BE PERFORMED BY THE CITY OF KINGSVILLE].

WHEREAS, the City Commission of the City of Kingsville desires to have landscape improvements along General Cavazos Blvd. (FM 1356) between US77 ByPass and FM 1717 (South Brahma/14th St.);

WHEREAS, the Texas Department of Transportation has submitted a contract for an Advanced Funding Agreement (Landscape Maintenance Agreement) for landscape improvements in the referenced area; and

WHEREAS, the City of Kingsville must pass a resolution authorizing the City to enter into the Advanced Funding Agreement (Landscape Maintenance Agreement) with the Texas Department of Transportation to allow for the landscape improvements that City wants to do in the above referenced.

WHEREAS, the City had approved a similar agreement on April 9, 2012 but TXDOT subsequently desired to use the attached agreement thereby necessitating a new resolution.

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

I.

THAT the City Commission authorizes the City Manager to execute the Advanced Funding Agreement (Landscape Maintenance Agreement) with the Texas Department of Transportation for landscape improvements along FM 1356 (General Cavazos Blvd.) between US77 ByPass and FM 1717 (South Brahma/14th St.).

11.

THAT the City Manager, or his designee, is hereby authorized and directed to act on the City's behalf in all matters pertaining to this contract.

111.

THAT this Resolution shall become effective upon adoption.

PASSED AND APPROVED by a majo 29th day of May, 2012.	rity vote of the City Commission on the
Sam R. Fugate Mayor	·
ATTEST:	
Edna Lopez City Secretary	
APPROVED AS TO FORM:	
Courtney Alvarez City Attorney	

CSJ # <u>1446-02-018</u>
District # <u>16 - Corpus Christi</u>
Code Chart 64 # <u>09800</u>

Project: FM 1356 Landscaping

STATE OF TEXAS §
COUNTY OF TRAVIS §

ADVANCE FUNDING AGREEMENT FOR VOLUNTARY MAINTENANCE BY A LOCAL GOVERNMENT (ON-SYSTEM)

THIS AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation called the "State", and the <u>City of Kingsville</u>, acting by and through its duly authorized officials, called the "Local Government."

WITNESSETH

WHEREAS, Texas Transportation Code, §201.103 and §222.052 establish that the State shall design, construct and operate a system of highways in cooperation with local governments; and

WHEREAS, Transportation Code, §201.209 allows the State to enter into an interlocal agreement with a Local Government; and,

WHEREAS, Texas Transportation Code §221.002 provides that the Governing Body of a Municipality may enter into an agreement with the Texas Transportation Commission for the improvement by the Local Government of the state highway system, including maintenance;

WHEREAS, the Local Government desires to install and maintain landscaping, to include all trees planted as part of this agreement, along a portion of FM 1356, a roadway on the state highway system; and,

WHEREAS, the Governing Body of the Local Government has approved entering into this agreement for maintenance of the Project that is identified in the location map shown as Attachment A;

WHEREAS, the State has determined that such participation is in the best interest of the citizens of the State;

NOW, **THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

AGREEMENT

1. Period of the Agreement

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed. This agreement shall remain in effect unless terminated as provided below.

2. Scope of Work

The Local Government will fund and maintain the Project in accordance with State standards. The Local Government will install and maintain landscaping along FM 1356. Maintenance of

CSJ # 1446-02-018 District # 16 - Corpus Christi Code Chart 64 # 09800 Project: FM 1356 Landscaping

landscaping to include: watering, pruning and removal of any dead trees planted as part of this agreement. This maintenance to occur as needed but not to exceed a semi-annual basis.

3. Termination of this Agreement

This agreement shall remain in effect unless:

- **A.** The agreement is terminated in writing with the mutual consent of the parties:
- **B.** The agreement is terminated by one party because of a breach, in which case any cost incurred because of the breach shall be paid by the breaching party; or
- **C.** The State determines that the performance of the Project is not in the best interest of the State.

4. Amendments

Amendments to this agreement due to changes in the character of the work, terms of the agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

5. Remedies

The State will notify the Local Government, in writing, if the State determines that the Local Government is not maintaining the Project in accordance with this agreement. The Local Government will have thirty (30) days to cure. If the non-compliance is not cured within thirty (30) days, the State will perform the maintenance and the Local Government will be responsible for that cost. This agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this agreement and shall be cumulative.

6. Compliance with Texas Accessibility Standards and ADA

The Local Government shall ensure that maintenance is in compliance with the Texas Accessibility Standards (TAS) issued by the Texas Department of Licensing and Regulation, under the Architectural Barriers Act, Article 9102, Texas Civil Statutes. The TAS establishes minimum accessibility requirements to be consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

7. Notice

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to such party at the following addresses:

Local Government:	State:
Director of Development Services	Director of Contract Services
City of Kingsville	Texas Department of Transportation
P.O. Box 1458	125 E. 11 th Street
Kingsville, Texas 78364	Austin, Texas 78701

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such

CSJ # <u>1446-02-018</u> District # <u>16 - Corpus Christi</u> Code Chart 64 # <u>09800</u> Project: <u>FM 1356 Landscaping</u>

notices shall be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

8. Legal Construction

This document does not convey any real property interests. In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions and this agreement shall be construed as if it did not contain the invalid, illegal or unenforceable provision.

9. Responsibilities of the Parties

The parties agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents. The parties expressly agree that this Project is not a joint venture or enterprise. However, if a court should find that the parties are engaged in a joint venture or enterprise, then the Local Government agrees to pay any liability adjudicated against the State for acts and deeds of the Local Government, its employees or agents during the performance of this Project, including attorney fees which may be incurred in litigation or otherwise resisting said claim or liabilities.

10. Compliance with Laws

The parties shall comply with all Federal, State, and Local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

11. Sole Agreement

This agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the agreement's subject matter.

12. State Auditor

The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

13. Insurance

If this agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall Be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

CSJ # 1446-02-018 District # 16 - Corpus Christi Code Chart 64 # 09800 Project: FM 1356 Landscaping

14. Signatory Warranty

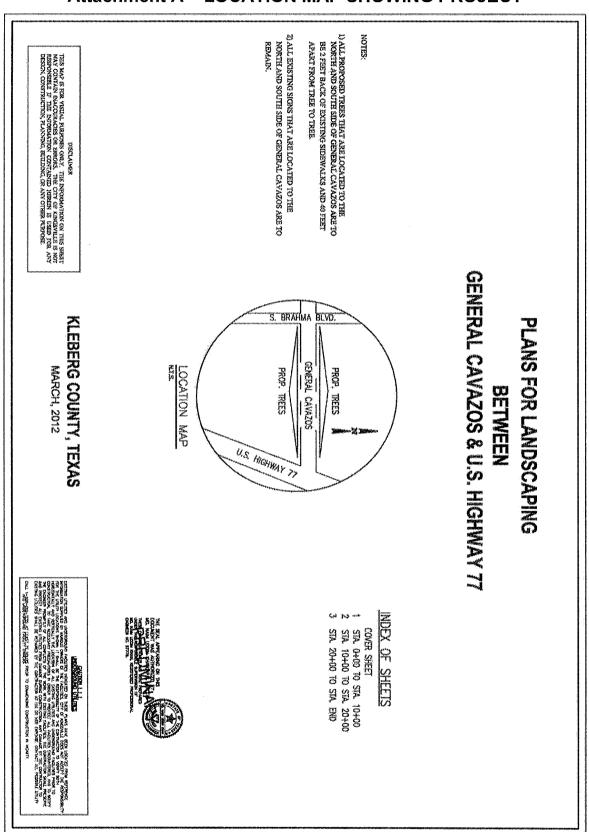
THE LOCAL GOVERNMENT

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

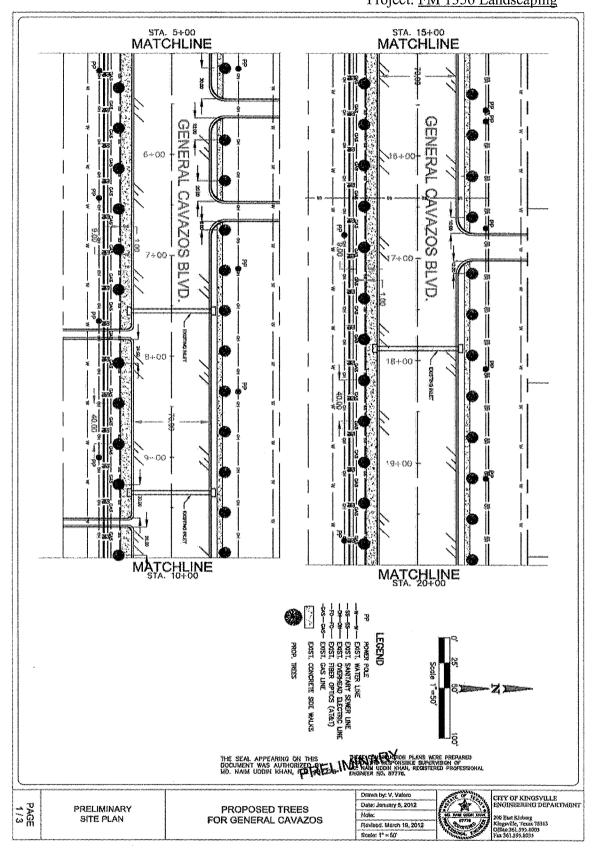
THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

	, A ₂ ,
Signature	
Typed or Printed Name	
Title	
ė.	
Date	
THE STATE OF TEXAS	
Cathy T. Floyd, CPA	
South Regional Support Center Director	ing the state of t
Date	

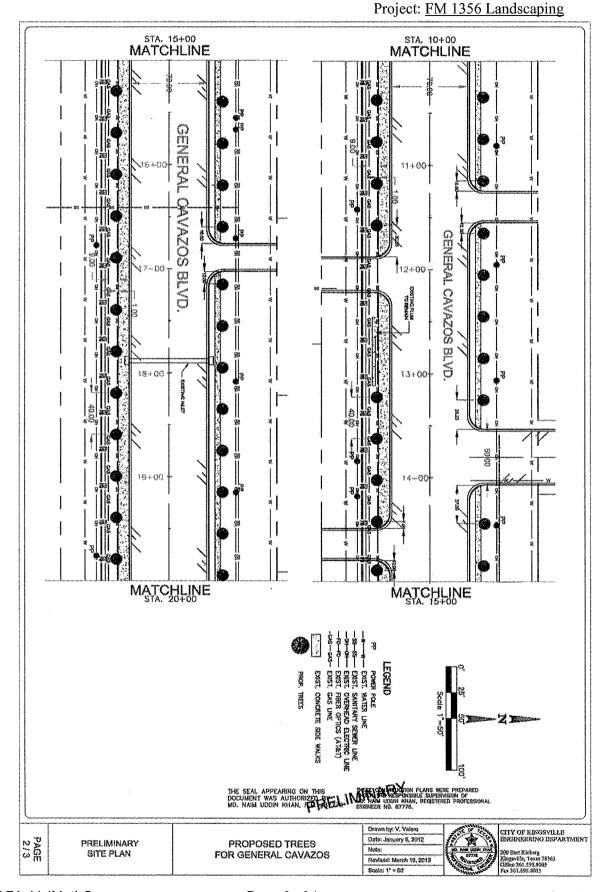
Attachment A - LOCATION MAP SHOWING PROJECT



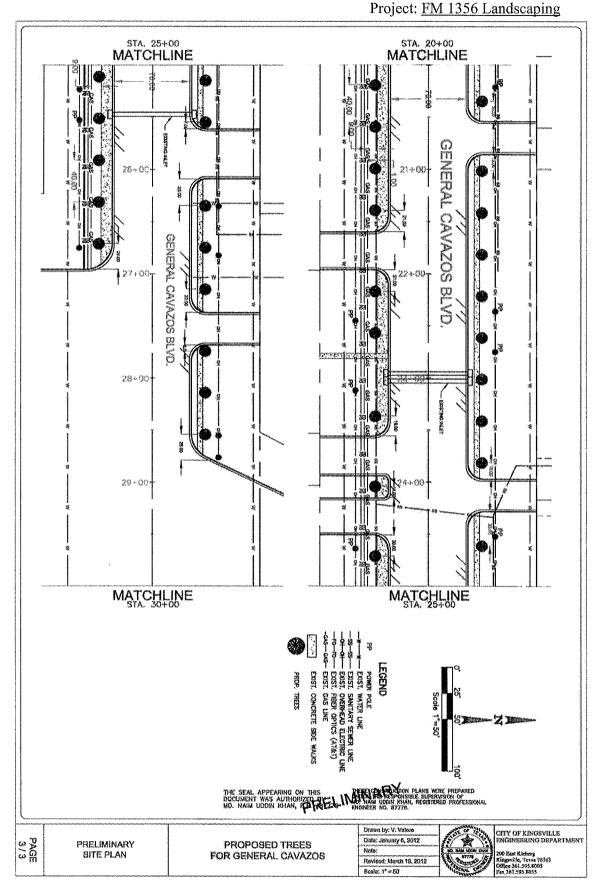
CSJ # 1446-02-018 District # 16 - Corpus Christi Code Chart 64 # 09800 Project: FM 1356 Landscaping



CSJ # <u>1446-02-018</u> District # <u>16 – Corpus Christi</u> Code Chart 64 # <u>09800</u>



CSJ # <u>1446-02-018</u> District # <u>16 – Corpus Christi</u> Code Chart 64 # <u>09800</u>



APPLICATION FOR TAXICAB DRIVER'S LICENSE REPORT TO CITY MANAGER VINCENT J. CAPELL

As per the City of Kingsville Code of Ordinances

- Review of applicable Sex Offender checks allowable by the State of Texas find that the applicant, Robert Murphy has no history of sex offenses.
- Applicant, Robert Murphy, has provided a copy of Certified Abstracts of Driving Record "AOR". The record contains no history of enforcement actions, no history of driver responsibility program, no history of events. Mr. Murphy's status is eligible.
- A review of applicants current criminal history shows no felony arrests or convictions.

SUMMARY AND RECOMMENDATION

After reviewing the information provided by Robert Murphy and available to me as per Chapter 411, Subchapter F, Texas Government Code, I would recommend the issuance of an applicable driver's license to Robert Murphy.

Sec. 11-10-35. - Taxicab driver's license required; application.

(A)

It shall be unlawful for any person to drive or operate, or cause to be driven or operated, a **taxicab** upon or over the streets of the city unless the driver of the **taxicab** shall have obtained a **taxicab** driver's license issued by the city.

(1962 Code, § 5-10-11)

(B)

Any person desiring to obtain a **taxicab** driver's license to operate a **taxicab** shall file with the Chief of Police an application therefor under oath, giving his name, age, present address, and place of employment; and whether such applicant has ever been charged with or convicted of a violation of a motor vehicle, traffic or criminal law of the city, the state, or any other state giving particulars of each offense charged.

(C)

The applicant shall not be disabled by reason of defects of sight, hearing, body or limb from safely operating a **taxicab**. There shall also be furnished with such application for a **taxicab** driver's license two photographs, front and side view, and two sets of fingerprints of the applicant, and the fingerprints shall be made under the supervision and direction of the Chief of Police. A **taxicab** driver's license shall be \$50.00.

(1962 Code, § 5-10-12; Ord. 2005-09, passed 1-14-05)

Sec. 11-10-36. - Investigations.

(A)

The city shall make such investigation as may be deemed necessary to determine the fitness of the applicant for the driver's license and, if the city finds that the applicant is qualified to drive a **taxicab** on the streets of the city, it shall issue or cause such license to be issued. Whenever the city shall find that any such applicant is not so qualified, it shall refuse to issue such license. In no event shall a driver's license be issued to any person under 21 years of age.

(B)

No driver's license shall be issued to any person who has resided in the city for less than one year; provided, however, the city may issue a temporary driver's license to any person who has resided in the city for not less than 30 days before the filing of the application therefor and who is otherwise qualified under this article if the city shall first determine the public convenience and necessity require the issuance of any such driver's license. Any such temporary driver's license shall not be issued for a period to exceed 11 months.

(1962 Code, § 5-10-13; Ord. 2005-09, passed 1-14-05)

Sec. 11-10-37. - License nontransferable; termination.

The **taxicab** driver's license, when issued, shall not be transferable, and except as provided in a temporary license, same shall be for a period of not to exceed one year; and each **taxicab** driver's license shall cease and terminate not later than December 31 of the year in which issued.

(1962 Code, § 5-10-15; Ord. 2005-09, passed 1-14-05)

Cross reference— Penalty, see § 1-1-99.

Sec. 11-10-38. - Revocation or suspension. ${\mathscr Z}$

Upon complaint against any person holding a license hereunder filed by any person with the city, charging violation of any of the terms of this article, or any of the provisions of this code, or laws of the state, regulating motor vehicles, after giving five days notice of the ground of the complaint to such licensee against whom the complaint is made, may hear evidence with reference to such complaint, and after such hearing the city may revoke or suspend the license of any such person.

(1962 Code, § 5-10-16; Ord. 2005-09, passed 1-14-05)

Sec. 11-10-39. - Drivers must be licensed.

No owner of a **taxicab** shall permit any person who has not been licensed as a driver under the provisions of this article to drive or operate any such **taxicab** for **taxicab** purposes.

(1962 Code, § 5-10-20; Ord. 2005-09, passed 1-14-05)

Cross reference— Penalty, see § 1-1-99.



APPLICATION FOR PUBLIC CONVENIENCE AND NECESSITY FOR TAXICAB SERVICE

Please submit the completed form and any additional information to the City Secretary.

VEHICLE(S) INFORMATION:	
AMOUNT OF VEHICLES TO BE USED:	e (1)
YEAR: MAKE:	ercury MODEL: Grand Marquis
VIN#:	
License plate #:	
	MODEL:
VIN#:	
License plate #:	
YEAR: MAKE:	MODEL:
VIN#:	
License plate #:	
Licondo para	_
INSURANCE:	
COMPANY: Crump Insuran	ce Services
POLICY #:	
	inning 6/15/2012
COVERAGE PERIOD: 1 year beg (PLEASE ATTACH A COPY - PROOF OF INSURANCE)	
	· .,
SIGNATURE SIGNATURE	<u>4-25-2012</u>
	JODITY THIS DAY DEDCOMALLY
BEFORE ME, THE UNDERSIGNED AUTI APPEARED KOLLEST MUSY	Ohis.
who, being by me first duly sworn, depose OWNER of the above-named Taxicab Ser	s and says that he/she is the OWNER/CO- vice.
SWORN TO AND SUBSCRIBED BEFOR	E ME THIS 35th DAY OF
april , 20 12.	
	Both Greenwell Notary Public
BETH GREENWELL	
NOTARY PUBLIC	My Commission Expires: //-0/-/-

TAXICAB DRIVER'S LICENSE APPLICATION

_	ame: Robert Murphy DOB: 4-6-1971				
Address: 4718 Mea					
City: Kingsville	State	Texas			
City: Kingsville TX DL#	6	75-6448	246-84		
Check the appropriate box	for all questions below:	·			
1. Have you ever been	charged with or convid	cted of a violation	on of a motor vehicle		
law? ≝YES	□NO				
If you checked yes to the al	bove question please lis	t the violations:			
<u>Violation</u>	Issuing Agency	<u>Date</u>	<u>Disposition</u>		
Speeding 42-30 Speeding 79-70	Kingsville Police Jim Wells Co.	5·28-02	fine fine		
(Continue on back if necess	sary.)				
2. Have you ever been	arrested by any law en □NO	forcement agen	cy?		
3. Have you ever been	charged with an offens	se by any law en	forcement agency?		
4. Have you ever been or any other state?		eted of a crimina	al law of the city, state		
□YES	□NO				
If you checked yes to any o violations:	r questions #2, #3 or #4	above question	please list the		
Offense charged Public.					
Arresting agency Kings	ville Police				

Location of arrest Kingsville, Kleberg, Texos (City, County and State)
Date of Arrest 1-14-1996 Disposition fine paid
Disposition The paid
BriefExplanation Intoxicated in view of public.
·
Offense charged Public Intoxication
Arresting agency Kingsville, Police
Location of arrest Kingsville, Kleberg, Texas (City, County and State)
(City, County and State) Date of Arrest 1/2 25 1999 Disposition
Date of Arrest 11-25-1999 Disposition fine paid BriefExplanation Intoxicated in view of public
BriefExplanation Intoxicated in view of public
Offense charged
Arresting agency
Location of arrest(City, County and State)
Date of Arrest Disposition
BriefExplanation
The Made
(Applicant Signature)
SWORN TO AND SUBSCRIBED before me, this the day of your zero
2012.
VIOLA WATSON
Notary Public, State of Texas My Commission Expires
May 28, 2015 (Notary Public)

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD. - BOX 4087 - AUSTIN, TEXAS 78773-0001

www.txdps.state.tx.us



DRIVER LICENSE DIVISION 512-424-2600 EN ESPANOL 512-424-7181



LAMAR BECKWORTH CHERYL MacBRIDE DEPUTY DIRECTORS

CERTIFIED ABSTRACT RECORD: 03/26/2012

THIS TYPE OF RECORD WILL REFLECT COMPLETION OF A DRIVING SAFETY COURSE.
 THIS RECORD REFLECTS ENFORCEMENT ACTIONS, CONVICTIONS, AND CRASH INVOLVEMENTS THAT ARE ALLOWED TO BE DISPLAYED BY LAW.

REQUESTED BY:

MURPHY, ROBERT 4718 Meadowlark Ln. Kingsville, TX 78363

MURPHY, ROBERT RAY II

4718 MEADOWLARK LANE KINGSVILLE, TX 78363 REPORT OF APPROVED DRIVER EDUCATION COURSE.

Date of Birth:

Eye Color:

Sex:

04/06/1971 MALE

BROWN

DRIVER LICENSE INFORMATION

Driver License Number:

Date Originally Issued:

Restrictions:

Endorsements:

License Type: Date Last Issued:



License Class: Date of Expiration:



STATUS INFORMATION

Driver eligibility reflects a person's eligibility to drive at the time this document was requested.

Administrative Status details additional notes related to the person's record that do not affect driving eligibility.

Driver Eligibility:

ELIGIBLE

Administrative Status:

NONE

ENFORCEMENT ACTION HISTORY

This section displays enforcement actions that may affect a person's eligibility to drive. Additional information pertaining to any event related to the enforcement action can be found in the Event Section of this record.

THE RECORD CONTAINS NO HISTORY OF ENFORCEMENT ACTIONS

DRIVER RESPONSIBILITY PROGRAM (DRP)

This section displays information relating the Driver Responsibility Program. Any suspension action resulting from a notice will be referenced in the Enforcement Action History Section.

THE RECORD CONTAINS NO HISTORY OF DRP CASES

EVENT HISTORY

This section displays information relating to convictions, crash involvement, safety courses completed, out-of-state surrendered license history and education program certificates.

THE RECORD CONTAINS NO HISTORY OF EVENTS

Pursuant to the authority contained in the Texas Rules of Evidence 902, Section 4, and Transportation Code, Section 521, I, Joyce E. Stevens, do hereby certify that I am the custodian of driver records of the Driver Records Bureau, Texas Department of Public Safety. The information contained herein is true and correct as taken from our official records. This is to certify that notices of convictions for the traffic law violations and incidents of motor vehicle accident involvement are received and recorded, along with the official action by the Department of Public Safety, in the computer records

MURPHY, ROBERT RAY II - CERTIFIED ABSTRACT RECORD - 03/26/2012

of ROBERT RAY MURPHY II.

In Testimony Whereof, I hereunto set my hand and affix the Seal of the Department of Public Safety of the State of Texas on 03/26/2012.

Jayce Jo. Stevens

Joyce E. Stevens, Manager Texas Department of Public Safety

End of Record

TAXICAB DRIVER'S LICENSE APPLICATION

ADDITIONAL REQUIREMENTS

- The Kingsville Police Department will conduct applicable Sex Offender checks as allowable by the State of Texas.
- Applicant and all driver's must provide a copy of Certified Abstracts of Driving Record ("AOR") to the Kingsville Police Department for review. This information is available via the Texas Department of Public Safety Website or applicant and driver's can contact the local DPS Driver's License Bureau to acquire this information.
- Applicants Current Criminal History will be reviewed as per Chapter 411, Subchapter F, Texas Government Code which controls the use of CCH by DPS. That statute follows the national model established in federal regulations for the nationwide criminal history file managed by the FBI. In addition, certain federal statutes affect the use of Texas CCH. The CCH data in the Texas state repository at DPS may only be disseminated from DPS:
 - 1. To criminal justice agencies for criminal justice purposes, including law enforcement agencies during investigations,
 - 2. To entities identified in the Government Code (and a few other statutes) for background searches for specific non-criminal justice purposes, such as:
 - 1. Certain governmental licenses (medical, law, educator, etc.)
 - 2. Certain jobs serving vulnerable populations, especially children, the elderly and the disabled (day care centers, nursing homes, hospitals, mental health workers, etc.)
 - 3. Certain security sensitive jobs, such as nuclear power plants, financial institutions, etc.
 - 4. Brady firearm sales
 - 3. To the person himself or herself
 - 4. For certain research purposes

Each session, the Texas legislature increases the uses of CCH for noncriminal justice purposes. In 2003, for example, the legislature granted access for criminal history searches on to the many companies that provide in-home services, such as plumbing or electrical repair. Keeping the file accurate and upto- date is a true public safety responsibility for both criminal and noncriminal justice purposes.

Recommendations for approval or refusal for issuance of applicable permits shall be forwarded to the City Manager for consideration by the City of Kingsville City Commission.

Applicants should be aware that this process could take as long as 30 days after they produce any background materials required in the application process.

The City of Kingsville's process after receiving review materials should not take longer than 10 working days.

The original application for a taxicab permit will then be placed on the City of Kingsville's City Commission Agenda by the City Manager for consideration.

Crump Insurance Services, Inc.

7557 Rambler Road, Suite 300, Dallas, Texas 75231-4163 Telephone (214) 363-7636 Facsimile (214) 691-5460



MGA QUOTATION CONFIRMATION

April 19, 2012

David Johnson Annaville Insurance

RE:

Road Runner Cab Company

INSURER:

National Liability & Fire Ins.

COVERAGE TYPE

PREMIUM

Comm Auto Liab & Physical Damage

\$4,868.00

FEES & TAXES (Fees fully earned)

\$2.00

State Surcharge Market

\$2,00

Grand Total

\$4,870.00

CONDITIONS AND/OR EXCLUSIONS:

Limits of Liability:

\$100,000/\$300,000/\$50,000

Personal Injury Protection:

\$2,500

Comprehensive Ded:

\$500

Collision Ded:

\$500

Hired & Non-Owned Not Included.

Liability-Symbol 7 (Scheduled Autos Only)/Physical Damage-Symbol 7 (Scheduled Autos Only)

Forms and endorsements: SEE ATTACHED

Subject to: Premium subject to adjustment for driving experience and/or MVRs. Premium subject to all new drivers being reported immediately upon hiring and all drivers under the age of 23 must have prior approval by the company and may be subject to surcharge. The policy will be surcharged for any unreported driver involved in an accident. Completed Application must be signed and returned within 30 days along with appropriate PIP and UM/UIM Selection/Rejection form.

QUOTE EXPIRATION DATE: 5/19/2012

We are pleased to offer the preceding quotation which should be reviewed carefully as the terms and conditions of coverage may differ from those requested on your application/submission. THIS IS NOT A BINDER OF INSURANCE. The preceding information is only a quotation subject to the specified conditions, and may be withdrawn at any time prior to acceptance and in no event will it remain open beyond the QUOTE EXPIRATION DATE. CONFIDENTIAL: The terms set forth are intended as a quotation summary between CRUMP INSURANCE SERVICES, INC. and its producer. This form should not be submitted to any policyholder or applicant.

	Phyllis Pitt	
Ву:		
Acting with	Managing General Agents	Authority

Heritage Premium Assignment Cc COMMERCIAL PREMIUM FINANCE AGREEMENT AND DISCLOSURE STATEMENT

Quote Number: 000002059694

		_				
INSURED/BORROWER (Name and address as shown on Polic ROAD RUNNER CAB COMPANY			Total Pre	mium, Taxes a	nd Fees	\$ 4,870.00
4718 MEADOWLARK LANE		В	Cash Do	wn Payment Re	equired	\$ 975.60
KINGSVILLE TX 78362		C Unpaid Balance				\$ 3,894.40
Telephone Number: (361) 246-8468		D	Documer (only appli	ntary Stamp Ta icable in Florida)	x	\$ 0.00
Direct Correspondence to: ROBERT MURPHY				Financed (The	amount of credit	\$ 3,894.40
AGENT or BROKER (Name and Business Address) 09100-(Annaville Insurance Agency	0022		FINANC	E CHARGE	net vou)	\$ 263.33
14602 Compass Street			·		ount you will have uled payments)	\$ 4,157.73
Suite A Gorpus Christi TX 78418			ANNU	AL PERCENT	AGE RATE	
Telephone Number: (361) 949-6787 F/D: 000)	H		r credit figured a		15.950 % e Schedule Attached
LENDER FIRST INSURANCE FUNDING C	ORP.	1	mber		s are due	Amount
450 Skokie Blvd, Suite 1000 P.O. Box 3306 Northbrook, IL 60065-3306		1	of ments	-	nthly	of Each Payment
Telephone: (800) 837-3707 Fax: (800) 837-3709			9	Beginning	06/15/2012	461.97
Prepayment The Insured may prepay the full amount due receive a refund of the unearned interest as pro	e and	Late Paym	A la	ate charge will leived by FIRST	oe imposed on any vithin five (5) days	payment which is not of its due date (unless
on page 2 of this agreement. Security As security for the payments to be made, the in assigns FIRST INSURANCE FUNDING CORP. (I referred to as "FIRST") a security interest in premiums, dividend payments, and certain payments with reference to the policies listed bunder certain conditions, FIRST HAS THE RIGH	nsured herein return loss	Conti				payment which is not of its due date (unless der applicable law, in rosed on any payment prace period) This late nount or the maximum aw, whichever is less. Is of this agreement as
CANCEL FINANCED POLICIES, as provided on p of this agreement.	page 2	Refer	ence stat non imn	ted below and payment, defat nediate payment	d on page 2 foult, cancellation, in full, and prepayment	s of this agreement as or information about the right to demand ent.
CONT_TYPE:STD PRN:041912 CFG:HP1					3ill P/F:33.48 S	
Full blome of Ingurance Company and b	CHEDULE Name	1			anna e chainn na a siochana tha chainn aireann ann a bheann a chainn a bheann a chainn a bheann a chainn a chai	Name of the Property of the State of the Sta
Policy Number and Address of General Agent or Company Office to Which Funds are			ype of surance	Policy Term in Months	Effective Date Mo. Day. Yr.	Premiums, Taxes, and Fees
TBD NEW-CO - NATIONAL LIABILITY AND FII 000198 - Crump Insurance Services of Te		AUT [ME	O %; 20.000	12 CX: 10]	05-15-2012 FIN TXS/FEES ERN TXS/FEES	4,868.00 0.00 2.00
NOTICE: SEE PAGE 2 FOR IMPORTAN	IT INFORM	MATIC)N		TOTAL	4 070 00
The provisions on page 2 are incorporated by reference and c	onstitute a	part o	of this agre SREEMEN	ΙŤ:	(Record in "A")	4,870.00
page 2 of all copies where required, and makes all such Representations and Warranties recited herein. Further, the undersigned agent or broker agrees to: (i) pay all reasonable attorney fees, courts costs, and other collection costs	referred to Payments agreemer NOTICE	e cap to as s sub nt. TO TH	tioned AC "Insured") ject to a	GENT or BROKI) promised to possible of the provised.	ER by FIRST, the r	above) to be made to named insured (herein of FIRST, the Total of n both pages of this
agent or broker in connection with any breach of the Agent/Broker Representations and Warranties, and (ii) indemnify FIRST for any and all losses FIRST incurs as a result of any error committed by the Agent/Broker in completing or failing to complete any portion of this agreement.		you read both pages of it, or if i contains blank spaces. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the service charge.			Name of Insured (F	Print or Type)
Signature of Agent or Broker (4)			of the set	is agreement	By: Signature	
Title Date	, 3 13 0	. , 5		– •	Title	Date